

To: Licensing & Gambling Acts Casework Sub-Committee

Date: 16 February 2015 **Item No: 2**

Report of: Head of Environmental Development

Title of Report: Omaringa Limited – Application for a New Premises Licence: El Mexicana, Unit 92, The Gallery, Gloucester Green, Oxford, OX1 2BU.

Application Ref: 14/04301/PREM

Summary and Recommendations

Purpose of report: To inform the determination of Omaringa Limited's application for a New Premises Licence for El Mexicana, Unit 92, The Gallery, Gloucester Green, Oxford, OX1 2BU.

Report Approved by:

Legal: Daniel Smith

Policy Framework: Statement of Licensing Policy

Recommendation(s):

Committee is requested to determine Omaringa Limited's application taking into account the details in this report and any representations made at this Sub-Committee meeting.

Additional Papers

Appendix One: Application for a New Premises Licence

Appendix Two: Amendment to Application

Appendix Three: Representations from Interested Parties

Appendix Four: Location Map

Introduction

1. This report is made to the Licensing & Gambling Acts Casework Sub-Committee so it may determine in accordance with its powers and the Licensing Act 2003 whether to grant a New Premises Licence to Omaringa Limited.

Application Summary

- An application for a New Premises Licence has been submitted by Omaringa Limited. A summary of the licensable activities applied for and the times proposed for these activities can be found detailed below.

Sale of Alcohol (on sales only):

Sunday – Saturday	10:30	Until	23:30
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Late Night Refreshment (provided both indoors and outdoors):

Sunday – Saturday	23:00	Until	00:00
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- Both the application and the steps that the applicant intends to take to promote the licensing objectives (as set out in the operating schedule) can be found at **Appendix One**.
- The Sub-Committee and all parties to this Hearing are advised that the original application sought the sale of alcohol for both on and off-sales. On 20th January 2015 the application was amended by the applicant to remove the request for off-sales of alcohol. A copy of the requested amendment is attached at **Appendix Two**.

Relevant Representations

- No valid representations have been received from the Responsible Authorities as detailed in the table below.

Responsible Authority	Response	Licensing Objective(s)
Thames Valley Police:	No Representation	-
Fire & Rescue Service:	No Representation	-
Environmental Health:	No Representation	-
Health and Safety:	No Representation	-
Planning:	No Representation	-
Trading Standards:	No Representation	-
Child Safeguarding:	No Representation	-
Licensing Authority:	No Representation	-

- Valid representations have been received from various Interested Parties as detailed in the table below. Copies of these representations are attached at **Appendix Three**.

Name	Address	Licensing Objective(s)
A Hollander	30 The Chilterns, Gloucester Green, Oxford	Prevention of Crime & Disorder, Public Nuisance
Sally Thomas	1 The Chilterns, Gloucester Green, Oxford	Prevention of Crime & Disorder, Public Nuisance
Councillor Alex Hollingsworth	Carfax Ward	Prevention of Crime & Disorder, Public Nuisance

Kate Carr & Peter Toner	26 The Chilterns, Gloucester Green, Oxford	Prevention of Crime & Disorder, Public Nuisance, Protection of Children from Harm
Margaret Booth	St John Street Residents Association	Prevention of Crime & Disorder, Public Nuisance
Michael & Diane King	21 The Chilterns, Gloucester Green, Oxford	Prevention of Crime & Disorder, Public Safety, Public Nuisance, Protection of Children from Harm
The Heyes Management Company Ltd	6 Court Farm Barns Tackley, Kidlington	Prevention of Crime & Disorder, Public Nuisance

Location

- A map is attached at **Appendix Four** showing the general location of the applicant's premises, and the proximity to the premises of those who have raised objections to the application.

Statement of Licensing Policy

- The Sub-Committee is referred to the Council's Statement of Licensing Policy*. In particular, the following paragraphs have a bearing upon the application:

Relevant Policy Matters	Sections	Policy
Prevention of Crime and Disorder:	7.5.1 to 7.5.2	PP1
	7.5.16 to 7.5.19	PP10
	8.3.1	OS7
	8.7.1 to 8.7.2	OS11
Public Safety:	7.5.22 to 7.5.24	PP13
	8.2.1 to 8.2.3	OS2 to OS3
Prevention of Public Nuisance:	7.3.1 to 7.3.10	LA4 to LA5
Protection of Children from Harm:	6.1.1 to 6.2.2	CH1 to CH4
Licensing Hours:	5.1.1	LH3
	5.2.1	LH5
	5.3.1 to 5.3.3	LH6
Cumulative Impact:	3.1.1 to 3.2.5	GN16 to GN19

- A number of changes have been made to the Licensing Act 2003 in recent times by the Police Reform and Social Responsibility Act 2011, the Live Music Act 2012 and the Deregulation of Schedule 1 of the 2003 Act.
- The Authority's Statement of Licensing Policy has not yet been revised following the introduction of these changes, the above sections from the current Policy do not reflect these changes which include removing the "vicinity test" for interested parties and amending the wording of the 2003 Act so that conditions imposed on licences must now be "appropriate to the promotion of the Licensing Objectives" rather than "necessary".

11. A copy of the Statement of Licensing Policy may be obtained from the Council Offices or found online at: www.oxford.gov.uk/licensing

Home Office Statutory Guidance

12. Members are also referred to the statutory guidance issued by the Home Office. Of particular relevance to this application are the following matters:

Relevant Sections	Relevant Paragraphs
Prevention of Crime and Disorder:	2.1 to 2.7
Public Safety:	2.8 to 2.17
Prevention of Public Nuisance:	2.18 to 2.24
Protection of Children from Harm:	2.25 to 2.35
Cumulative Impact:	13.29 to 13.38

13. A copy of the Home Office Statutory Guidance may be found online at: www.gov.uk/government/publications/revised-guidance-issued-under-section-182-of-the-licensing-act-2003

Cumulative Impact

14. Oxford City Council has adopted Special Saturation Policies in respect of the City Centre and East Oxford as detailed within the Statement of Licensing Policy.
15. The Special Saturation Policies were introduced following evidence brought by Thames Valley Police on the grounds of the cumulative impact of licensed premises on the licensing objectives of preventing crime and disorder and preventing public nuisance within the defined areas.
16. The effect of adopting Special Saturation Policies is to create a rebuttable presumption that applications for new Premises Licences or Club Premises Certificates or material variations to these will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add significantly to the cumulative impact already being experienced on the licensing objectives of preventing crime and disorder and preventing public nuisance.

Other Relevant Considerations

17. The Sub-Committee is reminded of its responsibilities under the Crime and Disorder Act 1998 (to co-operate in the reduction of crime and disorder in Oxford) and the Human Rights Act (which guarantees the right to a fair hearing for all parties in the determination of their civil rights, and also provides for the protection of property, which may include licences in existence, and the protection of private and family life) when considering the fair balance between the interests of the applicant and the rights of local residents. Any decision taken by the Sub-Committee must be necessary and proportionate to the objectives being pursued.

18. Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.
19. When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance of each representation.
20. In making its decision, Members must also have regard to the Home Office statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
21. The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
 - a) Grant the licence in accordance with the application.**
 - b) Modify the conditions of the operating schedule by altering or omitting or adding to them.**
 - c) Exclude or restrict from the scope of the licence any of the licensable activities to which the application relates.**
 - d) Reject the whole of the application.**

The Sub-Committee may also grant the licence subject to different conditions for different parts of the premises or the different licensable activities.

22. Members are asked to note that they may not modify the conditions or reject whole or part of the application merely because they consider it desirable to do so. It must be appropriate to do so in order to promote the licensing objectives. Any such step must relate to a relevant representation made.
23. If Members grant the application, the details of the operating schedule will be incorporated into the licence as conditions. The licence will also be subject to certain mandatory conditions.
24. Members should note that the applicant or persons making representations have the right of appeal against the decision made by the Sub-Committee.

Name and contact details of author: **Julian Alison**
Licensing Manager
Environmental Development
Tel: 01865 252381
Email: jalison@oxford.gov.uk



Oxford
Application for a premises licence
Licensing Act 2003

For help contact
 elms@oxford.gov.uk
 Telephone: 01865 252565

* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?
 Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

The Licensing Authority
 Oxford City Council
 24 DEC 2014

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is the applicant's business registered in the UK with Companies House? Yes No

* Registration number

* Business name

* VAT number

* Legal status

If the applicant's business is registered, use its registered name.

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name

If your business is registered, use its registered name.

* VAT number

Put "none" if you are not registered for VAT.

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 19**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Private Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

The premises is a restaurant located in Gloucester Green Square alongside other food outlets.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Continued from previous page...

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Yes No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Yes No

Section 13 of 19

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Continued from previous page...

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations

Continued from previous page...

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Personal Licence number
(if known)

In progress

Issuing licensing authority
(if known)

Slough Borough Council

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

Omar Al-Kahil

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 07:00

End 00:00

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 07:00

End 00:00

Start

End

WEDNESDAY

Start 07:00

End 00:00

Start

End

Continued from previous page...

THURSDAY

Start End
Start End

FRIDAY

Start End
Start End

SATURDAY

Start End
Start End

SUNDAY

Start End
Start End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 19

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The premises will be carefully managed by the DPS in accordance with the four licensing objectives.
All staff will be suitably trained, for which all records of training will be maintained on site and available for inspection at any time if so requested.

b) The prevention of crime and disorder

All issues of crime and disorder will be reported immediately to the police.

Continued from previous page...

A log will be maintained on site recording all incidents of crime and disorder.
All staff will be trained to follow any reasonable instruction issued by a police officer.
The premises has a five camera CCTV system which will allow facility recording and playback upon request.

c) Public safety

The DPS will ensure the premise is hazard free and safe for visitors and customers at all times.
Staff will follow all reasonable instructions issued by a police officer.

d) The prevention of public nuisance

All refuse will be removed and disposed of in an appropriate manner.
Customers leaving the premises will be encouraged where appropriate to use a taxi service or other means of public transport. Staff will encourage customers to leave the premises in a respectful manner with due courtesy to any neighbouring business or residential property.

e) The protection of children from harm

The DPS will promote and operate an age verification policy namely Challenge 25 scheme and will only accept the following as proof of ID e.g. passport, photographic driving licence or PASS card.
The premises will operate a "no proof, no sale" policy at all times.
Notices to this effect will be displayed within the premises.
A log will be maintained of all refusals of sales which will be available for inspection at any time.

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
Premises Licence Fees are determined by the non domestic rateable value of the premises.
To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Continued from previous page...

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

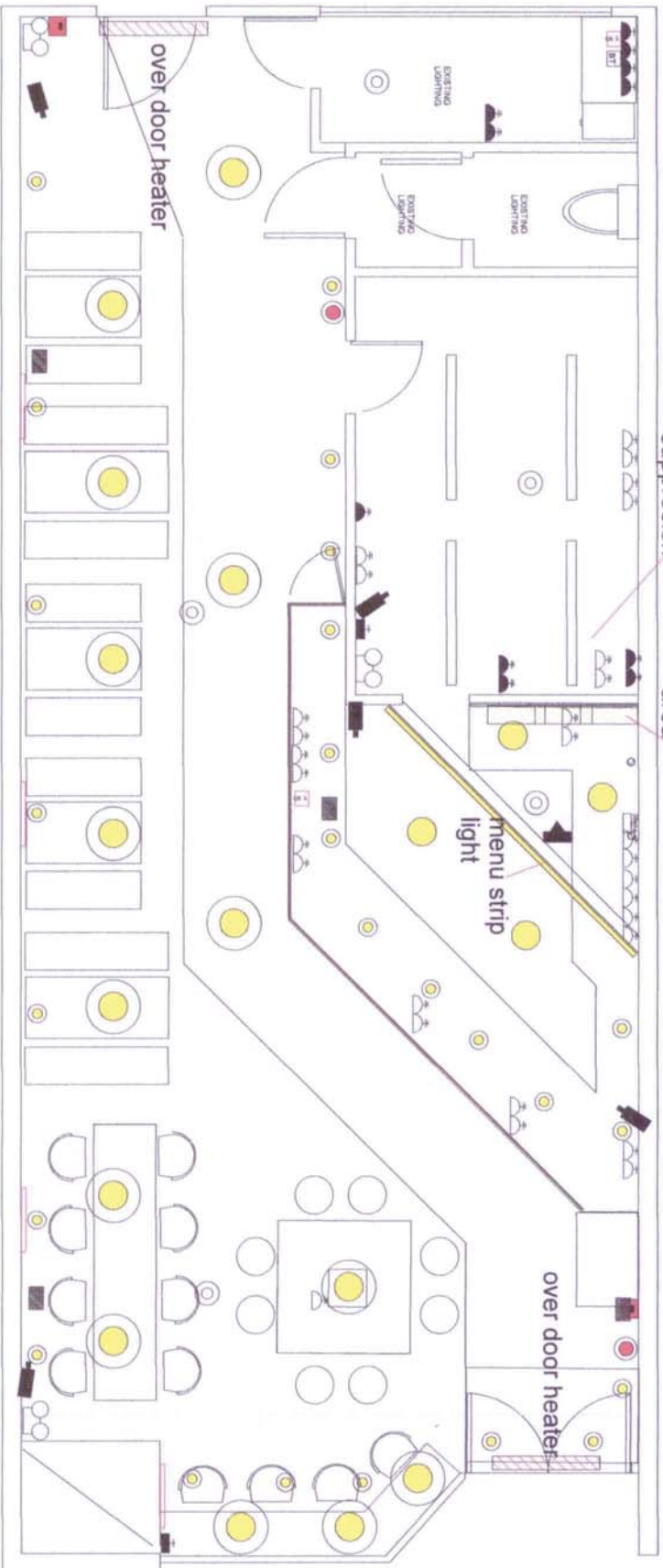
Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/oxford/apply-1> to upload this file and continue with your application.

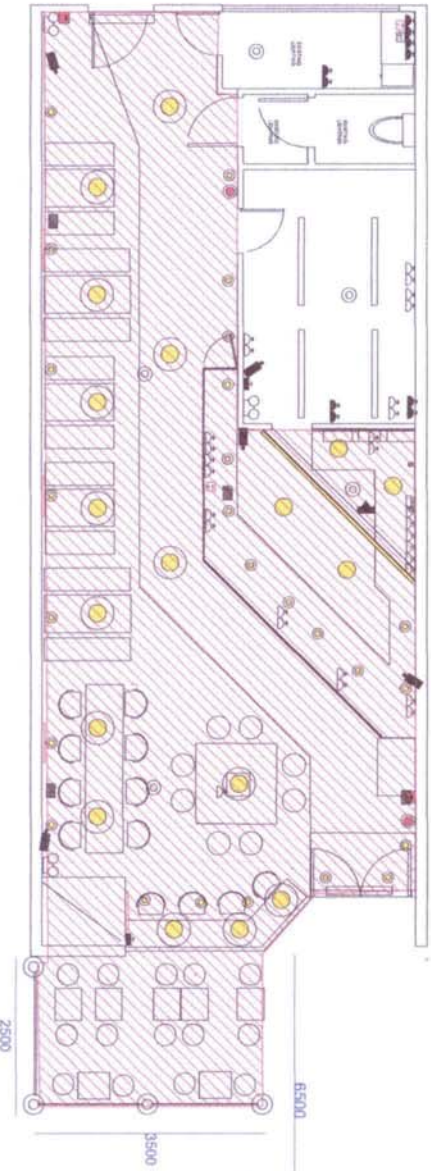
Don't forget to make sure you have all your supporting documentation to hand.

contactor switchchcs
for fryer fire
suppression

3 no illuminated
shelves to bar
area



1-50 scale



Licensed area.

not to
scale



	double switched socket at low level surface
	double switched socket at high level flush
	switched at high level
	switched at low level
	20amp isolator
	32amp isolator
	Pendant fittings
	CCTV
	cat 5 outlet
	directional display light
	emergency lighting
	LED under counter lights
	pl downlighter
	wall washer (USE EXISTING)
	1500 lwn fitting
	break glass
	smoke and heat detection
	sounder
	music system

SCALE
1-50

DWG OF
ELECTRICS

DWG NO.
e/oxf/3/9

DATE
27-11-14

LOCATION
OXFORD

From: Claire [REDACTED]
Sent: 20 January 2015 13:59
To: ALISON Julian
Subject: Premises licence application - El Mexicana, Gloucester Green, Oxford

Hello again Julian,

I have spoken with our client and he states that he wishes to request on-sales only for his restaurant licence application and that off-sales be removed from the application.

Will you notify the objectors of this development or is that our responsibility? I realise that this fact alone may not prevent a hearing but I feel it very much addresses many of their major concerns.

Kind regards

Claire Danson

Claire Danson
Knight Training (UK) Ltd | 134 The Barracks | South Road |
White Cross Business Park | Lancaster | LA1 4XQ

To contact the team either T: 0330 999 3199 or E: info@knighttraining.co.uk

www.personal-licence-training.co.uk | www.knighttraining.co.uk | www.premises-licence-application.co.uk

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APPENDIX THREE

Application for El Mexicana, Unit 22, The Gallery, Gloucester Green, Oxford, OX1 2BU.

I should like to oppose the application for El Mexicana [above] to become a licensed premises on the grounds that Gloucester Green is a predominantly residential square with 93 flats in the Heyes and the Chilterns.

Various activities already animate the area. Regular markets and its focal point for festivals, provide lively and sociable events in a rare and valued open space within the central part of Oxford.

For residents, the balance between community activities and necessary tranquillity which currently works successfully can easily be disturbed. Existing features of central locality and associated facilities of the bus station, taxi rank, cinema, shops, the Old Fire Station, and the nearby theatres and restaurants exert considerable human pressures.

Like much of the city centre, this makes the square vulnerable to antisocial activities, particularly by the deprived and disturbed social elements such as rough sleepers who are a constant presence in the underground car park where they seek shelter.

There are several nearby licensed premises in this "saturation zone" so availability of alcohol is already abundantly provided for. To add another source within the square itself seems to be a superfluous and unwise encouragement of transitory and unwelcome disturbance of the social balance in this relatively peaceful and agreeable central residential square.

A. Hollander.

Owner of 30 The Chilterns, Gloucester Green, Oxford.

The Licensing Authority
Oxford City Council

12 JAN 2015

1 The Chilterns,
Gloucester Green,
Oxford, OX1 2DF.

e-mail: [REDACTED]

telephone: [REDACTED]

January 13th 2015

The Licensing Committee,
Oxford City Council,
St Aldates,
Oxford, OX1 1DS.

Dear Committee Member,

I am a resident owner of the flat at the above address and also own Flat No 2 next door which is rented to a couple who are my close neighbours. I am writing to oppose the application made by El Mexicana for an alcohol licence "on and off the premises" for their proposed new restaurant at Unit 22, The Gallery, Gloucester Green, OX1 2BU.

I was surprised to see this application in El Mexicana's window since the unit is within the Special Saturation Zone that I had understood was brought in to limit further alcohol sales within the area?

While I have no objection at all to a Mexican restaurant to replace the second (very short-lived) Noodle bar in this square, I have every objection to the provision of an alcohol licence for the consumption of alcohol on and off those premises from mid-morning until late at night throughout the week.

Most of us, who live in Gloucester Green, moved here knowing that noise from living on a busy market place would be a factor in our lives and always try to be very tolerant about this. However it is very hard to be tolerant about regular disturbance very late at night - drunken shouting, not infrequent violent behaviour and the appalling mess caused by inebriated people in and around this square.

Can I please ask that this application is refused?

With best wishes,

Mrs Sally Thomas

From: Councillor HOLLINGSWORTH Alex
Sent: 16 January 2015 16:57
To: licensing@oxford.gov.uk
Cc: Councillor BRANDT Ruthi
Subject: Licence Application - 14/04301/PREM - 92 Gloucester Green

Dear Sir/Madam

I am writing at the local councillor for Carfax ward to raise concerns about the above licence application, which I would like the Council and its licensing committee to consider when judging whether or not to grant the licence.

1. The square at Gloucester Green is already subject to considerable disturbance, particularly at night, as a result of alcohol consumed in premises nearby. Gloucester Green is in the Saturation Area, and it is my opinion that the disturbance that residents here and in other streets in the city centre suffer demonstrates that the policy is not working effectively.

2. An extra licensed premises has the potential to add to that disturbance.

3. The hours applied for - Sunday to Saturday 10.30 hours to 23.30 hours; and Late Night Refreshment - Sunday to Saturday 23.00 hours to 00.00 midnight - will mean that patrons who have been drinking will be leaving the premises at midnight, immediately underneath the windows of residents, meaning a considerable risk of disturbance at an anti-social hour of the night.

4. The proposed off-sales licence for alcohol will allow the premises to sell food and drink to patrons who will then be likely to consume it in the square of Gloucester Green, particularly on days when the market stalls have been set up for use the following day. This proposed element of the licence makes it almost inevitable that groups of patrons will gather to eat and drink, without supervision by the staff of the premises, immediately outside the flats of residents in Gloucester Green, causing significant disturbance. If as seems likely from the cuisine on offer the alcohol sold is bottled beer, then there is clearly also a risk of broken glass in and around the square.

The only other licence granted in Gloucester Green proper (unit 99) is for on-sales only, and runs from 11 to 23.00 on Monday to Saturday, and to 22.30 on Sunday. If this current application is granted I would suggest that similar hours only are permitted.

The proposal for off-sales is an extremely serious concern given the high likelihood for antisocial behaviour to result, and I would like the Committee to refuse this element of the application even if it allows the on-sales element.

Yours faithfully

Cllr Alex Hollingsworth
Carfax Ward, Oxford City Council

Name of senders of comment: K.E. Carr and P.G. Toner

Address - 26, The Chilterns
Gloucester Green
Oxford OX1 2DF

Comments to Oxford City Council
Re application for premises licence at 92, The Gallery, Gloucester Green (El Mexicana)

Nature of comment

We object very strongly to the application, both to the granting
- of a table licence from 10.30am till midnight
- and also particularly of an off licence under any circumstances

Context

The objection comes from two owner occupiers, flat 26. This is a 'front' flat in The Chilterns, overlooking the square and situated diagonally across from the premises. It is 'one up' and therefore we are able to comment directly on the type of nuisance caused by activities in or at the square. We have experienced noise nuisance from ground floor 'background music' in shops and from those returning from clubs and bars. We therefore feel well placed to comment on this application.

We contrast with regret the adverse effects of noise and nuisance on residents with the aim that the latter should be able to have 'quiet enjoyment of the flats above' the commercial properties. We are aware that the granting of an off licence and of a table licence from 10.30 to 12 midnight would further negatively affect our domestic environment.

We are aware that permission for a Licence is done on the basis of the applications's ability to promote the four objectives relevant to Licensing to ensure that any change is in the public interest.

Grounds for objection

- 1.The area around Gloucester Green is already well provided with licensed facilities and there is no need to expand these. It is within the Special Saturation Zone and should therefore be protected from the establishment of more outlets providing alcohol.
- 2.The provision of an off licence is 100% unacceptable, for reasons of likely public nuisance, leading also to a possible increase in crime and disorder.
- 3.The licensing hours are completely unsuitable and totally removed from the provision of a table licence for restricted lunch and early evening dinner times. Instead, they encourage alcohol consumption from mid morning till midnight in an otherwise family centred public space.
- 4.The establishment of an alcohol selling unit particularly in extensive and late off licence arrangements would be against the public interest, impacting negatively on those arriving in

Oxford via Gloucester Green and public transport and altering for the worse the current safe environment for children, with the 'licensed area' right at the edge of the space where families use the square.

5.No evidence is presented for the licence being in the overall public interest, with respect to all of the four objectives, but in particular with reference to the prevention of public nuisance (noise and possible disturbance to residents) and to protection of children from harm (adverse alteration of public space used by families with children, with the strong likelihood that off licence customers would consume the alcohol in the square).

6.The application makes no appropriate reference to the rights of residents to enjoy a quiet domestic environment, the one reference revealing how little the authors understand the nature of Gloucester Green - as follows - 'to any neighbouring business or residential property' (section 18d), since this vague reference gives no sign of understanding that the square is predominantly residential, with flat dwellers right above, adjacent to and diagonally across from them.

7.With respect to 6, the inclusion on the plan of outlets for a 'music system' will impinge on residents, since allowing a noisy alcohol-selling environment to operate until midnight is entirely inappropriate.

Conclusion

Our objection to the application is absolute for the off licence and very strong for the table licence, since no evidence is given for even the latter being in the public interest, particularly given the unreasonable hours requested.

From: Margaret Booth
Posted At: 17 January 2015 16:00
Posted To: licensing@oxford.gov.uk
**Conversation: 14/04301/PREM | Premises Licence | 92 Gloucester Green
Oxford, OX1 2BU**
**Subject: 14/04301/PREM | Premises Licence | 92 Gloucester Green Oxford, OX1
2BU**

Dear Sir,

Please find, as an attachment, an objection to this application made on behalf of the St John Street Residents Area Association (which covers the residents of Gloucester Green). I have tried repeatedly to submit this via your website only to receive a message that there is an error in the system. In the circumstances, please will you acknowledge safe receipt.

Yours faithfully

Margaret Booth

**14/04301/PREM | Premises Licence | El Mexicana, Unit 92, The Gallery,
Gloucester Green, Oxford, OX1 2BU**

This objection is made on behalf of the St John Street Area Residents' Association which represents residents in the area from Gloucester Green to Wellington Square. A considerable number of residents live in the two blocks of flats in Gloucester Green. The premises which are the subject of this application are in the ground floor of one of the blocks.

Gloucester Green is in the Central Oxford Special Saturation Policy Area. It is City Council policy normally to refuse applications for new premises licenses in such areas, where objections are made. We request that the City Council follows its policy in this case

Crime and disorder

Gloucester Green, as well as the nearby area of George Street, has problems of late night crime and disorder as a result of excessive drinking. The applicant offers no special arrangements to deal with crime and disorder such as security staff but merely says that a log will be kept of incidents and these will be reported to police. As the premises have two exits/entrances, one leading directly to the bus station, it would be particularly difficult to exercise any sort of control over customers' behaviour.

There are already four pubs in close proximity to these premises and a large number of licensed restaurants. It is a particular concern that the application covers "off" sales as well as "on" sales of alcohol until 23.30 daily, meaning that customers would be able to carry alcohol bought at these premises around the surrounding area for consumption. Any additional opportunities to purchase alcohol in this area, particularly when it can be consumed off the premises, are likely to increase crime and disorder.

Public nuisance

The proposals on public nuisance are even weaker. It is proposed only to “encourage” customers to leave the premises in a “respectful manner”. Even if this is done, it is unlikely to have any effect. There are no arrangements for smokers to gather away from the flats and there is no indication that any customers will be prevented from taking drinks outside the premises. As a result customers are likely to gather to drink and smoke immediately outside the premises disturbing the residents above. Customers are also likely to purchase takeaway alcohol and food (which it is proposed to sell daily until midnight) and consume these noisily on the benches in the square at Gloucester Green causing disturbance to all the occupants of the flats as well as to the considerable number of members of the public passing through the area after attending the cinema, theatres etc.

From: [REDACTED]
Posted At: 19 January 2015 20:52
Posted To: licensing@oxford.gov.uk
Conversation: Application Reference 14/04301/PREM - EL MEXICANA.
URGENT
Subject: Application Reference 14/04301/PREM - EL MEXICANA. URGENT
Importance: High

Sirs

We wish to register an Objection to this Application.

We have owned Flat 21 The Chilterns Gloucester Green since it was first built in the late 1980s. We are one of the few original owners. During the 25 years or so of our ownership we have witnessed an increasing deterioration to The Green and reliance on food outlets coupled with alcohol outlets to the almost entire loss of A1 Use Class Units contrary to the Policy of The Council.

It is appreciated that the Licensing Committee has a statutory duty to promote the Licensing Objectives and we are sure that it will wish to discharge that duty.

Gloucester Green is in the special saturation zone and as such there is an even greater obligation to ensure that disturbance caused by noise, disturbance and drunken violence is eradicated and that nuisance/mess is kept to an absolute minimum. It is clear to those who are familiar with the area that this has not happened and indeed the prevalence of this has markedly increased over recent years, alcoholism encouraged by late night on and off premises licensing being one of the main reasons coupled with late hour food opening in some instances up to 05.00 in the morning. The Green is, contrary to Council and Planning apparent understanding, predominantly residential in nature there being not far short of 100 Flats surrounding it.

The relevant Act sets out Licensing Objectives which have to be secured by the Licensing Authority. The prime objective is Overall Public Interest. This constitutes above all:

1. Prevention of Crime and Disorder
2. Promotion of Public Safety
3. Prevention of Public Nuisance
4. Protection of Children from Harm

It is our contention that this Application if granted would promote the exact opposite of all four of the composite parts and be clearly against overall public interest and therefore infringe the Licensing Objectives.

1. Increase in Crime and Disorder. There has been in recent time at least one instance of a serious assault within the confines of The Green involving serious injury. Disorder is only too prevalent commonly up to 02.00 and 04.00 at weekends. Alcohol is the driving force. It is suggested that the Committee sees for itself by attending The Green for itself at these hours.
2. Public Safety. Only too often until the early and not so early hours of the morning this is endangered by alcohol fuelled behavior.

3. Public Nuisance. Far from being prevented the availability of alcohol at numerous venues in The Green promotes this. It would be irresponsible to add to these.

4. The same applies to the protection of children from harm. Drunkenness and the easy access to alcohol exposes children to harm and does not protect them.

Conclusion. If this Application is granted the Licensing Objectives will have been failed and public interest will not have been served. There are already far too many outlets in The Green and availability is too far reaching. To add to these would be reprehensible.

You are asked please to acknowledge this Representation and to confirm that it will be taken into consideration.

Yours truly

Michael and Diane King
Flat 21 The Chilterns
Gloucester Green
Oxford
OX1 2DF

19 January 2015

From: Pat Hughes [REDACTED]
Posted At: 19 January 2015 18:18
Conversation: APPLICATION REF: 14/04301/PREM - UNIT 92 THE GALLERY, GLOUCESTER GREEN, OXFORD
Posted To: Inbox

Subject: APPLICATION REF: 14/04301/PREM - UNIT 92 THE GALLERY, GLOUCESTER GREEN, OXFORD

Dear Sirs

We act as managing agents in connection with the 33 residential flats comprising 56 - 88 The Heyes, Gloucester Green which lie directly above the premises which are the subject of this application.

Whilst there is no objection to El Mexicana's proposed restaurant activities and the sale of food, the application to sell alcohol from the premises is entirely unwelcome to our residents, even if it is as an accompaniment to food. The proposed licensing hours too are totally unsuitable and will adversely impact on residents in a situation where residential accommodation is situated directly above and adjacent to the subject premises.

The area is within the Special Saturation Zone which was put in place with the express aim of limiting the grant of licences where there is a risk of an increase in anti-social behaviour associated with the consumption of alcohol. Gloucester Green is a predominantly residential area with 88 flats in direct proximity to Unit 92 The Gallery and already suffers from problems with late night noise, incidents of violence related to consumption of alcohol and the resultant nuisance and mess that is left in the square after an evening of late night revelry. There can be no justification for allowing the sale of alcohol from an additional outlet in an area that is already well supplied with licensed premises. The risk of public nuisance cannot be ignored.

We urge the Licensing Authority to reject this application for the reasons cited above.

The Heyes Management Company Ltd
Flats 56 - 88 The Heyes, Gloucester Green
c/o Peerless Properties (Oxford) Ltd
6 Court Farm Barns
Tackley
Kidlington
Oxon OX5 3AL

Tel: [REDACTED]
www.peerlessoxford.com

APPENDIX FOUR

