



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 the Oxford City Council for a Premises Licence

Date of hearing:	16th February 2015
Place:	Town Hall, Oxford
Case No:	14/04301/PREM
Applicant:	Omaringa Limited
Premises:	El Mexicana
Premises address:	Unit 92, The Gallery, Gloucester Green, Oxford, OX1 2BU
Licensing Sub-committee Councillors:	Van Coulter (Chair), Mary Clarkson, Mark Lygo
Legal Advisor:	Daniel Smith
Licensing Officer:	Julian Alison
Clerk:	Anna Kieca

Decision and Reasons of the Sub Committee

1. The Sub-Committee noted the amendments to the application and that the reduced hours proposed would be added to the Operating Schedule.
2. 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 in particular Policies PP1 (Pubs, Restaurants, Hotels, Guest Houses) and GN19 (Special Saturation Policy)(SSP).
3. The Sub-Committee acknowledged the application was for a new premises licence within the area of the SSP for the City Centre and the burden of proof was therefore on the Applicant to show the premises was not likely to add significantly to cumulative impact problems from crime, disorder and nuisance.
4. The Sub-Committee were mindful that the SSP had been adopted on the basis of Police evidence on the cumulative impact of pubs and nightclubs in the city centre, rather than restaurants. Policy PP1 indicated that restaurants would normally require only minimal controls provided they only undertake the sale of alcohol with

a meal. Thames Valley Police had not made a representation against the application and Home Office guidance required the Sub-Committee give significant weight to that fact.

5. Taking these factors into consideration the Sub-Committee were satisfied the Application would not add significantly to cumulative impact problems, providing premises are operated as a restaurant and that the sale of alcohol is ancillary to the provision of food. The Sub-Committee found it appropriate to attach conditions to ensure this.
6. The Application was otherwise in accordance with the licensing objectives.

The amended application is **GRANTED** subject to the following additional conditions:

- a) The sale of alcohol shall be ancillary to the primary use of the premises as a restaurant.

Reason: the prevention of crime and disorder and the prevention of public nuisance.

- b) The sale of alcohol shall only be to persons who are eating at the premises, have placed an order, or are waiting to place an order for food.

Reason: the prevention of crime and disorder and the prevention of public nuisance.

For the avoidance of doubt the licensable hours granted for the sale of alcohol are 10:30 hours until 23:00 hours each day.