

Licensing Act 2003



Notification of determination

Hearing under Sections 34 and 35 of the Act, and the Licensing Act 2003 (Hearings) Regulations 2005 In respect of an application made to the Oxford City Council to vary a Premises Licence

Date of hearing: **5th April 2016**

Place: **Town Hall, Oxford**

Case No: **16/00768/PREM**

Applicant: **Mr Defrim Plaku**

Premises: **Café Baba**

Premises address: **240 Cowley Road, Oxford, OX4 1UH**

Licensing Sub-Committee Councillors: **Liz Wade (Chair), Farida Anwar, Chewe Munkonge**

Legal Advisor: **Daniel Smith**

Licensing Officer: **Julian Alison**

Clerk: **Emma Thompson**

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, in particular GN19 (Special Saturation Policy)(SSP) and LH3 (Licensing Hours Not Limited).
2. The Sub-Committee noted the advice that existing condition 9. would remain on the licence and there would be no use of the rear garden after 23.00. This together with the noise controls set out in the operating schedule allayed concerns over noise nuisance.
3. The Sub-Committee found that the variation applied for was a 'material variation' as it sought to extend operating hours. The SSP was therefore engaged and it was for Mr Plaku to demonstrate that his application would not add to cumulative impact problems.
4. The Sub-Committee understood the Interested Party concerns over general nuisance and crime & disorder problems in East Oxford but also recognised that the SSP could not be used as a 'blanket ban' on applications. The Policy required the Sub-Committee to examine the merits of individual cases. Comparisons to nearby premises which happened to open later were not relevant.

5. In Mr Plaku's case the Sub-Committee were satisfied that granting his application (except in relation to outdoor LNR) would not add significantly to cumulative impact problems for the following reasons:
 - a. Mr Plaku had a good record as a licence holder and had demonstrated over the last two years that Café Baba could be operated without concern to the authorities or any significant complaint from neighbours.
 - b. Mr Plaku had adopted the additional measures suggested by the Responsible Authorities and there was therefore no representation from Thames Valley Police or Environmental Health.
 - c. The existing licence conditions and new operating policies provided tight controls to prevent problems.
 - d. The premises remained a cocktail & tapas style bar attracting mature professional customers. This style of premises had a reduced risk of crime and disorder from licensable activities.
6. The Sub-Committee were satisfied that the application was otherwise in accordance with the Licensing Objectives.
7. If conditions were not complied with or other problems occurred the licence could be subject to review.

The Application was therefore **GRANTED** as applied for.

Signed: ***Councillor Liz 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.