

Licensing Act 2003

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: **26th April 2016**

Place: **Town Hall, Oxford**

Case No: **16/00894/PREM**

Applicant: **J and M Corporation Limited**

Premises: **Spiced Roots**

Premises address: **64 Cowley Road, Oxford, OX4 1JB**

Licensing Sub-committee Councillors: **Mike Gotch (Chair), Mary R Clarkson, Liz Wade**

Legal Advisor: **Daniel Smith**

Licensing Officer: **Richard Masters**

Clerk: **Anna Kieca**

The Sub-committee heard representations from the following:-

Licensing Authority: Richard Masters (Licensing Compliance Officer)

Mr Masters presented the Licensing Authority's report.

Legal Advisor: Daniel Smith

Mr Smith advised that the application had been amended and now states that the premises will operate as a restaurant only with the sale of alcohol to persons taking a table meal or ancillary to that meal.

Applicant: Julian Skeens (Solicitor), Luke Elpord (Solicitor), Mark Stancer (DPS)

Mr Skeens confirmed that the nature of the business will be a restaurant only with 36 seated covers. This venue will be a new and exciting Caribbean place and it will be a flagship for the brand. Therefore the applicant is keen to make sure the business will be run well and in a professional manner.

Mr Skeens responded to the concerns of the interested parties. Firstly he addressed the disposal of rubbish issue and explained that the applicant has arranged a suitable bin area at the Private Shop car park where the waste will be transferred through an

alleyway at the back of the restaurant. It had been agreed that waste will only be taken out between 08:00 hours and 22:00 hours. Secondly Mr Skeens dealt with the worries over noise nuisance being generated at the premises. He confirmed that all doors and windows will be shut at 22:00 hours at the latest. Noise limiting equipment will be fitted at the premises, with appropriate levels agreed with Environmental Health. It was agreed that any deliveries to the premises will only be between 09:00 hours and 19:00 hours.

Councillor Gotch queried the late hours for Regulated Entertainment activity on Thursdays. After consideration by the Applicant, it was agreed that the licensing activities of Films, and Live Music will finish at 23:30 hours on Thursdays in order to avoid noise disturbance to local residents.

Mr Skeens added that the Applicant has, having consulted with the responsible authorities, proposed an extensive range of conditions in his operating schedule to alleviate concerns and demonstrate the seriousness of the application. He also mentioned that there will be a phone number provided for contacting the Manager who will be available at all times should local residents have any concerns.

Responsible Authorities: N/A

Interested Parties: Stephen & Christina Pegg, David Colbeck

Mr and Mrs Pegg were worried over the noise that could emanate from the premises with the potential to disturb them as well as other local residents.

Mr Colbeck questioned the wisdom of any application for a new premises licence within the area of the East Oxford SSP with the potential that it may add to Crime and Disorder and street drinking.

In response Mr Skeens reminded the Sub-Committee that the establishment was a restaurant and unlikely to attract drunkenness or cause crime or disorder.

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 policies GN19 (Special Saturation Policy)(SSP), PP1 (Pubs, Restaurants, Hotels, Guest Houses), LH3 (Licensing hours not limited) and GN17 (Need for an evidential base)
2. The Sub-Committee acknowledged the application was for a new premises licence within the area of the SSP for East Oxford and the burden of proof was therefore on the Applicant to show the premises was not likely to add significantly to the cumulative impact problems of crime, disorder and nuisance.
3. The Sub-Committee was satisfied that, in light of the amendments to the application, the nature of the premises as a restaurant, the robust procedures and conditions set out in the operating schedule and the absence of objection from Responsible Authorities - the premises is unlikely to add to cumulative impact problems.
4. The application was otherwise in accordance the licensing objectives.

The Application as amended was therefore **GRANTED**.

For the avoidance of doubt the Sub-Committee reached its decision having noted and relied on the following amendments made by the Applicant to their operating schedule:

- a) The disposal of rubbish will only take place between 08:00 hours and 22:00 hours
- b) The deliveries to the premises will only take place between 09:00 hours and 19:00 hours
- c) Licensing activities such as Films and Live Music on Thursdays will finish at 23:30 hours.

Signed: ***Councillor Mike Gotch***

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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