

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 Oxford City Council for variation of a Premises Licence

Date of hearing: **30th January 2017**

Place: **Town Hall, Oxford**

Case No: **16/05863/PREM**

Applicant: **Hentom Pubs Ltd**

Premises: **The Library Pub**

Premises address: **182 Cowley Road, Oxford, Oxfordshire, OX4 1UE**

Licensing Sub-committee Councillors: **Elizabeth Wade (Chair), Ruthi Brandt, Daniel Iley-Williamson**

Legal Advisor: **Daniel Smith**

Licensing Officer: **Richard Masters**

Clerk: **Anna Dumitru**

The Sub-committee heard representations from the following:-

Licensing Authority: Richard Masters (Licensing Compliance Officer)

Mr Masters presented the Licensing Authority's report, stating that the application had attracted representations from Thames Valley Police (TVP), and 8 Interested Parties.

Applicant: Mr Henry Cullen, Mr Thomas Reynolds of Hentom Pubs Ltd (Applicant)

The applicant confirmed an amendment to the application which was,

Sale of Alcohol:

Sunday to Thursday from 11:00 hours until 00:00 hours

Friday and Saturday from 11:00 hours until 01:00 hours the following day,

Off Sales of Alcohol from 11:00 hours until 00:00 each day of the week

The rest of the application including, change of name and hours for non standard times remained as per original application.

Mr Cullen explained that they are independent and professional operators of licensed premises with many years of experience in the industry. Mr Cullen then gave a brief overview of the Library Pub stating that they aim to serve innovative products with a great selection of craft beers that aren't available in many other places in Oxford. Mr Reynolds added that off sales would allow for providing an additional service where customers can enjoy the product at home or for other traders to purchase the product to sell in their venues.

Mr Reynolds explained that there is a demand for the additional hour of serving time on Friday and Saturday. He confirmed that at the moment the pub is very busy at closing time at 00:00 hours, which forces the applicant to disperse all the customers at the same time with the likelihood that many will go on to other venues.

Mr Cullen also drew attention to the operating measures that are currently in place to uphold Licensing Objectives without any stipulation or conditions on the Premises Licence. Mr Cullen gave example of Door Supervisors working at the venue on Friday and Saturday from 20:00 hours until 00:30 hours and offered to extend this to 01:30 hours if the variation were to be granted. The external back garden area is closed 30 min before the last licensable activity to minimise any noise nuisance to neighbours. Mr Reynolds also added that the premises had never received any complaints regarding the venue from residents or Responsible Authorities.

Responsible Authorities: Alex Bloomfield and Inspector Chris Simpson (Thames Valley Police)

Mr Bloomfield welcomed the amendments to the application and stated that the police representation was not an attack on the premises, which was well managed, but was to address the increased issues of crime and disorder and nuisance in the area where the Premises is situated. He then added that the East Oxford Special Saturation Policy (SSP) is there to prevent the increase of crime and disorder, anti-social behaviour and public nuisance.

Inspector Simpson explained that the additional hours for sale of alcohol were likely to significantly add to the cumulative impact and expose the SSP area to an increase in the already existing issues of street drinking, noise nuisance and anti-social behaviour.

Insp. Simpson mentioned that recent statistics for the East Oxford area showed a 31% increase in the number of reports in antisocial behaviour related to alcohol in the last 12 months, with a 23% increase in reports of violent crime.

Insp Simpson also added that Oxford Brookes University used their own reporting tool that showed a 180% increase in reported antisocial behaviour. Insp Simpson stated that in his view these figures would increase with any extension of hours for sale of alcohol.

Interested Parties: Cllr Jamila Azad, Ms Claire Ridley, Mr Nick Welch

Mr Welch stated that this application involved the integrity of the SSP which is there for a clear reason and it's supported by Thames Valley Police. Mr Welch explained that the extension of the hours for Sale of Alcohol would not only add to the cumulative impact on

Cowley Road but will also affect number of residents (families, professionals) who live in a close proximity of the premises. Mr Welch noted that there has to be a balance between the business needs of the premises and the right of the residents to a tranquil night.

Ms Ridley and Cllr Jamila Azad explained that once customers leave the premises problems of noise and disorder then affect local residents as they make their way up the road. She said that the residents in the surrounding areas were very disturbed and that the SSP was invaluable to them to ensure that the problems didn't increase further. Cllr Azad added that she has been getting complaints from local residents of increased disturbance and anti-social behaviour late at night.

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 policy GN19 (Special Saturation Policy)(SSP) .
2. Due to the location of the premises the East Oxford SSP was engaged. The SSP clearly provides that applications for new premises licences should be refused unless the applicant can show that granting the application is unlikely to add significantly to the cumulative impact of crime and disorder, and public nuisance.
3. Having heard the evidence of Thames Valley Police and the Interested Parties and also considering the background evidence to the SSP it was clear to the Sub-Committee that the cumulative problems of alcohol related crime & disorder and nuisance remain high in the vicinity of the Premises.
4. The Police evidence to the hearing was that crime and antisocial behaviour had in fact increased over the past year relative to the older figures. The Sub-Committee gave weight to Police representation and was mindful that the Home Office Guidance was that police representations should be accepted unless there was good reason not to.
5. The Sub-Committee acknowledged that the problems in the area are general and there was no evidence to link them to The Library. However, controlling general cumulative impact is the purpose of the SSP and the Sub-Committee found that any increase in the time available for alcohol consumption risked significantly adding to crime and disorder. Dispersal of customers at a later hour would increase the risk of nuisance to local residents.
6. The Sub-Committee considered the merits of the amended application but were not satisfied that the Applicant had shown that later hours could be granted without adding to cumulative impact. There were no additional conditions that would address the risk of adding to cumulative impact.
7. The Sub-Committee found that 'off sales' of alcohol would not aggravate cumulative impact providing they ended at 20.00, after which time there was a real risk that street drinking would add to nuisance crime and disorder - Policy PP11 (Supply of alcohol - 'off sales').

8. The Sub-Committee found that the increased hours on New Years Eve, May Morning and Christmas Eve could be granted without significantly aggravating cumulative impact as different circumstances and policing arrangements applied on those days.

The following elements of the amended application were **GRANTED**:

- 'Off sales' of alcohol from 11:00 until 20:00;
- Non-standard hours for supply of Alcohol on New Years Eve (until 03.00), Christmas Eve (until 01.00) and May Morning (until 02.00);
- Change of name to The Library Pub has been approved;
- Late night refreshment until 00.00 each day.

All other elements of the amended application were **REFUSED**.

Signed: ***Councillor Elizabeth 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.