

Licensing Act 2003



## Licensing Sub-Committee

### 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 Oxford City Council for the grant of a new Premises Licence.

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Date of hearing:	<b>30<sup>th</sup> May 2023</b>
Place:	<b>Town Hall, Oxford</b>
Case No.	<b>23/00963/PREM</b>
Applicant	<b>Spirit Bar Ltd.</b>
Premises:	<b>The Jam Factory</b>
Premises address:	<b>27 Park End Street, Oxford, OX1 1HU</b>
Licensing Sub-Committee Councillors:	<b>Cllr Lygo (Chair), Cllr Sandleson, Cllr Mundy</b>
Legal Advisor:	<b>Alison Daly</b>
Licensing Officer:	<b>Richard Masters</b>
Clerk:	<b>Joshua Curnow</b>

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The Sub-Committee heard representations from the following:

**Licensing Authority:** Mr MASTERS (Licensing Officer)

**Mr MASTERS** presented the Licensing Authority's report, stating that the application had attracted representations from Thames Valley Police (TVP), and 10 Interested Parties.

**Mr MASTERS** explained that prior to the sub-committee, the applicant had agreed with TVP twelve conditions to be attached to the licence if granted. It was also explained that prior to the sub-committee the applicant had agreed with one of the interested parties to reduce the terminal hour for all licensable activities on Thursday to Saturday to 00:00 hours (midnight). As a result of the amended terminal hour the interested party had withdrawn their objection.

**Applicant:** Mr THOMPSON (Applicant), Mr BAYLIS (Representative)

**Mr BAYLIS** presented the applicants representations, he noted:

- The premises previously held a licence for thirteen years with no known complaints or review, that licence was surrendered.
- The applicant does not want to use the premises as a nightclub, it will instead operate as a “café bar”, as the previous licence holder had used it.
- The applicant has already agreed to conditions on the use of the premises so it does not operate as a night club. This is in the TVP conditions number seven which restricts the main business of the premises to ‘restaurant, conferences, wedding receptions, birthday parties, cultural, theatrical and musical events and like functions’.
- The applicant has agreed a terminal hour of midnight Thursday to Saturday.
- The applicant essentially wants use of the previously surrendered licence back.
- Next to the venue is a different venue (Plus) that also previously held a licence and operated as a nightclub. Plush did cause a number of problems for the area, but is in fact a separate venue. The applicant does not want there to be any confusion between the two.

**Responsible Authorities:** N/A

**Interested Parties:** Mrs JAMES, Mr PAYNE (Representative of Mrs JAMES), Mr BELL (Representative of Mrs BELL)

**Mr PAYNE** presented concerns that the licence as applied for (including the TVP conditions) allows for an “alcohol led” premises. In particular he raised concerns about the use of the word ‘ancillary’ in TVP condition seven. He did not consider this word to be appropriate considering the intention of the condition is to distinguish the use of the premises from that focusing on the sale of alcohol. He also was concerned that this potential condition was not enforceable.

**Mr PAYNE** also stated that the area is known for crime and disorder, and that it is evidenced by the Special Saturation Policy (SSP) in place in the location.

**Mrs JAMES** raised that even with the terminal hour being reduced to midnight, she was concerned about noise and late night drinking at the location. She stated they (Royal Oxford Hotel), were frequently dealing with complaints from customers and hotel staff who saw crime, disorder and nuisance coming from premises in the area.

**Cllr MUNDY** asked **Mrs JAMES** how they had connected the nuisance to the previously licensed Jam Factory. **Mrs JAMES** stated night porters and customers at the Hotel had seen the nuisance at the Jam Factory and since its closure complaints had reduced.

**Mr PAYNE** presented eight new conditions he felt were appropriate to consider on the licence.

**Mr BELL** then reiterated the written representation of **Mrs BELL**.

**Mr PAYNE** summarised stating:

- The application as applied for is ‘open’.
- Risk assessment for the need to door supervisors has been left to the applicant.
- The word ‘ancillary’ is not enforceable.
- The premises does not hold a licence and there have been problems in the area, the committee should apply the SSP.
- The applicant has not applied for what they state they want.
- If the committee is minded to grant, strongly advise reducing the terminal hour to 23:00

hours.

**MR BAYLIS** summarised stating:

- This application is not for the venue previously licenced as 'Plush', it is a different operator and a different location and is not to be confused.
- This application is a different venture to the usual premises 'Spirit Bar Ltd.'
- The applicant agrees with conditions number two and seven proposed by **Mr PAYNE**.

**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. The Sub-committee considered the concerns from interested parties regarding crime, disorder and nuisance in the area, in particular their concerns that the venue could operate as a late night drinking venue, adding to the cumulative impact at the location.
3. The Sub-Committee noted concerns about the use of the word 'ancillary' in condition seven proposed by Thames Valley Police.
4. The Sub-Committee found that the reduced timings and conditions agreed with the applicant, along with the operating schedule in the application were sufficient to uphold the licensing objectives and were satisfied that the premises would not add to the cumulative impact.

The Sub-Committee determined to:

**GRANT** the application; and,

**RESTRICT** from the scope of the licence the terminal hour of all licensable activities to 00:00 hours (midnight) Thursday – Saturday; and,

**MODIFY** the conditions of the operating schedule by:

- adding the twelve conditions proposed by Thames Valley Police and agreed by the applicant, modifying condition number seven to replace the word 'ancillary' with 'incidental'. (Found in appendix three of the report)
- Adding two conditions as proposed by the interested party and agreed by the applicant.
  - The external smoking area shall be continually monitored by staff, either in person or by use of CCTV.
  - A contact telephone number shall be provided in a clearly-visible form on the outside of the premises. This number shall be answered when the premises are being used for a licensable activity and a record made of the date and time and nature of any complaints received, along with the corrective action taken, if any.

**Signed: Councillor LYGO**  
**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.