

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 a Premises Licence.

Date of hearing:	30th October 2023
Place:	Town Hall, Oxford
Case No.	23/03588/PREM
Applicant	AU OXFORD LIMITED
Premises:	Nisa Local
Premises address:	49 St Nicholas Road, Oxford, OX4 4PN
Licensing Sub-Committee Councillors:	Cllr Clarkson (Chair), Cllr Humberstone, Cllr Smowton
Legal Advisor:	Alison Daly
Licensing Officer:	Richard Masters
Clerk:	Katie Thorp

The Sub-Committee heard representations from the following:

Licensing Authority: Richard Masters (Senior Licensing Compliance Officer)

Richard Masters (**RM**) Senior Licensing Compliance Officer presented the Licensing Authority's report, stating that the application had attracted a valid representation from Thames Valley Police (TVP), however following discussions between TVP and the applicant, a raft of conditions had been agreed. A valid representation had also been received from an Interested Party, ('Other Persons').

RM confirmed the Licensing Authority tried to liaise with the objector to see if the conditions agreed with TVP and the conditions offered by the applicant satisfied their concerns, however no response had been received.

RM stated that because the agent for the applicant was certain the objector would not attend the hearing, they have submitted a written submission. The agent believed the objection to be unwarranted and wanted to save their client the cost of them attending the hearing.

Cllr Smowton asked if **RM** had an idea with the TVP representation, in relation to condition 7 (delivery drivers carrying cash) why they reluctantly dropped it from the raft of conditions agreed with the applicant, and what they were trying to do with that condition initially.

RM stated there was a number of conditions TVP original put forward and the agent and the applicant were quite robust in their response, as some of the conditions would require additional expense. The applicant put forward why they wanted cash to be an option and TVP subsequently dropped that condition.

Cllr Humberstone queried other premises in the vicinity selling alcohol, and whether they are in a Saturation Policy.

RM confirmed this particular location is not included in an SSP.

Cllr Humberstone referred back to the objection, stating the objector disclosed they are a personal licence holder and wondered if they were in a similar premises and sees this application as competition.

RM stated he checked local premises and the objector wasn't named as the licence holder or designated premises supervisor at any.

Alison Daly (**AD**) asked if the premises nearby, on the same street to this location already sells alcohol, and **RM** confirmed it does, along with another one on Oxford Road.

Cllr Clarkson asked if we are aware of the sale of alcohol hours for the two other premises.

RM confirmed the one on Oxford Road is 07:00 hours to 23:00 hours and the one on St Nicholas Road is 08:00 hours to 23:00 hours.

Applicant: Not in attendance

As the applicant and the agent were not in attendance, **RM** read out their written submission, which was also circulated to all interested parties before the hearing commenced.

Interested Parties: Not in attendance

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, including policies LH8 and PP11.
2. The Sub-Committee considered the representation from Thames Valley Police and acknowledged their proposed conditions, which were also agreed by the applicant, and agreed that it was necessary and proportionate to include the conditions.
3. The Sub-Committee agreed that the representation from the Interested Party included no specific evidence and therefore gave it low weight when making a decision.
4. The Sub-Committee also took into account the hours for licensable activity for premises located in the immediate vicinity of this premises and had no concerns with the proposed hours of this application as they were similar.

The application is **GRANTED** subject to the inclusion of the agreed Thames Valley Police conditions.

The Sub-Committee noted condition 7 of the TVP conditions and their concerns, and have requested that the Licensing Authority follow up with TVP regarding this to ensure any incidents are reported to the Licensing Authority.

A handwritten signature in black ink that reads "Mary Clarkson". The signature is written in a cursive style with a large initial 'M' and a long, sweeping underline.

**Signed: Councillor Mary Clarkson
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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