

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: **10th November 2011**

Place: **Town Hall, Oxford**

Case No: **11/01430/PREM**

Applicant: **Oxford Brookes University**

Premises: **Faculty of Health and Life Sciences**
Premises address: **Jack Straws Lane, Marston, Oxford. OX3 0FL**

Licensing Sub-committee Councillors: **Cook, Goddard (Chair) and Royce**

Legal advisor: **Daniel Smith**

Licensing Officer: **Allan Hibberd**

Clerk: **Lois Stock**

The Sub Committee heard the following representations:-

Licensing Authority: Allan Hibberd presented the Licensing Authority's report.

Applicant Sarah Clover (Counsel on behalf of the Applicant) presented the application. She explained that the Applicant had relied on Temporary Event Notices (TENs) in the past, but now sought to consolidate and regularise what had happened before. The application did not seek anything new therefore. Most licensable activity would take place in various rooms within the buildings with very little outside activity. The largest capacity room held a maximum of 250 people. Environmental Protection had requested a condition that limited noise breakout to 40dBs, which the Applicant was happy to accept. It should be noted that there were no representations from other Responsible Authorities. The Applicant was willing to provide 4 stewards at any event after 21.00hours in order to help facilitate orderly dispersal from the site. It was expected that most events would finish by 22.00hours, with perhaps 6 per annum going beyond this. There would be no cash bar on the site. The Applicant had carried out a consultation with residents and this process would continue. Concerns expressed about traffic, parking and speeding issues in the area, whilst noted, were not licensing matters. There was no evidence that this application would impact on other people.

Miss Clover amended the application so that there would be no off sales at the premises.

Interested Parties: David Oughton, Martin Brightstone, Dr Keyhoe, Holly Bridge, Ms Cooper, Mr Turner, Elizabeth Brain and Marilyn Cox raised the following areas of concern:-

- There was no objection to a glass of wine being served after graduation ceremonies. The main concern was that this was a densely populated residential area and there would be noise and disturbance after *other* events;
- The site was primarily a teaching site, at which there has been little or no activity of this sort, therefore this application was for new activity;
- There was too much latitude in the application which led to fears about possible changes in use in the future;
- The application did not sufficiently address issues around dispersal and access. Access was a concern because the roads around, and leading to, the site were small, and not everyone would be aware of the way by which the site could and should be reached;
- There was concern that traffic to and from the site would increase, in particular taxis after events. This was a child-friendly area, especially in Harberton Heights, and an increase in traffic increased the danger to children;
- There was concern about the letting of rooms for events to third parties;
- Parking, fast driving and noise in the area was already a concern; there was even more concern about these issues in the future should this application be granted;
- The Applicant generally responded to complaints about issues in the area at present, and there was no real problem with the way events were managed at present. There was concern about the proposed increase in activity implied by this application;
- Temporary Event Notices (TENs) would be a better way to handle licensing issues at this site.

Decision and Reasons of the Sub Committee

The Sub Committee considered all submissions, both written and oral. It also considered the Home Office Guidance and the Council's own Statement of Licensing Policy in particular policies LH3 (Licensing hours not limited) and GN17 (Need for evidential base).

The Sub Committee recognised the concerns of the Interested parties about the risk of noise and disturbance but found that these concerns were based on speculation at this stage. The premises had apparently operated events under TENs without problems of noise or nuisance and there was no evidence to suggest that this would change with the grant of a licence.

The Sub Committee found that any risk of noise nuisance could in any event be adequately controlled by the noise limit condition agreed with Environmental Protection.

An increase in traffic and parking were not matters within the Sub Committee's jurisdiction to control.

The Sub Committee noted and was reassured by the amendment of the application to remove off sales and confirmation that the Applicant's operating schedule included provision of 4 stewards for events after 21.00.

The Sub Committee were satisfied that the application was otherwise in accordance with the licensing objectives and that there were no grounds to restrict it to less than that applied for.

In the event that any public nuisance problems were to occur in the future the Interested parties could rely on the provisions for review of premises licences.

The amended application was GRANTED as applied for. .

Signed: *Councillor Goddard*

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.