

# Agenda

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## Licensing & Gambling Acts Casework Sub-Committee

Date: **Tuesday 27 October 2015**

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Time: **5.00 pm**

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Place: **Council Chamber, Town Hall**

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For any further information please contact:

**Julian Alison, Licensing Team Leader,**

Telephone: 01865 252381

Email:

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### Membership

#### Chair

Councillor James Fry

Councillor David Henwood

Councillor Elizabeth Wade

## **AGENDA**

	<b>Pages</b>
<b>1 THE MIDCOUNTIES CO-OPERATIVE LIMITED - APPLICATION FOR A NEW PREMISES LICENCE: THE CO-OPERATIVE FOOD, 17 - 19 ATKYNS ROAD, WOOD FARM, OXFORD, OX3 8RA.</b>	<b>3 - 20</b>

**To:** Licensing & Gambling Acts Casework Sub-Committee

**Date:** 27 October 2015

**Item No:** 1

**Report of:** Head of Community Services

**Title of Report:** The Midcounties Co-operative Limited – Application for a New Premises Licence: The Co-operative Food, 17 - 19 Atkyns Road, Wood Farm, Oxford, OX3 8RA.

**Application Ref:** 15/04126/PREM

## Summary and Recommendations

**Purpose of report:** To inform the determination of The Midcounties Co-operative Limited's application for a New Premises Licence for The Co-operative Food, 17 - 19 Atkyns Road, Wood Farm, Oxford, OX3 8RA.

**Report Approved by:**

**Legal:** Daniel Smith

**Policy Framework:** Statement of Licensing Policy

### **Recommendation(s):**

Committee is requested to determine The Midcounties Co-operative Limited's application taking into account the details in this report and any representations made at this Sub-Committee meeting.

## **Additional Papers:**

**Appendix One:** Application for a New Premises Licence

**Appendix Two:** Representation from an Interested Party

**Appendix Three:** Location Map

## **Introduction**

1. This report is made to the Licensing & Gambling Acts Casework Sub-Committee so it may determine in accordance with its powers and the Licensing Act 2003 whether to grant a New Premises Licence to The Midcounties Co-operative Limited.

## Application Summary

2. An application for a New Premises Licence has been submitted by The Midcounties Co-operative Limited. A summary of the licensable activities applied for and the times proposed for these activities can be found detailed below.

### **Supply of Alcohol (off sales only):**

Sunday – Saturday	06:00	Until	Midnight
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3. Both the application and the steps that the applicant intends to take to promote the licensing objectives (as set out in the operating schedule) can be found at **Appendix One**.
4. The applicant has stated within the application the proposed hours that the premises will be open to the public, and these are detailed below:

### **Hours Premises are open to the Public:**

Sunday	08:00	Until	20:00
Monday - Saturday	07:00	Until	21:00

## Relevant Representations

5. No valid representations have been received from the Responsible Authorities as detailed in the table below.

<b>Responsible Authority</b>	<b>Response</b>	<b>Licensing Objective(s)</b>
Thames Valley Police:	No Representation	-
Fire & Rescue Service:	No Representation	-
Environmental Health:	No Representation	-
Health and Safety:	No Representation	-
Planning:	No Representation	-
Trading Standards:	No Representation	-
Child Safeguarding:	No Representation	-
Licensing Authority:	No Representation	-

6. One valid representation has been received from an Interested Party as detailed in the table below. Copies of these representations are attached at **Appendix Two**.

<b>Name</b>	<b>Address</b>	<b>Licensing Objective(s)</b>
Angela Jenkins	Atkyns Road, Oxford	Prevention of Crime & Disorder, Prevention of Public Nuisance

## Location

7. A map is attached at **Appendix Three** showing the general location of the applicant's premises, and the proximity to the premises of those who have raised objections to the application.

## Statement of Licensing Policy

8. The Sub-Committee is referred to the Council's Statement of Licensing Policy\*. In particular, the following paragraphs have a bearing upon the application:

Relevant Policy Matters	Sections	Policy
<b>Prevention of Crime and Disorder:</b>	7.5.20 to 7.5.21	PP12
	8.1.1 to 8.1.3	OS3
<b>Prevention of Public Nuisance:</b>	7.3.1 to 7.3.4	LA4
	7.3.10	LA5
<b>Licensing Hours:</b>	5.5.1 to 5.5.2	LH8

9. A number of changes have been made to the Licensing Act 2003 in recent times by the Police Reform and Social Responsibility Act 2011, the Live Music Act 2012 and the Deregulation of Schedule 1 of the 2003 Act.
10. The Authority's Statement of Licensing Policy has not yet been revised following the introduction of these changes, the above sections from the current Policy do not reflect these changes which include removing the "vicinity test" for interested parties and amending the wording of the 2003 Act so that conditions imposed on licences must now be "appropriate to the promotion of the Licensing Objectives" rather than "necessary".
11. A copy of the Statement of Licensing Policy may be obtained from the Council Offices or found online at: **[www.oxford.gov.uk/licensing](http://www.oxford.gov.uk/licensing)**

## Home Office Statutory Guidance

12. Members are also referred to the statutory guidance issued by the Home Office. Of particular relevance to this application are the following matters:

Relevant Sections	Relevant Paragraphs
<b>Prevention of Crime and Disorder:</b>	2.1 to 2.5
<b>Prevention of Public Nuisance:</b>	2.14 to 2.20
<b>Hours of Trading:</b>	10.15

13. A copy of the Home Office Statutory Guidance may be found online at: **[www.gov.uk/government/publications/revised-guidance-issued-under-section-182-of-the-licensing-act-2003](http://www.gov.uk/government/publications/revised-guidance-issued-under-section-182-of-the-licensing-act-2003)**

## Other Relevant Considerations

14. The Sub-Committee is reminded of its responsibilities under the Crime and Disorder Act 1998 (to co-operate in the reduction of crime and disorder in Oxford) and the Human Rights Act (which guarantees the right to a fair hearing for all parties in the determination of their civil rights, and also provides for the protection of property, which may include licences in existence, and the protection of private and family life) when considering the fair balance between the interests of the applicant and the rights of local residents. Any decision taken by the Sub-Committee must be necessary and proportionate to the objectives being pursued.

15. Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.
16. When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance of each representation.
17. In making its decision, Members must also have regard to the Home Office statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
18. The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

**a) Grant the licence in accordance with the application.**

**b) Modify the conditions of the operating schedule by altering or omitting or adding to them.**

**c) Exclude or restrict from the scope of the licence any of the licensable activities to which the application relates.**

**d) Reject the whole of the application.**

The Sub-Committee may also grant the licence subject to different conditions for different parts of the premises or the different licensable activities.

19. Members are asked to note that they may not modify the conditions or reject whole or part of the application merely because they consider it desirable to do so. It must be appropriate to do so in order to promote the licensing objectives. Any such step must relate to a relevant representation made.
20. If Members grant the application, the details of the operating schedule will be incorporated into the licence as conditions. The licence will also be subject to certain mandatory conditions.
21. Members should note that the applicant or persons making representations have the right of appeal against the decision made by the Sub-Committee.

**Name and contact details of author:**     **Julian Alison**  
**Licensing Manager**  
**Community Services**  
**Tel: 01865 252381**  
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**Oxford**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[elms@oxford.gov.uk](mailto:elms@oxford.gov.uk)  
 Telephone: 01865 252565

\* required information

## Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on behalf of the applicant? <input type="radio"/> Yes <input checked="" type="radio"/> No		Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

* First name	<input type="text" value="Emma"/>	
* Family name	<input type="text" value="Stranks"/>	
* E-mail	<input type="text"/>	
Main telephone number	<input type="text" value="01283 812220"/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone		

Are you:

- ☒ Applying as a business or organisation, including as a sole trader  
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

- \* Is your business registered in the UK with Companies House?      ☐ Yes      ☒ No  
 \* Is your business registered outside the UK?      ☐ Yes      ☒ No

* Business name	<input type="text" value="The Midcounties Co-operative Limited"/>	If your business is registered, use its registered name.
* VAT number	<input type="text" value="GB"/> <input type="text" value="862817892"/>	Put "none" if you are not registered for VAT.
* Legal status	<input type="text" value="Private Limited Company"/>	

**Continued from previous page...**

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)



## Section 3 of 19

### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☐ A limited company
- ☐ A partnership
- ☐ An unincorporated association
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales
- ☒ Other (for example a statutory corporation)

### Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

## Section 4 of 19

### NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

#### Non Individual Applicant's Name

Name

#### Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

**Continued from previous page...**

a registered society under the Co-operative and Community Benefit Societies Act 2014

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

**Section 5 of 19**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Convenience store with the sale of alcohol for consumption off the premises

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

<i>Continued from previous page...</i>	
<b>Section 6 of 19</b>	
<b>PROVISION OF PLAYS</b>	
Will you be providing plays?	
<input type="radio"/> Yes	<input checked="" type="radio"/> No
<b>Section 7 of 19</b>	
<b>PROVISION OF FILMS</b>	
Will you be providing films?	
<input type="radio"/> Yes	<input checked="" type="radio"/> No
<b>Section 8 of 19</b>	
<b>PROVISION OF INDOOR SPORTING EVENTS</b>	
Will you be providing indoor sporting events?	
<input type="radio"/> Yes	<input checked="" type="radio"/> No
<b>Section 9 of 19</b>	
<b>PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS</b>	
Will you be providing boxing or wrestling entertainments?	
<input type="radio"/> Yes	<input checked="" type="radio"/> No
<b>Section 10 of 19</b>	
<b>PROVISION OF LIVE MUSIC</b>	
Will you be providing live music?	
<input type="radio"/> Yes	<input checked="" type="radio"/> No
<b>Section 11 of 19</b>	
<b>PROVISION OF RECORDED MUSIC</b>	
Will you be providing recorded music?	
<input type="radio"/> Yes	<input checked="" type="radio"/> No
<b>Section 12 of 19</b>	
<b>PROVISION OF PERFORMANCES OF DANCE</b>	
Will you be providing performances of dance?	
<input type="radio"/> Yes	<input checked="" type="radio"/> No
<b>Section 13 of 19</b>	
<b>PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE</b>	
Will you be providing anything similar to live music, recorded music or performances of dance?	
<input type="radio"/> Yes	<input checked="" type="radio"/> No
<b>Section 14 of 19</b>	
<b>LATE NIGHT REFRESHMENT</b>	
Will you be providing late night refreshment?	

**Section 15 of 19****SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

☒ Yes☐ No**Standard Days And Timings****MONDAY**Start End Start End 

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

**TUESDAY**Start End Start End **WEDNESDAY**Start End Start End **THURSDAY**Start End Start End **FRIDAY**Start End Start End **SATURDAY**Start End Start End **SUNDAY**Start End Start End 

Will the sale of alcohol be for consumption:

☐ On the premises☒ Off the premises☐ Both

If the sale of alcohol is for consumption on  
the premises select on, if the sale of alcohol  
is for consumption away from the premises  
select off. If the sale of alcohol is for  
consumption on the premises and away  
from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

**Continued from previous page...**

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☒ Electronically, by the proposed designated premises supervisor
- ☐ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

07:00

End

21:00

Start

End

TUESDAY

Start

07:00

End

21:00

Start

End

WEDNESDAY

Start

07:00

End

21:00

Start

End

THURSDAY

Start

07:00

End

21:00

Start

End

FRIDAY

Start

07:00

End

21:00

Start

End

SATURDAY

Start

07:00

End

21:00

Start

End

SUNDAY

Start

08:00

End

20:00

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

State any seasonal variations

**Continued from previous page...**

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

## **Section 18 of 19**

### **LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

A copy of the Society's training manual can be produced on request. Existing policies and procedures in place are considered to deal with these effectively

b) The prevention of crime and disorder

See existing policies and procedures

c) Public safety

See existing policies and procedures

d) The prevention of public nuisance

See existing policies and procedures

e) The protection of children from harm

See existing policies and procedures

Continued from previous page...

## Section 19 of 19

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

### DECLARATION

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"



Continued from previous page...

\* Full name

Emma Stranks

\* Capacity

Solicitor

\* Date

03

/

09

/

2015

ddmmyyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/oxford/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

☐



**From:** angelajenkins75 [REDACTED]  
**Posted At:** 28 September 2015 15:27  
**Posted To:** [licensing@oxford.gov.uk](mailto:licensing@oxford.gov.uk)  
**Conversation:** Co-op selling alcohol  
**Subject:** Co-op selling alcohol

Dear Sir/Madam

My name is Angela Jenkins and I live above the shops on Atkyns Road.

I believe it's wanting to sell alcohol which I strongly disagree with.

We have problems at Wood Farm shops with anti-social behaviour with the young children. Keeping the shop opening later I think will cause more problems .

I live directly above the Co-op and believe this will cause a lot more noise with children hanging around the shops late night and drinking.

I am a Nursery Teacher and I go to bed early and get up early so this will cause problems and with the door opening and closing at night in winter continuously bangs all the time.

I'm hoping this can be sorted.

Kind regards

Mrs Angela Jenkins  
Sent from my Samsung Galaxy smartphone.

