

Agenda

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Licensing & Gambling Acts Casework Sub-Committee

Date: **Monday 3 July 2017**

Time: **5.30 pm**

Place: **Council Chamber, Town Hall**

For any further information please contact:

Catherine Phythian, Committee and Member Services Officer

Telephone: 01865 252402

Email: cphythian@oxford.gov.uk

Membership

Councillor Mark Lygo

Councillor Chewe Munkonge

Councillor Elizabeth Wade

AGENDA

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To: Licensing and Gambling Acts Sub-Committee
Date: 3rd July 2017
Report of: Head of Community Services
Title of Report: Mr Wahidul Islam – Application for a New Premises Licence – Temptations, 264 Cowley Road, Oxford, OX4 1UH
Application Ref: 17/01557/PREM

Summary and recommendations	
Purpose of report:	To inform the determination of new premises licence application to Temptations, 264 Cowley Road, Oxford, OX4 1UH
Corporate Priority:	A vibrant and sustainable economy
Recommendation(s):	That the Licensing and Gambling Acts Sub-Committee resolves to:
	1. determine Mr Wahidul Islam’s application taking into account the details in this report and any representations made at this Sub-Committee meeting.

Appendices	
Appendix 1	Application for a New Premises Licence
Appendix 2	Confirmation of activities to be removed
Appendix 3	Representation from Responsible Authority
Appendix 4	Representations from Interested Parties
Appendix 5	Location Map

Introduction and background

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 Premises Licence to Mr Islam.

Application Summary

- An application for a New Premises Licence has been submitted by Mr Wahidul Islam. A summary of the licensable activities applied for and the time proposed for these activities can be found detailed below:

Supply of Alcohol (On and Off Sales)

Monday to Thursday 12:00 (noon) until 00:00 (midnight)
 Friday to Sunday 12:00 (noon) until 01:00 hours

Films, Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance, Similar Entertainment to Music or Dance (Both Indoors and Outdoors):

Monday to Thursday 12:00 (noon) until 00:00 (midnight)
 Friday to Sunday 12:00 (noon) until 01:00 hours

Late Night Refreshment (Both Indoors and Outdoors):

Monday to Thursday 23:00 until 00:00 (midnight)
 Friday to Sunday 23:00 until 01:00 hours

Non-Standard Timings for All Licensable Activities:

On New Years' Eve from 12:00 (noon) until 02:00 hours

- 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**.
- During the consultation period and following correspondents with Environmental Health the applicant has decided to remove the licensable activities of Live Music, Performances of Dance and Similar Entertainment from the application. Confirmation of this can be found at **Appendix Two**.

Relevant Representations

- Valid representations have been received from 2 Responsible Authorities as detailed in the table below. Copy of the representation is attached at **Appendix Three**.

Responsible Authority	Response	Licensing Objective(s)
Thames Valley Police	Objection	Crime and Disorder, Public Nuisance
Fire and Rescue Service		
Environmental Health	Objection	Public Nuisance
Health and Safety		
Planning		

Trading Standards	No objections	
Child Safeguarding		
Licensing Authority		
The Home Office		

6. In response the representation received by Thames Valley Police the applicant has responded with further details of his business plan and this can be found at **Appendix Four**.
7. Valid representations have been received from an Interested Party as detailed in the table below. Copies of these representations are attached at **Appendix Five**.

Name	Address	Licensing Objective(s)
Ms Katherine Miles	123 Bullingdon Road	Public Nuisance, Crime and Disorder
Mr Muhammed Younas Khan	262 Cowley Road	Public Nuisance and Public Safety
Mr Tom Knollys	Divinity Road Area Residents Association	Public Nuisance, Crime and Disorder

Location

8. A map is attached at **Appendix Six** 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

9. 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
Cumulative Impact	3.1.1 to 3.2.5	GN19
Public Nuisance	7.3.1 to 7.3.10	LA2 to LA4
Crime and Disorder:	8.3.1	OS7

10. A copy of the Statement of Licensing Policy may be obtained from the Council Offices or found online at:
https://www.oxford.gov.uk/downloads/file/1303/statement_of_licensing_policy

Home Office Statutory Guidance

11. 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 Paragraph
Crime and Disorder	2.1 to 2.6
Public Nuisance	2.15 to 2.21
Cumulative Impact	14.30 to 14.39

12. A copy of the Home Office Statutory Guidance may be found online at:
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Cumulative Impact

13. Oxford City Council has adopted Special Saturation Policies in respect of the City Centre and East Oxford as detailed within the Statement of Licensing Policy.
14. The Special Saturation Policies were introduced following evidence brought by Thames Valley Police on the grounds of the cumulative impact of premises licensed for the sale of alcohol on the licensing objectives of preventing crime and disorder and preventing public nuisance within the defined areas.
15. The effect of adopting Special Saturation Policies is to create a rebuttable presumption that applications for new Premises Licences or Club Premises Certificates or material variations to these will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add significantly to the cumulative impact already being experienced on the licensing objectives of preventing crime and disorder and preventing public nuisance.

Other Relevant Considerations

16. 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.
17. 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.
18. 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.
19. 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.
20. 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.

21. 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.
22. 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.
23. Members should note that the applicant or persons making representations have the right of appeal against the decision made by the Sub-Committee.

Report author	Emma Thompson
Job title	Licensing Compliance Officer
Service area or department	General Licensing – Community Services
Telephone	01865 252565
e-mail	licensing@oxford.gov.uk

Please note in the table below the version number of your report that was finally cleared at each stage

Report Stage	Version Number
First Draft: <i>Cleared by Manager</i>	
Second Draft: <i>Cleared by Legal</i>	

17/01557/PREM
NEW PREMISES

TEMPTATIONS
264 COWLEY ROAD

Application for a premises licence to be granted
under the Licensing Act 2003

Date rec'd: 25/04/17

PLEASE READ THE FOLLOWING INSTRUCTIONS

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/we Wahidul Islam
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Temptations Dessert Parlours 264 Cowley Road			
Post town	Oxford	Postcode	OX4 1UH

The Licensing Authority
Oxford City Council
25 APR 2017

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 13500-00 pa

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- c) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below).

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities: or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <i>Islam</i>		First names <i>Wahidul</i>			
Date of birth		I am 18 years old or over	<input checked="" type="checkbox"/> Please tick yes		
Nationality					
Current residential address of premises					
Post town					
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	06	2017

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Dessert parlours offering ice cream, gelato, sorbet, frozen yoghurt, hot drinks, cakes, etc..

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)



Supply of alcohol (if ticking yes, fill in box J)



In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
			State any seasonal variations for the exhibition of films (please read guidance note 5)	
Tue				
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)	
Wed				
Thur				
Fri				
Sat				
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>	
				Outdoors	<input type="checkbox"/>	
Day	Start	Finish	Both			<input checked="" type="checkbox"/>
Mon	12-00		Please give further details here (please read guidance note 4)			
		00-00				
Tue	12-00					
		00-00				
Wed	12-00		State any seasonal variations for the performance of live music (please read guidance note 5)			
		00-00				
Thur	12-00					
		00-00				
Fri	12-00		Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)			
		01-00				
Sat	12-00		Until 02.00h the morning following New Year's Eve.			
		01-00				
Sun	12-00					
		01-00				

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon	12.00		Please give further details here (please read guidance note 4)		
		00.00			
Tue	12.00				
		00.00			
Wed	12.00		State any seasonal variations for the playing of recorded music (please read guidance note 5)		
		00.00			
Thur	12.00				
		00.00			
Fri	12.00		Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
		01.00			
Sat	12.00		Until 02.00h the morning following New Year's Eve		
		01.00			
Sun	12.00				
		01.00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon	12.00	00.00	Please give further details here (please read guidance note 4)		
Tue	12.00	00.00			
Wed	12.00	00.00	State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur	12.00	00.00			
Fri	12.00	01.00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6) Until 02.00h the morning following New Year's Eve.		
Sat	12.00	01.00			
Sun	12.00	01.00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon	12.00			Outdoors	<input type="checkbox"/>
		00.00		Both	<input checked="" type="checkbox"/>
Tue	12.00		Please give further details here (please read guidance note 4)		
		00.00			
Wed	12.00				
		00.00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Thur	12.00				
		00.00			
Fri	12.00		Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
		01.00			
Sat	12.00				
		01.00	Until 02.00h the morning following New Years Eve.		
Sun	12.00				
		01.00			

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon	12.00	00.00	Please give further details here (please read guidance note 4)		
Tue	12.00	00.00			
Wed	12.00	00.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	12.00	00.00			
Fri	12.00	01.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) Until 02.00h the morning following New Year Eve.		
Sat	12.00	01.00			
Sun	12.00	01.00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption - please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	12.00				
Tue		00.00			
	12.00				
Wed		00.00			
	12.00				
Thur		00.00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thu	12.00		Until 02.00h the morning following New Year's Eve		
		00.00			
Fri	12.00				
Sat		01.00			
	12.00				
Sun		01.00			
	12.00				
		01.00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	Ms Shaheed Mohammed	
Date of birth	[REDACTED]	
Address	[REDACTED]	
Postcode	[REDACTED]	
Personal licence number (if known)	08/00331/PER	
Issuing licensing authority (if known)	Oxford City Council	



K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	12.00	00.00	
Tue	12.00	00.00	
Wed	12.00	00.00	
Thur	12.00	00.00	
Fri	12.00	01.00	
Sat	12.00	01.00	
Sun	12.00	01.00	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

Until 02.00h the morning following New Year's Eve.

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

A 30 minute drinking up time on top of the last permitted sale of alcohol to allow customers to use the toilet facilities and disperse from the premises. Location of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

b) The prevention of crime and disorder

CCTV cameras shall be installed and maintained in consultation with the Police Crime Prevention Office. As a licensee, shall ensure that the CCTV is maintained in working order to the satisfaction of the Police and Local Authorities and be in operation when the premises is open to the public. CCTV recordings shall be retained for a period of 31 days. If CCTV becomes inoperative, the Police and Local Authority shall be informed as soon as practically possible and immediate steps shall be taken to put the equipment back in action. An incident book shall also be kept on the premises in which all incidents of public disorder are recorded.

c) Public safety

As a licence holder, shall have a procedure in place to ensure fire exits are checked regularly and clear from obstruction at all times. Emergency lighting and smoke detectors shall be installed and inspected at appropriate intervals to ensure they are in good working order. All emergency doors shall be maintained effectively with self closing and not held open other than that by an approved device.

d) The prevention of public nuisance

Suitable receptacles will be provided for cigarette litter in the outside area. Notices will be displayed reminding customers to keep the noise level to a minimum and to respect neighbours when leaving the premises.

e) The protection of children from harm

A challenge 25 policy will be employed whereby those who appear to be under the age of 25 and are attempting to purchase alcohol will be asked to provide identification. The ~~only~~ only type of identification that will be accepted is a photo driving licence, passport, PASS (Proof of Age Standards Scheme), or accredited military identification cards. Staff will be trained in this policy and records will be kept.

Checklist:

Please tick to indicate agreement


- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	25-04-2017
Capacity	Applicant

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

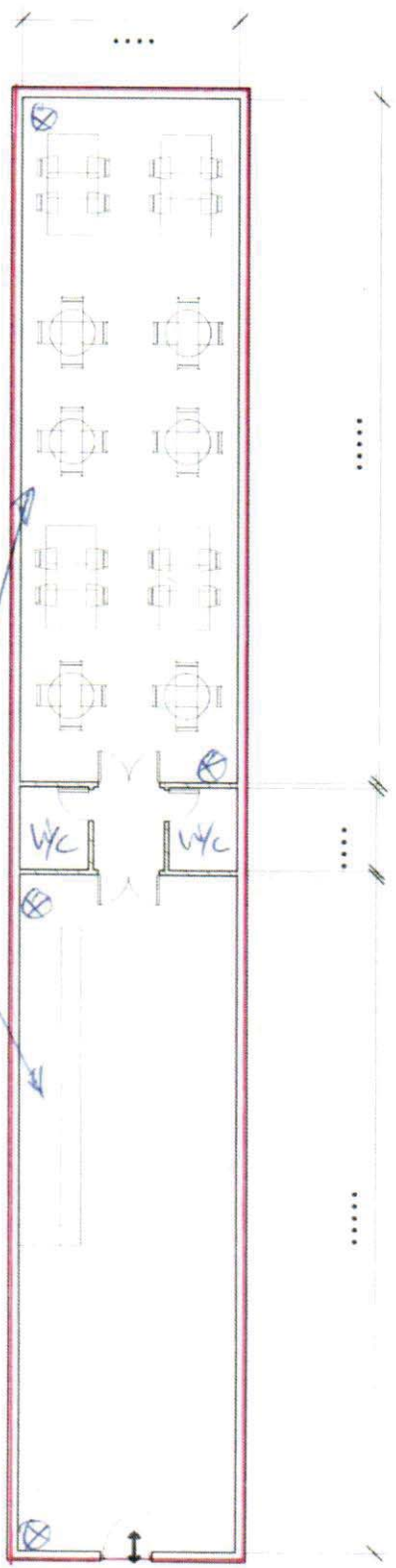
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

- 1 Describe 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.
- 2 In terms of specific regulated entertainments please note that:

X

1:100



Activities to take place

⊗ = fire extinguishes + fire blanket

From: [THOMPSON Emma](#)
To: [THOMPSON Emma](#)
Subject: FW: Wednesday Meeting
Date: 26 May 2017 11:54:08

-----Original Message-----

From: ACREMAN David
Sent: 25 May 2017 07:53
To: Wahidul Islam
Cc: licensing
Subject: RE: Wednesday Meeting

Dear Mr Islam,

Thank you for your email and clarification of the points below. If you wish to remove these activities from your licence application you will need to speak to the licensing team (if you haven't already) who can advise on the procedure for amending the application . As mentioned at our meeting , I do not feel that the venue is suitable for these activities and would have to consider making a representation if they were to remain on the application. As such I welcome your comment that you don't wish to have live music, performance of dance or associated activities at the premises.

Kind Regards

Dave Acreman

-----Original Message-----

From: Wahidul Islam [<mailto:wislam@live.co.uk>]
Sent: 18 May 2017 15:25
To: ACREMAN David
Cc: licensing
Subject: Wednesday Meeting

Dear Mr Acreman,

Thank you for meeting with me at the property on Wednesday.

As explained to Richard (please forward this email to him) we were advised to tick all the boxes on the form by one of the staff from licensing and hence the concerns expressed.

I await the suggested conditions from your colleague but in the interim confirm as follows:

I do not intend to:

1. Have live music
2. Performance of dance
3. Or anything similar to the above

The preferred hours would be up to midnight (Monday to Thursday (happy to include Sunday) and 1am for Friday and Saturday nights, but we would agree to an earlier time if this is required. For New Years eve, we would ask the time to be extended to 2am.

I hope we provided you with the reassurance required and look forward to hearing from you.

Kind regards
Wahidul Islam

From: [GREEN Nabiha](#)
To: [GREEN Nabiha](#)
Subject: FW: Temptations Dessert Parlour, 264 Cowley Road: Premises Application 17/01557/PREM
Date: 22 June 2017 16:16:20

From: ACREMAN David
Sent: 14 June 2017 14:18
To: licensing@oxford.gov.uk
Subject: Temptations Dessert Parlour, 264 Cowley Road: Premises Application 17/01557/PREM

Good Afternoon,

Environmental Health wish to make a representation against this application to uphold the licensing objective of the prevention of public nuisance. It is the opinion of Environmental Health that the premises is not suitable for the provision of Live music, Recorded music, Dance and Similar entertainment to Music or Dance.

In its current state the shop frontage and entrance door are primarily composed of single glazed glass, offering minimal noise attenuation and the premises also lacks a sound lobby to minimise noise breakout.

The applicant has been made aware of Environmental Health's concerns during an inspection of the premises and has agreed to withdraw these activities from the licence application.

Should the applicant agree to remove these activities from the licence application at the Licensing Sub-Committee, Environmental Health will withdraw this representation.

Kind Regards

Dave Acreman

Dave Acreman | Environmental Health Officer| Business Regulation Team| Planning, Sustainable Development & Regulatory Services | Oxford City Council | St Aldate's Chambers | 109 St. Aldate's | Oxford | OX1 1DS |
Website: www.oxford.gov.uk
Email dacreman@oxford.gov.uk
Direct Line : 01865 252435 Mobile 07483010164.

Division/Station : High Wycombe

From : Andy Dean (C2915)
Licensing

To : Licensing Authority
Oxford City Council

Ref :

Date : 8 June 2017

Tel.No. 01865 309 275

Subject :

Representations re; Temptations, Cowley Road, Oxford

With regard to the above;

Mr Islam had made an application for a Premises Licence for the purposes of Live music, recorded music, dance, anything similar and for late night refreshment and sale of alcohol.

Thames Valley Police are objecting to this application on the basis of all the Licensing Objectives.

The application form indicates that his business revolves round the sale of dessert foods and now he wants the sales of alcohol to be added – this is an unusually strange concept. The application asks for the above (1st paragraph) aspects of Licensable activities, also put this together with the submitted plan all indicate that he wishes to extend his Dessert business into a bar with food as secondary. #whilst this venue is comparatively small in capacity it is in a fairly popular location. Thames Valley Police like to have close working relationships with our licensed premises so to ensure ‘Due Dilligence’ and adherence to legislation are paramount. Thames Valley Police like to see and support as far as practical a vibrant , successful night time economy however this must be balanced with the needs of the area and in conjunction consideration must be given to local residents and local businesses.

The area in which this premises are located is within the afforded East Oxford SSP as there is a recognition of a disproportionate levels of crime, disorder and nuisance in the area linked to the numbers of licensed premises and the levels of consumption of alcohol based beverages and the extensive provisions of the NTE in this area.

In talking of balance we are talking about the need of business /profit of a licensed premises and the needs of the overall area – local residents etc. The SSP is not the to manage each premises but to understand and oversee the cumulative impact the large number of licensed premises has on the area and on the four licensing objectives in particular.

With a large residential student presence and also the influx of friends coming to the area, this impact as well on the general residential population also not just visting the area at weekends but now also during the week. The policing of this area is now quite a delicate and sensitive issue and another reason why the SSP is so important to East Oxford and therefore still in being.

Thames Valley Police are concerned with the introduction of another alcohol led premises, this will increase the chances of further Anti Social Behaviour / Crime and Disorder within the area to the detriment of the general public. The application seeks to introduce live & recorded music, Late night refreshment and the sale of alcohol to be served in the premises;-

	Current closing times NO ALCOHOL	Alcohol Sales and other Licensable Activities	Impact on time	
Monday	23.00	00.00	+ 1 hour	
Tuesday	23.00	00.00	+ 1 hour	
Wednesday	23.00	00.00	+ 1 hour	
Thursday	23.00	00.00	+1 hour	
Friday	01.00	01.00	No change	
Saturday	01.00	01.00	No change	
Sunday	00.00	01.00	+ 1 hour	

The application also seeks to extend the licensable activities until 02.00 hours on the morning following New Years Eve – depending on the day of the week this could extend licensable activities by + 2 hours.

The application is for the sale of alcohol both ON and OFF the premises thus increasing the chance of further antisocial behaviour, crime or disorder

It also looks to provide Live and Recorded music and Dance or something similar to both inside and outside the venue – this will increase the aspects of ‘public nuisance’

This application in the view of Thames Valley Police will not only attract more footfall to the area as another late night bar open, it will also in our view further retain persons within the area this having a cumulative impact on public nuisance, crime and disorder or increasing it because of the increase in intoxication within the premises possibly giving rise to arguments should service be refused due to age, intoxication or behaviour.

As this area has no travel hub as does the City this therefore does not aid the dispersal of persons from the area of the SSP thus to help to prevent an exacerbation of issues against the licensing area. As the committee are fully aware there are local buses that assist to remove footfall to other areas such as Blackbird Leys and Cowley centre, Headington or the use of pre booked taxi’s as there is no taxi rank and therefore persons awaiting in queues for public transport could be a spark point for disorder.

In his application I will recognise that Mr Islam has offered a number of conditions that he feels will meet the Licensing Objectives within the SSP – unfortunately for a bar in this area they fall quite short of what would be expected to mitigate the satisfactory level of further impact in the cumulative effect.

There are of course a number of options open to the Panel in deciding this matter and should they be minded to allow the application then Thames Valley Police would be happy to advise on suggested re wording of present conditions offered and the additional conditions deemed necessary to manage this environment.

The basis of the Licensing Acts FOUR objectives are; To PREVENT crime and disorder, to PREVENT public nuisance, to PROTECT public safety and to PROTECT children from harm – these are all at risk should this premises be allowed to serve alcohol, have live & recorded music and dance in the premises – as you will see from the provided plan this appears to all take place in the empty area to the bottom of the plan. Not only is it the responsibility of the Police and other Relevant Authorities but also the Licensing Authority has a responsibility to promote the licensing objectives.

I am minded by the comments of District Judge Patterson in relation to an appeal made against the City Council for an East Oxford premises wishing to extend hours within the SSP when he stated;-

The effect on the area is wider than the immediate vicinity of the premises. It is not necessarily the direct consequences of the application proposal that concern me but the bigger picture in terms of impact on the area. I am satisfied that there are real problems created by longer hours for the sale of alcohol. I have had regard to the Special Saturation Policy which is designed to help limit these problems.

It is therefore in the assessment of Thames Valley Police that this application would significantly increase the time available for consumption of alcohol with a consequent increased risk of crime and disorder, and as such we believe it to be incompatible with the City Councils’ special saturation policy (SSP) resulting in our objection to its grant.

From: [Wahidul Islam](#)
To: [Dean Andy](#)
Cc: [licensing; MASTERS Richard](#)
Subject: Temptations dessert parlour, 264 Cowley Road, Oxford, OX4 1UH
Date: 14 June 2017 14:12:11
Attachments: [Business Concept.pdf](#)
[ATT00001.htm](#)

Dear Mr Dean,

I thank you for email of the 8th June 2017 and I wish to address the concerns that you have raised.

You state that the sale of dessert food and the sale of alcohol is "an unusually strange concept".

This may have been the case in the past but the sale of alcoholic desserts has now become very fashionable both in the United States, this Country and Europe.

I attach herewith a summary of the products which we wish to serve and it is these products which we wish to specialise in. I know no other business in Oxford that is doing what we are planning to do. I will be setting a new trend and fashion for Oxford and I wish to open as soon as possible as no doubt other businesses in Oxford will be attempting to do the same. Though the concept has now become popular and widespread, we will be unique in introducing this concept to Oxford.

I can confirm that food will not be secondary as indicated in your email, but desserts will be the core of the business.

The recent closure of licensed premises such as Bar Baby, which was a club and Aziz Restaurant other licenced premises within a very close proximity and if anything else in the locality there is an overall reduction in the sale of alcohol in the area. Our pricing structure will be high and not just a cut price alcohol shop. If that is what people want they can get it from Co-Op and off-license. Therefore, it is unlikely people would get drunk at our premises, but enjoy a measured amount of alcohol.

I wish to stress that we will not be a bar like Bar Baby nor Aziz Restaurant.

I hope that I have satisfied your query on this point.

I wish to clarify some further matters. I have made it clear previously that I do not now wish to introduce live music, Performance of dance or anything similar to this and this part of my application should be treated as withdrawn. Likewise I will also like to withdraw my application for

the sale of alcohol for consumption OFF the premises.

As for the question of opening hours I am content to allow this matter to be determined by the Licencing Committee and to leave this to their discretion.

I trust that I have addressed all your concerns and I have forwarded copy of this email to the Licencing team at the Oxford City Council.

If there are any other matters you would like me to elaborate on please contact me as I wish to cooperate with you in this matter.

Kind Regards

Wahidul Islam

Inspiration

The adult milkshakes, nicknamed Shaketails, are a huge hit. The shakes come with a quirky mix of ingredients, such as The Evil Empire, which is made with vanilla bean vodka, coffee liqueur and vanilla ice cream.

Faith Alice Sleeper, owner of Crunkcakes in Washington, D.C., has developed a business entirely based on alcoholic cupcakes.

“Alcohol desserts are really a growing industry right now. I mean, why not? Who doesn’t love alcohol and sweets?”

Crunkcakes makes alcoholic cupcakes for events, and even baked a special batch for Katy Perry when she performed at the Verizon Center in D.C. and requested other local food items for her dressing room.

Sleeper’s most popular cupcake is made with Guinness chocolate cake infused with Jameson and topped with Bailey’s buttercream.

Summary

Alcohol is the latest ingredient being added to the dessert mix, and it's not just for flavoring. Pairing anything that have similar characteristics is what works very well, for example desserts with bourbon, caramel and sea salt. The customers will be surprised and delighted when they discover alcoholic milkshakes and it’s different, putting liquor in a milkshake, especially vodka. Milkshakes are not the only adult treat making themselves known in the dessert world. Alcohol in cakes, cupcakes and tiramisu are also gaining popularity in many cosmopolitan cities.

Adapting traditional desserts into alcoholic treats is a trend that is catching on. Therefore, we are looking to offer customers something different on Cowley Road, by incorporating alcoholic desserts and drinks into the menu to drive new patrons to our business.

Many people love alcohol. And we all love dessert. Why should we have to choose between them? Sometimes a second bottle of wine might seem a bit too much, but a cheeky tippie in dessert form is just good common sense. From warm, rum-soaked sponge dessert, to cooling gin and tonic sorbet desserts, via a liqueur-drenched milkshake.

Here are a few frozen treats we wish to add that will provide fun, light flavors and are a great way to beat the heat. Their versatility allows them to be as simple or complex as one wants it to be, with base recipes that will allow creativity to shine through. Alcoholic popsicles, milkshakes, floats, and slushies are fun alternatives to traditional cocktails, making them profitable additions to any drink menu.

Examples

1. Boozy Popsicles

These adult-only desserts are inspired by flavors from their alcohol-free counterparts and traditional menu items. “Poptails” come in traditional fruit flavors like strawberry, watermelon, and peach, and favorites like margarita, Bloody Mary, cosmopolitan, and mojito. It is important to only include 20% liquor in the mix, or the popsicle won’t freeze all the way through. For a more upscale presentation, they can be served by submerging in prosecco or champagne.

2. Cocktail Milkshakes

These frosty cocktails have been popular for years. Like alcoholic popsicles, adult milkshakes are inspired by flavors from non-alcoholic favorites like vanilla, chocolate, s’more, and peanut butter cup.

These milkshakes are typically made with liquor, vanilla ice cream, flavored liqueurs, and dessert ingredients, like caramel sauce, chocolate syrup, and fruit. Liqueurs, like coffee, hazelnut, and chocolate, provide a strong flavor that’s balanced by the other ingredients.

3. Beer Floats

Beer Floats are just what they sound like: beer served with scoops of ice cream inside! Fruity beers like lambics and Belgian-style witbiers are great with vanilla ice cream. Meanwhile, heavier beers like stouts and porters are a little more versatile and can be served with any flavor ice cream, though the most popular are vanilla and chocolate. These floats can be garnished or flavored with any extra sauces, liqueurs, or fruits, but many don’t need it. Beer floats are a simpler alternative to the cocktail milkshake since they only require two ingredients.

4. Hard Slushies

Hard slushies are light alternatives to some of the heavier frozen drink options. The mixture is similar to popsicles, but don’t need to freeze them completely. This allows a alcohol content without sacrificing the desired texture.

To avoid watering down the final mixture, frozen fruit can be used instead of shaved or cubed ice. Hard slushies can even be made without artificial sweeteners, so they are easily adapted for health-conscious customers.

Other

In addition there will be a selection of popular non-alcoholic desserts, cakes and ice creams. However, we wish to serve a small selection bottle beers, spirits, liquors and only house red and white wines to accompany with snacks, cakes, etc. We shall not be serving draught beer. We shall be serving hot drinks, soft drinks, smoothies and fresh fruit juices in a relaxed atmosphere.

From: [planning](#)
To: [licensing](#)
Subject: Comments for Licensing Application 17/01557/PREM
Date: 11 May 2017 22:26:22

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 10:26 PM on 11 May 2017 from Ms Katherine Miles.

Application Summary

Address: 264 Cowley Road Oxford Oxfordshire OX4 1UH

Proposal: Premises Licence

Case Officer: Richard Masters

[Click for further information](#)

Customer Details

Name:

Email:

Address:



Comments Details

Commenter Type: Neighbours

Stance: Customer objects to the Licensing Application

Reasons for comment:
- Crime and Disorder
- Other objection
- Public Nuisance

Comments: 10:26 PM on 11 May 2017 The noise from licensed premises on the Cowley road is already a problem for Bullingdon road residents. Broken glass and illegal parking of people using the bars on the cowley road as it intersects with Bullingdon road is further an issue. As such, another licensed premise with loud music, smokers standing outside, serving alcohol will further serve to exacerbate the existing problem. Families with children such as ours live in the neighbouring streets, including Bullingdon Road, and it will further disturb sleeping children who are already negatively impacted by the existing noise levels after 9pm at night. I therefore object as a neighbour to the proposal.

Thank you for your email. The planning service is dealing with an exceptionally high workload at present and priority is being given to dealing with planning applications, pre-application advice and related queries and correspondence. If your email relates to a current application or pre-application enquiry, please be assured that these are being dealt with in order of receipt. We will endeavour to respond to your email within 5 working days. If your email does not relate to any of the above, please have a look on our website www.oxford.gov.uk for self-service or visit the planning portal.

From: [planning](#)
To: [licensing](#)
Subject: Comments for Licensing Application 17/01557/PREM
Date: 18 May 2017 13:38:42

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 1:38 PM on 18 May 2017 from Mr muhammed younas khan.

Application Summary

Address: 264 Cowley Road Oxford Oxfordshire OX4 1UH
Proposal: Premises Licence
Case Officer: Richard Masters
[Click for further information](#)

Customer Details

Name:
Email:
Address:



Comments Details

Commenter Type: Neighbours

Stance: Customer objects to the Licensing Application

Reasons for comment:

- Crime and Disorder
- Fire Precautions required
- Other objection
- Protection of Children from Harm
- Public Nuisance
- Public Safety

Comments: 1:38 PM on 18 May 2017 This stretch of road has too many licenced premises with all the problems that causes too.
The premises does not have a rear fire exit due to being overdeveloped thus to be storing and serving alcohol is very dangerous for all.
There are residential flats above the row of shops and the premises will be creating a fire hazard and a public nuisance when inebriated people leave the premises

Thank you for your email. The planning service is dealing with an exceptionally high workload at present and priority is being given to dealing with planning applications, pre-application advice and related queries and correspondence. If your email relates to a current application or pre-application enquiry, please be assured that these are being dealt with in order of receipt. We will endeavour to respond to your email within 5 working days. If you email does not relate to any of the above, please have a look on our website www.oxford.gov.uk for self-service or vist the planning portal.

From: [REDACTED]
To: [licensing](#)
Subject: 17/01557/PREM | Premises Licence | | 264 Cowley Road Oxford Oxfordshire OX4 1UH
Date: 13 June 2017 22:54:05

The Divinity Road Area Residents Association has the following concerns regarding the above application:

The application seeks to permit live and recorded music and dance to take place both inside and outside. It is not clear what the nature of the outside area is (it does not appear to be shown on the attached plan) but all these activities at any time would create a nuisance and especially so at the hours covered by the licence application.

Section H does not specify what activity is intended.

There is a very real problem with anti-social behaviour in the DRARA and other residential areas along the Cowley Road and an increase in any establishments serving alcohol late in the evening and into the night is a cause of considerable concern for local residents.

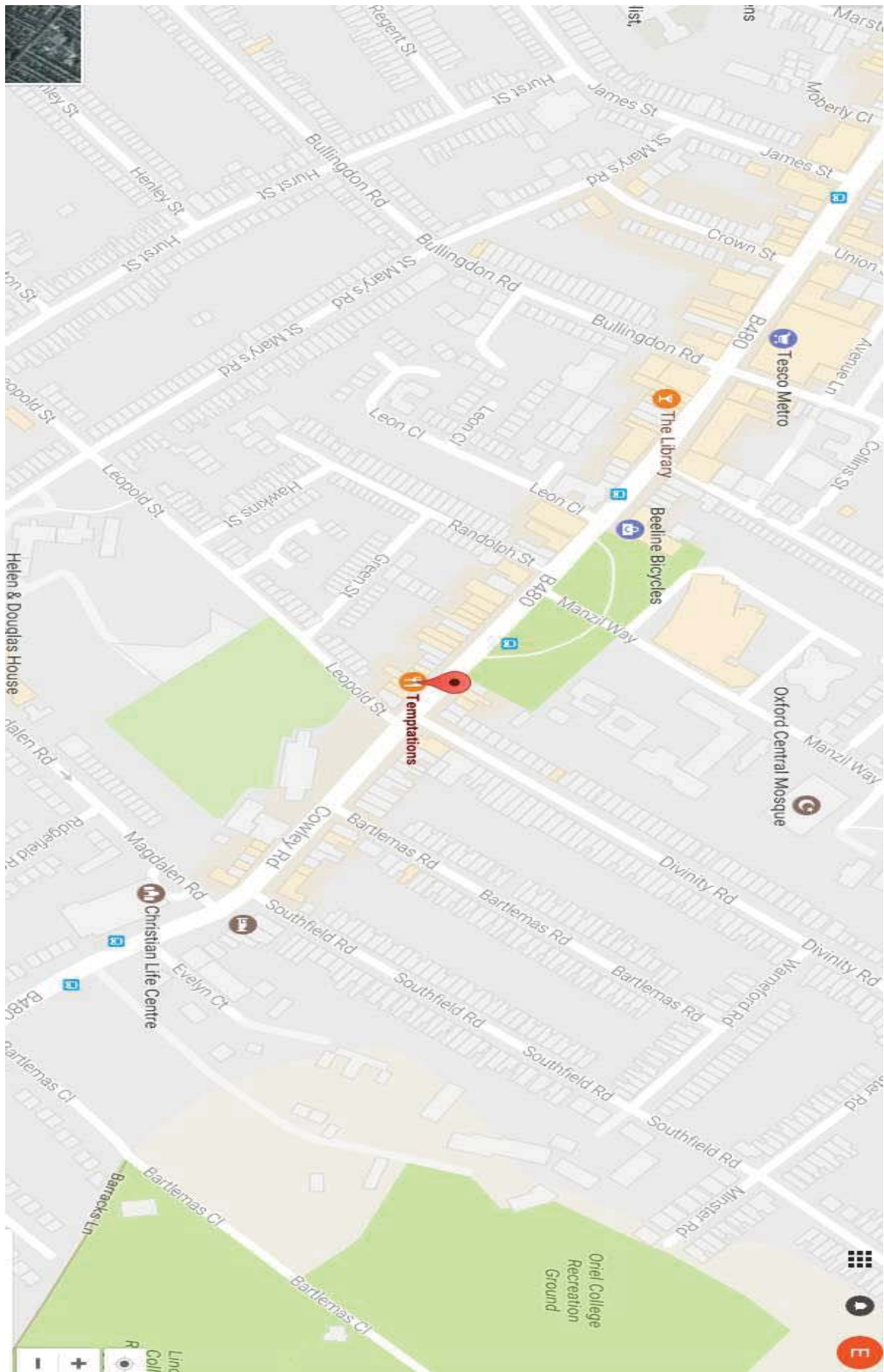
There is a lack of information as to what efforts if any will be made to minimise further antisocial behaviour, though ultimately premises are limited in what they can do to prevent disturbances after customers depart.

For these reasons DRARA objects to the current application and hopes that it will be refused.

With best wishes

Tom Knollys
On behalf of Divinity Road Area Residents Association

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