

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: **16th November 2015**

Place: **Town Hall, Oxford**

Case No: **15/04202/PREM**

Applicant: **Mr Imran Bashir**

Premises: **Express Pizza & Desi Grill**

Premises address: **244 Cowley Road, Oxford, OX4 1UH**

Licensing Sub-committee Councillors: **Van Coulter (Chair), James Fry, Mike Gotch**

Legal Advisor: **Daniel Smith**

Licensing Officer: **Julian Alison**

Clerk: **Richard Masters**

The Sub-committee heard representations from the following:-

Licensing Authority: Julian Alison (Licensing Team Leader)

Mr Alison presented the Licensing Authority's report and indicated that he believed an agreement had been reached between the Applicant and the sole objector, Thames Valley Police.

Applicant: Mr Imran Bashir, Winston Brown (solicitor)

Mr Brown confirmed that, following a useful conversation with Alex Bloomfield, the Licensing Officer at Thames Valley Police, the hours sought for Late Night Refreshment will be reduced to 23.00 hours to 03.00 hours 7 days a week and a number of conditions suggested by Thames Valley Police would be voluntarily adopted by the applicant and added to the Premises Licence if granted.

A condition related to the requirement for Security Industry Authority door supervisors suggested by Thames Valley Police would be amended in agreement with all parties so that the applicant could conduct a risk assessment to ascertain if security was necessary for the premises.

Mr Brown stated that he realised the premises fell within Oxford City Council's Special Saturation zone and that East Oxford did have general problems regarding crime and disorder and anti-social behaviour. However, there was no specific evidence to suggest that this premises would be a cause for concern.

Mr Brown said that his client had 12 years' experience in the catering business as a manager of several successful establishments including one in close proximity to this premises and that there had been no recorded problems in relation to crime and disorder.

He said that Mr Bashir was a very credible applicant who would adhere to the licensing objections to reward the faith shown in him.

Councillor Coulter asked the applicant what his intentions were regarding his other premises as he queried that if the other premises was to close then the granting of the new licence would not significantly add to the cumulative impact in relation to the Special Saturation Policy (SSP).

Mr Bashir confirmed that the he would indeed vacate the premises which would be returned to the landlord.

Daniel Smith confirmed that the SSP primarily deals with premises that supply alcohol and was not originally aimed at late night refreshment venues although it can still be engaged.

Mr Smith also clarified the position regarding the existing licence which would still be valid unless it was surrendered or revoked. It is possible that the licence could be transferred to a new tenant at a later date.

Responsible Authorities: Alex Bloomfield Thames Valley Police

Mr Bloomfield stated that he was unaware that the applicant had another premises on Cowley Road.

He stated Inspector Patterson had concerns by the number of late night refreshment venues in the vicinity which can be hot spots for crime and disorder and anti-social behaviour.

The owners of these establishments have to deal with the fallout of customers leaving bars and clubs which can be very problematic for them and the Police are concerned that they may not be equipped to handle certain situations especially in relation to the dispersal of patrons.

Mr Bloomfield felt that the applicant's operating schedule lacked any gravitas regarding the prevention of crime and disorder and that Oxford was not a weekend city as it attracted students and the general public to various events in the area every day of the week.

He did state that a discussion had been made with the applicant in which it was agreed that the terminal hour for licensable activity would be reduced to 03.00 hours and a number of conditions would be adopted with a risk assessment to be carried regarding security at the premises. This assessment would have to be completed with the satisfaction of the Licensing Authority and Thames Valley Police.

Councillor Coulter confirmed with Mr Bloomfield that he was indeed content with the proposed revised hours and conditions and Julian Alison clarified with the applicant that the premises would close at 03.00 hours when licensable activity ceased.

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 PP10 (Late Night Refreshment).
2. The Sub-Committee noted the amendment to the application to reduce the hours applied for to 23.00 until 03.00 each day.
3. The Sub-Committee were mindful of the high levels of crime and disorder in the area indicated by the Thames Valley Police representation. The Sub-Committee were pleased with the constructive negotiation between Thames Valley Police and the Applicant to reach an agreed outcome. The Sub-Committee were satisfied that, following the amendments to the application and with the attachment of the appropriate agreed conditions, the licence would not have an adverse effect on the licensing objectives.
4. The Sub-Committee decided that the premises would not significantly add to the cumulative impact within the area.

The Application, as amended, was therefore **GRANTED**.

- For the avoidance of doubt the terminal hour for late night refreshment will be 03.00 hours.
- In the interests of preventing crime and disorder the following conditions will be attached to the premises licence:
 1. Within one month of the commencement of licensable activities a crime & disorder risk assessment will be carried out to assess the need for security personnel at the premises. This assessment must be carried out to the satisfaction of the Licensing Authority and Thames Valley Police.
 2. The Premises Licence holder shall ensure that all staff employed in a security role at the premises shall wear high visibility yellow florescent jackets/ vests which clearly identify them as members of the security staff at all times both inside and outside of the venue whilst working in the capacity of SIA security.
 3. A Premises Daily Register shall be held at the premises. This Register shall be maintained for a rolling minimum period of 12 months, and shall record:
 - The name of the person responsible for the premises on each given day.
 - All calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti-social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident about which the call is made and any actions taken to deal with the call.
 - The name, SIA number, start and finish time of anyone employed in a security role for that day

- Any use of force by SIA registered staff in the effective management of the premises or in ejecting persons from the premises (to include date, time, member of staff involved, reason for force as well as a brief physical description of the person refused)
 - Weekly checks of the CCTV, to ensure it is fully operational and any faults are dealt with including the time of the check and the person that carried it out.
 - Any calls to or visits by Thames Valley Police in relation to any crime and disorder or like related matter.
4. The premises licence holder shall check the Premises Daily Register on a weekly basis ensuring that it is completed and up-to-date, sign the Premises Daily Register each time that it is checked, and make the Premises Daily Register available for inspection by any Authorised Officer throughout the trading hours of the premises.
5. The premises shall implement written policies and procedural statements and/or management action plans. Such documents shall include, but not be limited to, the following:
- CCTV
 - Conditions of Entry
 - Crowd Dispersal
 - Child Sexual Exploitation & Vulnerable Persons
 - Noise
 - Queue Management
 - Security Measures

The above policies and procedural statements shall be “live” documents, subject to amendment following consultation with the Licensing Authority, Environmental Health Department, and Thames Valley Police.

6. The CCTV policy shall incorporate the following basic requirements:
- Be switched on and fully operational when the licensable activities are being carried out.
 - Record for a minimum rolling period of 31 days
 - Have a camera covering any entrance which will provide a facial shot of identification quality.
 - Have a means of copying any footage to another medium as evidence if requested by the Police
 - Have a member of staff working at all times whilst the licence is in operation that is able to operate the system and in particular be able to provide copies of any footage requested by The Police.
7. The policies / procedures referred to at Condition 4 shall be reviewed and amended at any time that the Premises Licence holder deems appropriate, but shall in any case be reviewed following any concerns being raised to the Premises Licence holder by any Authorised Officer. Such reviews when undertaken shall seek the advice of those Responsible Authorities listed at condition 4.
8. The Premises Licence holder shall ensure that all staff employed at the premises are aware and understanding of the policies / procedures referred to at Condition 4 and the content of such policies and procedures and that they carry out their

duties in accordance with them. Any necessary and justifiable deviation from those agreed shall be fully documented within the Premises Daily Register.

9. The Premises Licence holder shall (subject to the Radio link committee accepting their application) operate the "Radio-Link" system of communication during the hours the premises is open to the public, and shall ensure that it is maintained and monitored.

Signed: ***Councillor Van Coulter***

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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