

# **Minutes of a meeting of the Licensing & Gambling Acts Casework Sub- Committee on Wednesday 4 June 2025**

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## **Committee members present:**

Councillor Ottino

Councillor Jupp

Councillor Taylor

## **Officers present for all or part of the meeting:**

Hannah Carmody-Brown, Committee and Member Services Officer

Alison Daly, Legal Advisor

Richard Masters, Senior Licensing Compliance Officer

Joshua Curnow, General Licensing Team Manager

Madhu Singelee, Licensing Compliance Officer

## **Also present:**

Alex Bloomfield, Licensing Officer (Thames Valley Police)

## **56. Election of Chair for the hearings**

Councillor Taylor proposed Councillor Ottino as Chair; Councillor Jupp seconded.  
Councillor Ottino was elected as chair for the duration of this hearing.

## **57. Apologies for absence**

None.

## **58. Declarations of Interest**

None.

## **59. Procedure for the hearing**

The Sub-Committee noted the relevant procedure for the hearing.

## **60. Application for a New Premises Licence – Underground Bar, 29-31 George Street, Oxford, OX1 2AY**

*Yola Kucel, applicant, and Jon Payne, Solicitor, joined the meeting.*

*Alex Bloomfield, Licensing Officer for Thames Valley Police, joined the meeting.*

The Chair welcomed attendees. The Sub-Committee and officers introduced themselves.

The Chair outlined the procedure for the hearing.

The Senior Licensing Compliance Officer presented the case to the Sub-Committee noting the requirement to determine an application submitted by Yola Kucel for a New Premises Licence in respect of Underground Bar, 29-31 George Street, Oxford for the following licensable activities:

### Live Music (provided indoors only):

- Monday to Friday 17:00 hours to 23:00 hours
- Saturday and Sunday 12:00 hours to 23:00 hours

### Recorded Music (indoors only), Sale of alcohol (on sales only):

- Monday to Thursday 12:00 hours to 02:30 hours
- Friday and Saturday 12:00 hours to 03:00 hours
- Sunday 12:00 hours to 02:00 hours

Furthermore, the Sub-Committee understood that the application also requests an additional one hour for all licensable activities on the day before and day of UK bank holidays. These details were enclosed in appendix one.

The Senior Licensing Compliance Officer explained that the application had attracted a representation from Thames Valley Police, as enclosed in appendix two, and from an Interested Party (or other person), as enclosed in appendix three. The Sub-Committee understood that the representations highlighted concerns relating to how the application may fail to promote the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and public safety. The Senior Licensing Compliance Officer also informed members that the application had attracted a comment in support and a comment suggesting additional security measures, as enclosed in appendix four.

The Sub-Committee noted a map detailing the premises and the surrounding area, as enclosed in appendix five.

The Senior Licensing Compliance Officer reminded the Sub-Committee that Oxford City Council had adopted a Special Saturation Policy in respect of the City Centre and East Oxford as detailed within the Statement of Licensing Policy, with the most recent dated from April 2022 which expired in April 2025. The Policy may be reconsidered later, but for the purpose of the meeting, it was confirmed that there is no Special Saturation Policy (SSP) in force.

The Sub-Committee were also reminded of other relevant considerations including:

1. Responsibilities under the Crime and Disorder Act 1998 and the Human Rights Act to consider the fair balance between the interests of the applicant and the rights of local residents; any decision taken must be necessary and proportionate to the objectives being pursued.
2. Any decision taken under the Licensing Act 2003 must be taken with the view to promoting the licensing objectives.
3. 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.
4. The Home Office statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.

The Senior Licensing Compliance Officer summarised by requesting that the Sub-Committee reach one of the following decisions which they feel is 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 were reminded that they may also grant the licence subject to different conditions for different parts of the premises or the different licensable activities, and that the applicant or persons making representations will have the right of appeal against the decision made.

The Chair invited questions from the Sub-Committee relating to the report.

The Chair asked when the previous licence ceased, and when it was last used, to which the Senior Licensing Compliance Officer explained that one had been granted in 2022 however Ms. Kucel did not take on board the premises. The licence was therefore last used in 2021. The Chair also queried the hours to which other local licensed premises remain open to; the Senior Licensing Compliance Officer outlined several examples including Wig and Pen and O'Neill's.

Mr. Payne thanked the Sub-Committee for the report and raised no questions on the report.

The Chair invited the Ms. Kucel to make any representations to the Sub-Committee.

Mr. Payne explained that his representation would focus on the legal components of the matter, and Ms. Kucel would outline her personal plans and ambitions. Mr. Payne requested that the Sub-Committee appreciate what is being planned and recognise it as different to anything currently on George Street.

Ms. Kucel expressed that her application represents genuine intentions to offer a safe venue for live music to mirror the deep enjoyment of socialising through live music that she had experienced in Oxford since her early twenties. The Sub-Committee heard of her passion for live music and her sadness that many venues have now disappeared; examples were provided. Ms. Kucel outlined the mental wellness benefits of the social inclusion that can come from involvement in the live music industry and her regret that a similar offer is not available to young adults currently. It was emphasised that there is a gap in the local area for providing alternative and creative experiences in a safe and controlled environment which is not addressed by the domination of chain bars and clubs. Ms. Kucel noted her history as a licensee for over twenty years, in which time she has adhered to and enforce all required licensing objectives and has experience no issues with responsible authorities. The Sub-Committee heard that as a professional licensee, she takes care of her customers and the general public. An anecdotal example was provided. Ms. Kucel summarised her wish to open a bar in order to offer the local community an inclusive and different environment for enjoying music and socialising in a manner which is regulated, and open later than existing nightlife options. She expressed hope that this would help diversify Oxford's night life whilst also enabling her business to safely manage staggered customer flows with considerate dispersal methods and avoidance of street drinking. By closing at 3AM, Ms. Kucel also believed that her premises could be well managed to ensure a reduction in noise complaints and pressures on public transport. The Sub-Committee understood the intention to create a destination venue focused on metal music in order to support grass roots, alternative, and independent artists whilst maintaining a responsible style of night life.

Mr. Payne re-iterated that the venue is not drinking focused and instead intends to redress some of the balance recently lost in Oxford around the number of live music venues. The Sub-Committee were directed to the additional submission provided for offering an insight into the venue's plans. Mr. Payne explained that although currently

empty and in a state of decline, Ms. Kucel intends to address the deterioration and bring the premises back into use, something which would also benefit the hotel above. The Sub-Committee understood plans to remove the dance floor and DJ area, as pictured, to create a performance area which would reduce the floor space capacity of the venue. In respect of promoting the licensing objectives, Mr. Payne noted that the application presented is comprehensive, however the Sub-Committee should also consider that contractual arrangements and controls managed by Ms. Kucel which will also ensure some control over the enforcement of the licensing objectives, such as agreements with the SIA team and staff. It was explained that penalties within these arrangements would serve as encouragement for staff to adhere to licensing objectives, and the details of these exceed that which is included within the application. Mr. Payne also addressed the objections raised by the hotel and noted these as general to all licenced premises. It was explained that Ms. Kucel has addressed many of these in the operating schedule and has committed to repairing the ceiling of the venue and installing insulation and sound limiters to promote noise reduction. Furthermore, Mr. Payne explained that a SIA team will be employed to control patrons entering and exiting the premises, and to manage queuing outside. It was noted that the style of the venue would not lend itself to the congregation of mass crowds however, guest safety and wellbeing is a priority and will be managed via door staff as required. In summarising, Mr. Payne focused on the passionate nature of Ms. Kucel as a small business owner and emphasised her genuine desire to create a diverse and supportive customer environment to support live music and the local community.

The Chair thanked Ms. Kucel and Mr. Payne for their representations. The Sub-Committee were invited to ask questions.

Councillor Taylor queried how queues would be managed in practice, to which Mr. Payne explained that the capacity of venue and style of the premises would not attract long queues, and it was not expected that the venue would attract the general passer-by. SIA door staff would be present to manage numbers and reject customers if numbers did reach excessive levels; it was reiterated that good management of this would be a contractual obligation.

Councillor Jupp asked what capacity limit the venue would adhere to. Mr Payne anticipated a limit of 200 persons, explaining this would be subject to the requirements of the fire risk assessment. The Sub-Committee were reminded that the fire service had made no representations in objection to this application. Mr. Payne also noted that the venue would likely often operate on levels below its formal capacity limit due to floor space restrictions.

Councillor Jupp focused on the opening times and times of licensable activities stated within the application, commenting that they were identical. Attention was drawn to LH5, LH6 and LH7 within the Licensing Authority's policy and Councillor Jupp requested clarity on the Ms. Kucel's intention for managing shutdown times adequately. Ms. Kucel explained that admission would stop one hour prior to closing to ensure customers did not inundate their venue as the latest open in the area selling alcohol.

Councillor Jupp noted that this was inconsistent with the policy which require alcohol sales to cease before shutting time.

Mr. Payne and Ms. Kucel privately discussed the matter.

Mr. Payne clarified that the application intends to cease alcohol sales ahead of closing and allow customers 15 minutes to finish already purchased drinks before leaving. The Sub-Committee were informed that was a misunderstanding when completing the application form. Ms. Kucel clarified that she wished to apply for a licence which operated on similar times to surrounding clubs and emphasises that last entry would be an hour before closing time.

The Legal Advisor thanked Mr. Payne for the additional clarity and reminded the Sub-Committee that they could apply their own discretion when applying the Licensing Authority's policy to the particular application in this case.

Councillor Jupp, in relation to the narrow pavement outside the venue, questioned the practicality of an outside smoking area, also considering capacity numbers. Ms. Kucel explained that those who ran the venue previously had consulted with the County Council and agreed upon a designated zone for a smoking area which had merged into the bus lane immediately in front of the venue. This ensured that people were contained, and that the pavement was not blocked. Ms. Kucel also provided anecdotal experience of surrounding venue, such as the theatre, with larger capacities blocking the pavement and noted this is something she wishes to avoid so would take appropriate measures. Furthermore, the Sub-Committee were assured that the smoking area would have a capacity limit and be managed by SIA staff. Mr. Payne confirmed that the application from Ms. Kucel reflects her intention to work with the Highways Authority and Council to manage this. The Sub-Committee were also reminded that the Highways Authority had not made representations against this application.

Councillor Jupp noted that the Hotel entrance is very close to the entrance to the venue and asked how, on a physical level, would they ensure that a border between the two were maintained to discourage people congregating. Ms. Kucel noted that she spent a considerable amount of time considering this and explained that a member of SIA staff would be present to mark the border between the two entrances. She had decided not to install a physical barrier out of concern for obstructing the pavement without consent. Mr. Payne clarified that this would also be discussed with the Highways Authority, if necessary, also noting that the Hotel would be benefiting from free door security.

The Chair sought further clarity on the number of SIA door staff that would be present. Mr. Payne explained that the numbers would be assessed based on need at various times and risk assessments would be utilised for this with advice from the door staff company and the police. The Sub-Committee were informed that this would allow the number to remain dynamic and for the venue to react in response to the nature of each

event. The Chair asked how quickly they could react and obtain additional door staff if required. Ms. Kucel explained that there would be two on the front of the venue on Fridays and Saturdays, and there would be a further two inside or floating around the venue. They would all be radio linked, and the two on the front doors would be fitted with body worn cameras. The Sub-Committee were assured that they would assess numbers in the instance of particular events and popularity.

Councillor Taylor asked why only the door staff on the front would be fitted with body worn cameras, and not all door staff to which Ms. Kucel noted that she would happily investigate this possibility. It was explained that cameras on the door staff at the entrance to the venue were intended to respond to issues relating to people on the street who had not yet been registered via ID scan as entering the venue. Mr. Payne further explained that, from his experience, body worn cameras do not often provide advantageous footage in comparison to wide-angled CCTV, especially inside small venues with tightly packed crowds. Councillor Taylor, noting his personal experience, suggested that body worn cameras do however act as a deterrent for negative or aggressive behaviour. The Legal Advisor reminded the Sub-Committee that this could be considered within their deliberation, and they must consider the proportionality of any condition relating to body worn cameras. Mr. Payne informed the Sub-Committee that the venue would display signage noting the presence of CCTV which would also act as a deterrent. Ms. Kucel also detailed the presence of an ID scanning machine which all patrons would be required to adhere to on entrance to the venue.

Councillor Jupp, in relation to the objection from the Hotel manager, quoted from report and raised concern about the venue's fire exit crossing into the hotel's premises. He asked what could be done to stop patrons accessing the hotel. Mr. Payne explained that the venue's emergency exit is situated to the rear and requires people to go through two doors to reach it. He noted that this issue would exist regardless of the nature of activities on the premises and noted that it could be controlled by being fitted with an alarm to alert staff of it opening. The Sub-Committee were also assured that the risk of people walking through this is low as it does not make a natural exit onto the street.

The Chair, in relation to SIA door staff, noted that live band performances would finish at 11PM and asked whether there would be a time following this that more door staff would be added. Ms. Kucel noted that they would not be open every night. Mr. Payne explained that the risk assessment is dynamic, and if more staff were required then the contractual arrangement will need to allow these staff to be pulled in. It was recommended that a strict condition of the number of door staff would not be necessary. The Legal Advisor noted that the application had mentioned a minimum of two SIA being present at all times on page 32. The Legal Advisor recommended the use of dynamic risk assessments and asked how many other staff members would present during opening times. Mr. Payne clarified that Ms. Kucel sought to explain that 2 door staff would be present at all evening times, not all opening times and Ms. Kucel explained that there will always be a personal licence holder present alongside other staff dependent on the event scheduled. The Sub-Committee were assured that either herself, or her partner, would always be present.



When asked, the Licensing Officer (Thames Valley Police) explained that the police's preference around the times of door staff being present would depend on the event scheduled, but did confirm that Friday and Saturday nights would require this to be earlier. The Sub-Committee also understood that the police recommend risk assessments are used to manage door staff number and noted that busy periods are expected from 8-9PM onwards. Mr. Payne confirmed that for the purposes of the licence condition, they would be content to have door staff present on Fridays and Saturdays from 9PM. It was explained that door staff would usually be present from the premises opening time, but it would be preferable if this was not stipulated in a condition.

The Chair commented that most noise could come from the queue and smokers and therefore asked how this would be managed by door staff. Mr. Payne explained that most noise will likely come from usual street activity that would exist otherwise. The Sub-Committee heard that door staff will be briefed to ensure that those causing nuisance outside should be asked to leave, and door scans will prevent people from re-entering. Furthermore, Mr. Payne explained that the unique nature of the premises will hopefully mean that people won't want to be barred so will be encouraged to act positively and modify behaviour as required.

The Chair asked if considerations of noise fell within the matters that the Sub-Committee should be deliberating on. The Senior Licensing Compliance Officer confirmed that this is usually considered by Environmental Health who have raised no objections to this application.

The Licensing Officer (Thames Valley Police) explained that the police are required to consider the cumulative impact of an application and the promotion of licensing conditions. On this occasion, since there is no longer an SSP in place, the cumulative impact carries considerably less weight. The Sub-Committee heard that the police's objections to the application were submitted prior to the decision not to renew the SPP, and their concerns focused on the small area outside of the premises and the history of issues experienced there. The Licensing Officer (Thames Valley Police) agreed with Mr. Payne's explanation of a smoking area previously being positioned within a bus lane but noted that any such area will inevitably attract crime and disorder. The Sub-Committee were urged to consider the controls be taken to manage the venue and the positive reputation of Ms. Kucel in working with the police and historically supporting safe and positive venues. It was confirmed that the police find the operating schedule to be comprehensive; examples were provided. The Sub-Committee understood that the police would like to see more detail on how the outside of the venue will be managed in respect of the smoking area.

The Chair requested that a policy be written about the management of the smoking area. Mr. Payne accepted this.

The Senior Licensing Compliance Officer requested clarity on the conditions for determining capacity to which Mr Payne explained that it would be calculated in



accordance with fire risk assessment and a written copy could be provided to the Licensing Authority.

The Senior Licensing Compliance Officer requested clarity regarding the venue's closing times to which Mr Payne clarified that last admission would be one hour before closing.

The Chair invited closing remarks from Mr. Payne and Ms. Kucel.

Mr. Payne thanked the Sub-Committee for their consideration of the application and expressed his belief that the application is sufficient for actively promoting the licensing objectives. Mr. Payne emphasised the unique nature of the premises within Oxford, noting that it would serve as a role model for how licensed premises should be run and would benefit the George Street area by providing additional door staff and CCTV.

*Mr. Payne, Ms. Kucel, the Senior Licensing Compliance Officer, the General Licensing Team Manager, the Licensing Compliance Officer, the Licensing Officer (Thames Valley Police) and all those sitting in the public gallery left the meeting to allow the Sub-Committee to deliberate.*

The Sub-Committee considered:

- That Ms. Kucel's application was extremely detailed, comprehensive, and well thought out.
- That Ms. Kucel presented well and answered questions extensively with the support of Mr. Payne.
- That the police supported Ms. Kucel's reputation.
- That it would be reasonable to grant the licence with some additional consideration of specific conditions including:
  - Alterations of opening hours to accommodate last admission times, and enough time for ceasing the sale of alcohol before all patrons must have exited the premises. Opening hours could be extended to accommodate this.
  - That the application's request in relation to extension of hours on bank holidays was vague and ambiguous. That it would be best to grant the licence with allowance for one hour of additional opening on the period spanning the eve and early hours of the Bank Holiday to all licensable activities and the opening hours. The Sub-Committee considered public nuisance.
- That all conditions outlined in section 18 of the application should be transposed into the operating schedule as conditions, with modifications relating to ensuring risk assessments occur to monitor door staff levels, additional policy for the

smoking area, and capacity. The Sub-Committee considered the details of these additional conditions.

*Mr. Payne, Ms. Kucel, the Senior Licensing Compliance Officer, the General Licensing Team Manager, the Licensing Compliance Officer, the Licensing Officer (Thames Valley Police) and members in the public gallery rejoined the meeting to hear the Sub-Committee's decision.*

**The Sub-Committee resolved to:**

- **Grant** the licence with modifications attached to the operating schedule as detailed below:
  - Supply of alcohol granted as applied for.
  - Live Music granted as applied for.
  - Recorded music granted as applied for.
  - Opening hours to be extended by half an hour on all days. On Mondays to Thursdays until 03.00AM, on Fridays and Saturdays to 03.30AM, and on Sundays to 02.30AM.
  - Last admission to be one hour before closing time on all days.
- In respect of Bank Holidays, the licence would be granted on the condition that the additional hour requested be extended on the bank holiday itself, and not the evening before. This would be applied to the period spanning the eve and early hours of the Bank Holiday to all licensable activities and the opening hours. The decision was made with consideration for public nuisance.
- All conditions outlined in section 18 of the application be transposed into the operating schedule as conditions, with the following modifications:
  - That a dynamic risk assessment will be conducted to monitor capacity, especially for special events. A minimum of 3 SIA staff to be present on Fridays and Saturdays and the days before bank holidays from 9PM until half an hour after closing.
  - That an additional policy will be written for managing the smoking area, as was verbally agreed by Ms. Kucel during this meeting and recommended by TVP.
  - That capacity will be determined in accordance with Fire Risk Assessment and a copy should be provided to the Licensing Authority.

The Senior Licensing Compliance Officer informed Ms. Kucel and Mr. Payne that a decision notice would be sent and that, upon receiving this, they would have 21 days to appeal the decision made during the hearing via the Magistrates Court.

Ms. Kucel thanked the Sub-Committee for their decision and support.

**The meeting started at 6.00 pm and ended at 8.00 pm**