

To: Licensing & Gambling Acts Casework Sub-Committee

Date: 11th January 2016 **Item No:**

Report of: Head of Community Services

Title of Report: Mr Hong Bo Zhang – Application for a New Premises Licence: Café Orient, 170 Cowley Road, Oxford, OX4 1UE

Application Ref: 15/05266/PREM

Summary and Recommendations

Purpose of report: To inform the determination of Mr Hong Bo Zhang's application for a New Premises Licence for Café Orient, 170 Cowley Road, Oxford, OX4 1UE.

Report Approved by:

Legal: Daniel Smith

Policy Framework: Statement of Licensing Policy

Recommendation(s):

Committee is requested to determine Mr Hong Bo Zhang'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: Representations from Interested Parties

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 Mr Hong Bo Zhang.

Application Summary

- An application for a New Premises Licence has been submitted by Mr Hong Bo Zhang. A summary of the licensable activities applied for and the times proposed for these activities can be found detailed below.

Sale of Alcohol (on sales only):

Sunday - Saturday	12:00 (Noon)	Until	23:00
Christmas Eve	12:00 (Noon)	Until	00:00 (Midnight)
New Year's Eve	12:00 (Noon)	Until	01:00

- 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**.

Relevant Representations

- No representations were received from the Responsible Authorities as detailed in the table below.

Responsible Authority	Response	Licensing Objective(s)
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	-

- Valid representations have been received from various Interested Parties as detailed in the table below. Copies of these representations are attached at **Appendix Two**.

Name	Address	Licensing Objective(s)
Mr David Colbeck (London Place Residents' Association and Neighbourhood Watch)	17 London Place, Oxford	Prevention of Crime & Disorder

Location

- 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

7. 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
Crime and Disorder:	7.3.10 7.5.1 to 7.5.2	LA5 PP1
Cumulative Impact:	3.2.1 to 3.2.5	GN19

8. 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.
9. 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".
10. A copy of the Statement of Licensing Policy may be obtained from the Council Offices or found online at: www.oxford.gov.uk/licensing

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 Paragraphs
Crime and Disorder:	2.1 to 2.5
Cumulative Impact:	13.30 to 13.39

12. 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

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.

Name and contact details of author: Emma Thompson
Licensing Compliance Officer
Community Services
Tel: 01865 252565
Email: ethompson@oxford.gov.uk



Oxford
Application for a premises licence
Licensing Act 2003

For help contact
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 This is the unique reference for this application generated by the system.

Your reference 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? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
 Yes No

Applicant Details

The Licensing Authority
Oxford City Council

15 NOV 2015

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name	<input type="text" value="Cafe Orient"/>
* Street	<input type="text" value="170 Cowley Road"/>
District	<input type="text"/>
* City or town	<input type="text" value="Oxford"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="OX4 1UE"/>
* Country	<input type="text" value="United Kingdom"/>

Agent Details

* First name	<input type="text" value="Sebastien"/>
* Family name	<input type="text" value="Rozard"/>
* E-mail	<input type="text" value="[REDACTED]"/>
Main telephone number	<input type="text" value="02089878988"/>
Other telephone number	<input type="text"/>

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
 A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

* Is your business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
* Registration number	<input type="text" value="4861127"/>	
* Business name	<input type="text" value="Chinese Business Support"/>	
* VAT number	<input type="text" value="GB"/> <input type="text" value="832252747"/>	
* Legal status	<input type="text" value="Private Limited Company"/>	
* Your position in the business	<input type="text" value="Director"/>	
Home country	<input type="text" value="United Kingdom"/>	

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

* Building number or name	<input type="text" value="125"/>
* Street	<input type="text" value="Promenade"/>
District	<input type="text"/>
* City or town	<input type="text" value="Cheltenham"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="GL50 1NW"/>
* Country	<input type="text" value="United Kingdom"/>

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	<input type="text" value="Cafe Orient"/>
Street	<input type="text" value="170 Cowley Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Oxford"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="OX4 1UE"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="19,250"/>

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

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text" value="Cafe Orient"/>
Street	<input type="text" value="170 Cowley Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Oxford"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="OX4 1UE"/>
Country	<input type="text" value="United Kingdom"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text" value="[REDACTED]"/>
Telephone number	<input type="text" value="02089878988"/>
Other telephone number	<input type="text"/>

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.

Continued from previous page...

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

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

Section 13 of 19

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Continued from previous page...

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes

No

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

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

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.

Continued from previous page...

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.

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.

Christmas Eve 12:00 to 00:00
New Years Eve 12:00 to 01:00

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)

Continued from previous page...

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.

None

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

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

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

Christmas Eve 12:00 to 00:00

New Years Eve 12:00 to 01:00

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.

Advice has been sought in relation to this application and the following legislation has been considered:

The Licensing Act 2003 and Regulations, Section 182 Guidance,

Crime and Disorder Act 1998, Health & Safety at Work Act 1974, Anti-Social Behaviour Act 2003, the Clean Neighbourhoods and Environment Act 2005, etc.

The premises licence will be permanently displayed in clear view.

b) The prevention of crime and disorder

1. The installation and maintenance of clear quality closed-circuit television in order to deter disorder, nuisance and anti-social behaviour and crime in general.

The CCTV system serving the premises shall

a) be maintained fully operational and in good working order at all times

b) make and retain clear images that include the points of sale of alcohol and facial images of the purchasers of the alcohol

c) ensure that recordings show an accurate date and time that the recordings were made

d) all images shall be retained for a period of not less than 31 days

e) CCTV recordings shall be made available for viewing by any police officer, community support officer or authorised person upon demand

Continued from previous page...

- f) The original recording, or a copy, shall be provided upon demand to any police officer, community support officer or authorised person
 - g) Copies of recordings shall be provided in a format that can be viewed on readily available equipment without the need for specialist software
2. Alcohol will only be sold to and consumed by persons seated at a table taking a table meal, and ancillary to that meal.
 3. All alcohol will be served at the table by staff
 4. There will be no vertical drinking
 5. No alcohol may be consumed at any bar or service area of the premises with the exception of persons waiting for a table to become vacant

c) Public safety

1. Regular review of general fire precautions to comply with current legislation.
2. Applicant to carry out regular fire risk assessments to identify any risks and precautions to be taken in compliance with current legislation.

d) The prevention of public nuisance

1. The Applicant shall conduct regular risk assessments on noise levels outside the premises.
2. Staff shall implement a litter clearing policy outside the premises as within the definition of "immediately outside".

e) The protection of children from harm

1. All customers attempting to purchase alcohol who appear to be under the age of 21 shall be required to produce a valid form of identification. Acceptable forms of identification are a proof of age card bearing the PASS hologram logo, an EU photo card, full driving licence or a passport.
2. A refusals book shall be kept at the premises in which must record the date, time, and circumstances under which any attempted purchase by a young customer has been refused. This book is to be made available on request to any of the responsible authorities.
3. All serving staff shall receive regular training a minimum of 2 times a year on the prevention of underage sales including challenge 25. Such training shall be kept in a training record book and made available on request to any of the responsible authorities.

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

Band A - No RV to £4300

£100.00

Continued from previous page...

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?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Continued from previous page...

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.

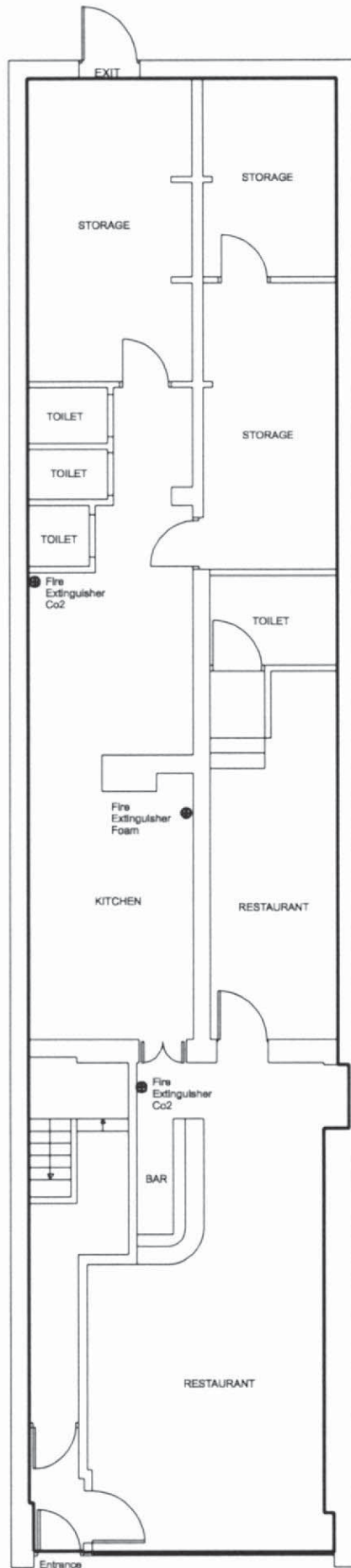
Don't forget to make sure you have all your supporting documentation to hand.

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	<input type="text" value="2861A"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 Next >



Supply of alcohol

Cafe Orient
 170 Cowley Road
 Oxford OX4 1UE

Scale 1:100

From: Neighbourhood Watch London Place - Oxford [REDACTED]
Posted At: 26 November 2015 15:08
Posted To: licensing@oxford.gov.uk
Conversation: 15/05266/prem - 170 Cowley Road
Subject: 15/05266/prem - 170 Cowley Road

Sirs

We understand this is a new application for an additional licensed premises within the established East Oxford SSP.

Although the application in it's self is not unreasonable, it does represent an expansion of the Saturation Policy and as such should be refused.

Any additional alcohol sales within the SSP represents a potential increase of ASB within the area.

Regards

David Colbeck

--

LONDON PLACE RESIDENTS' ASSOCIATION + NEIGHBOURHOOD WATCH

Co-ordinator – David Colbeck, 17 London Place, Oxford OX4 1BD [REDACTED]

