

To: Licensing and Gambling Acts Casework Sub-Committee

Date: 1st September 2020

Report of: Head of Regulatory Services and Community Safety

Title of Report: Mrs Sonia Cortez Mercado – Application for a new Premise Licence – Gores Van, Site 14, Outside Christchurch College, St Aldate’s, Oxford.

Application Ref: 20/02260/PREM

Summary and recommendations	
Purpose of report:	To inform the determination of Mrs Sonia Cortez Mercado’s application for a new Premises Licence.
Corporate Priority:	A vibrant and sustainable economy
Recommendation(s): That the Licensing and Gambling Acts Casework Sub-Committee resolves to:	
1. Determine Mrs Sonia Cortez Mercado’s application taking into account the details in this report and any representations made at this Sub-Committee meeting.	

Appendices	
Appendix 1	Application form for a new Premises Licence
Appendix 2	Representation from Responsible Authority
Appendix 3	Location plan

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 new Premises Licence to Mrs Sonia Cortez Mercado

Application Summary

- An application to grant a new Premises Licence has been submitted by Mrs Sonia Cortez Mercado for Gores Van, specializing in Latin–American food, located at street trading site 14 on St Aldate’s. A summary of the licensable activity applied for and the time proposed for this activity can be found detailed below:

Late Night Refreshment (Outdoors Only):

Sunday to Saturday 23:00 until 03:00

- 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**.
- Prior to the formal submission of the application, the Applicant engaged with the Licensing Authority and Thames Valley Police in pre-application discussions.
- These discussions aimed to ensure that any timings applied for and any volunteered conditions on any subsequent application would be agreed to the satisfaction of all parties involved to ensure that the licensing objectives would be upheld.
- These discussions ultimately did not conclude with a mutually agreed proposal and a new application was served that, although containing a number of conditions proposed by the Responsible Authorities in the Applicant’s operating schedule to promote the licensing objectives, did not fully address the concerns previously raised.

Relevant Representations

- A valid representation has been received from a Responsible Authority as detailed in the table below. A Copy of this representation is attached at **Appendix Two**, which includes the original conditions requested by Thames Valley Police during the pre-application discussions.

Responsible Authority	Response	Licensing Objective(s)
Thames Valley Police	Objection	Crime and Disorder
Fire and 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	

- No valid representations have been received from Interested Parties during the consultation period.

Location

9. A map is attached at **Appendix Three** showing the general location of the applicant's premises.

Statement of Licensing Policy

10. 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	Section	Policy
Cumulative Impact	3.1.1 to 3.1.3	GN17
Special Saturation Policy	3.2.1 to 3.2.5	GN19
Vehicles and Moveable Structures	7.5.13 to 7.5.15	PP7 PP8
Late Night Refreshment	7.5.16 to 7.5.19	PP9 PP10
Crime and Disorder	8.3.1	OS7

11. 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

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

Relevant Sections	Relevant Paragraph
Crime and Disorder	2.1 to 2.6
Cumulative Impact	14.20 to 14.48

13. 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

14. 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.
15. 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.
16. 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 is unlikely to add significantly to the cumulative impact already being experienced on the licensing objectives of preventing crime and disorder and preventing public nuisance.

17. Whilst the Special Saturation Policies may apply to any premises licence application, including for late night refreshment (LNR) only, where there is a likelihood of aggravating crime and disorder problems, their focus when adopted was on new premises applying for the sale of alcohol or existing premises seeking to extend hours for the sale of alcohol.
18. This application does not seek a licence for the sale of alcohol (which Policy PP10 presumes against for LNR premises in any event) and is located on a site where previous late night refreshment licences have been held in recent years (see paragraph 19). These factors will be relevant in deciding at what level the Special Saturation Policy is engaged.

Other Relevant Considerations

19. It is important to inform the Sub-Committee that the site has previously (since 2011) been the location for other Late Night Refreshment vans that have operated until 03:00 / 04:00 hours, and held a Premises Licence. Most recently the site was occupied by Pizza Artisan Van, which held a Premises Licence and consent until March 2018. It is therefore more akin to a change of business at an existing site rather than an additional premises. The licensable hours for Late Night Refreshment were previously:

Friday and Saturday 23:00 until 04:00
Sunday to Thursday 23:00 until 03:00

20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

- 25. 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.
- 26. 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.
- 27. Members should note that the applicant or persons making representations have the right of appeal against the decision made by the Sub-Committee.

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NEW
PREMISES
LICENCE**Application for a premises licence to be granted under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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 Sonia Cortez Mercado

(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			
Site 14, Outside Christchurch College, St Aldates, Oxford, OX1 1DP			
Post town	Oxford	Postcode	OX1 1DP

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 6.000.00

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)

- e) 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 type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Cortez Mercado			First names Sonia		
Date of birth		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

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					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential 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
0	3	072020

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)

Start a new business Of fast food street trading in site 14 (outside Christ Church, St Aldates).
We are going to get a catering trailer were we will sell Latin American fast food like:
Empanadas , Patacones, Arepas and soft drink.

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)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon		.....					
Tue		.....					
Wed					<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur		.....					
Fri		<u>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</u> (please read guidance note 6)					
Sat		.....					
Sun							

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon		.....					
Tue		.....					
Wed					<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur		.....					
Fri					<u>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</u> (please read guidance note 6)		
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			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5) <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)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon		.....	<u>Please give further details here</u> (please read guidance note 4)		
Tue		.....		
Wed		.....	<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur		.....		
Fri		.....	<u>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</u> (please read guidance note 6)		
Sat		.....		
Sun		.....		

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon		.....					
Tue		.....					
Wed					<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur		.....					
Fri					<u>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</u> (please read guidance note 6)		
Sat		.....					
Sun							

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon		.....					
Tue		.....					
Wed					<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur		.....					
Fri		<u>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</u> (please read guidance note 6)					
Sat		.....					
Sun							

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon		<u>Please give further details here</u> (please read guidance note 4)		
Tue		<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed		<u>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</u> (please read guidance note 6)		
Thur					
Fri				
Sat					
Sun				

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	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>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</u> (please read guidance note 6)		
Sun					

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 checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	23:00	3:00	<u>Please give further details here</u> (please read guidance note 4) The activity will do all year.		
Tue	23:00	3:00			
Wed	23:00	3:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) We will not have any seasonal variations		
Thur	23:00	3:00			
Fri	23:00	3:00	<u>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</u> (please read guidance note 6) We will work always at the same time.		
Sat	23:00	3:00			
Sun	23:00	3:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon		.....		
Tue		.....		
Wed		.....		
Thur		.....		
Fri		.....		
Sat		.....		
Sun		.....		
			<u>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</u> (please read guidance note 6)		

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	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

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)

We will have Safety Plan that will cover all four licensing objectives:
The Prevention of Crime and Disorder, Public Safety, The Prevention of Public Nuisance
and The Protection of Children from harm.

All reasonable be taken to ensure that the premises will always have a positive impact upon
the local environment and its residents.

b) The prevention of crime and disorder

1. We will have external lighting on the catering trailer to stop crime, but we will always be careful, so it does not impact our neighbors.
2. We will have a daily register held at the premises. This Register will be maintained for a minimum period of 12 months, and shall record:

The name of the person responsible for the premises on each given day.

All complaints made by a resident or neighbor of noise.

nuisance or anti-social behavior by persons attending or leaving the premises.

This will 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.

3. We will have a register of any crime, disorder or antisocial behavior at or in the area of the premises to include:
 - Date and time
 - Member(s) of staff present
 - Brief description of the incident and that of any parties involved
 - Whether the police were called.
4. A CCTV system will be installed and maintained. The CCTV system will 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 the server and point of sale.
 - Have a means of copying any footage to another medium as evidence if requested by the Police.

M

5. The premises will implement written policies. Such documents will include:

- CCTV
- Safeguarding Children & Vulnerable Adults
- Noise
- Queue Management
- Security Measures
- Zero Tolerance Drugs

From these written policies and operating procedures, the premises we will implement written staff training, ensuring that all staff employed at the premises receive full training on those policies that are relevant to their specific role.

We will sign and date these training records to confirm they have had, fully understand the training, and that they will carry out their duties in accordance with them. These training records will be retained and made available to the Licensing Authority.

6. We will only sell water and fizzy drinks in plastic bottles and cans.
7. The food preparation/kitchen areas will be secured in such a way that the public are not able to access them or any kitchen utensils such as knives etc.
8. We will receive training in conflict management to have the knowledge and confidence to deal with difficult situations and reduce crime and disorder at the premises. A record will be kept of the date and name of the person trained. Records will be available for inspection by the police or licensing authorities.
9. There will be at all times during the operation of the premises a means of contacting the emergency services. we will check it is operating correctly before the start of each day's trade. These checks will be documented in the daily premises register.

We are aware of the relationship between alcohol and antisocial behavior and Long queuing times can cause people to become agitated or aggressive therefore we will have a quick attention method to avoid crowds.

Security reviews should be held regularly and at least every three months.

We are always ready to improve and receive suggestions from the Police

M

c) Public safety

Our primary focus as a food company is providing safe food to customers through strict method to food safety practices through the storage, preparation, cooking and display of all of our food and drink items.

We have Level 2 Food Safety in Catering training and we will continue training in food safety.

We take food allergies and intolerances extremely seriously and as such any of the 14 main allergens will not only be clearly shown on our menu, provided documentation of all ingredients in recipes served, so that they are able to be read and reassure customers through menu.

Our cleaning routines will be done with food safety, hygiene regulations and records it will also be maintained of cleaning performed daily, this includes: cleaning down all surfaces at the end of each shift, washing and disinfect all the cooking equipment. We will also have a daily record of the temperature control in the fridges and freezers.

We will keep our catering trailer up to date on electricity checks.

We have taken preventive measures against fires this will provide suitable fire extinguishers and having an evacuation plan fire:

Fire Blanket.

6ltr Wet Chemical Extinguisher

2 ltr CO2 Fire extinguisher.

I will also have first aid.

d) The prevention of public nuisance

Our objectives:

Avoid public nuisance regarding noise. We will have an energy generator with low decibels. We will have a quick and efficient service to help prevent or build-up large crowds congregate and queue we will have a ticketing system when at a busy time, so the customers may take a ticket and return when called to order and collect food. and we encourage our customers not to make too much noise.

Waste

We will Controlling odor by good management practice including:

- Using sealed waste bins with close fitting lids.
- Using of a recycling container
- Our waste will be managed and disposed of appropriately
- In our areas we will make sure the area is clean and we promise to always leave the garbage to be collected and clean the area every day.

Our catering trailer will have lighting so that it can be seen by other vehicles but always respecting that it does not cause any inconvenience to the residents of the area.

M

e) The protection of children from harm

Safeguarding children is everyone's responsibility. I must ensure responsibility to safeguard children around my premises and for this I will do the following:

Reporting authorities of suspicious activity.

Report suspicious activities and concerns about possible and perpetrators of child sexual exploitation operating in their area to the appropriate authorities.

Call the authorities if we detect that a child is under the effect of alcohol or under the effects of the drugs.

We will always have in our chronogram the telephone numbers of the authorities to report abuse.

What to do if you think a child is at risk of abuse or neglect.

Immediate Danger

If you think a child is in immediate danger, call the police on 999.

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 or my share code issued by the Home Office online right to work checking service (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
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	proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	03/07/2020
Capacity	Owner

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)			



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12th August 2020

To: The Licensing Authority – Oxford City Council

Reference: 20/02260/PREM- Thames Valley Police Objection

On the 16th of July Thames Valley Police (TVP) received an application made under the Licensing Act 2003 by Ms Sonia Cortez Mercado.

This application seeks to introduce a new premises licence for late night refreshment (LNR) to an existing street traders plot (number 14) located outside the gates of Christ Church College on St Aldates Street in the City Centre.

The application requests hours of 23:00 until 03:00 the following morning each day of the week.

Submitted within the application in Section 'M' were a number of steps to promote the four licensing objectives (*promotion of public safety, prevention of crime and disorder, prevention of public nuisance and protection of children from harm*).

Prior to the 16th of July the applicant had approached the Licensing Authority and TVP to enter into pre-application discussions. During these discussion TVP highlighted concerns relating to the fact that the van fell within the Special Saturation Policy area (SSP) and further that given the hours and activity requested a raft of conditions ensuring steps were in place to mitigate some of the inherent issues typical to this class of business would also be needed to promoted the objectives of the act.

However these discussions have not resulted in any mutual ground being agreed upon between the police and applicant. Such are the concerns of the police given the application that was subsequently served that we wish to refer the matter to the sub-committee to decide on behalf of both parties.

As has been mentioned TVP have two main areas of concern regarding the application.

i) Oxford City Centre Special Situation policy area

Firstly that plot 14 falls within the City centre SSP.

The area of the city centre the premises falls within was afforded protected status under the SSP in recognition of the disproportionate levels of crime, disorder and nuisance in the area linked to licensable activities and the extensive provisions of the night time economy (NTE) there.

As the Committee will be aware the saturation policy concerns itself not with the direct management of one licensed premises, but recognises the cumulative detrimental effect on an area from the

provision of licensable activities as whole in that specific geographical location from a group of businesses.

All too often the focus or assumption is the SSP is solely concerned with alcohol sales, however the policy recognises the effect of all licensed businesses including LNR vans.

The impact from the cumulative effect on the public highways of an SSP area are best summarised within the section 182 Home Office guidance on the licensing act:

*14.21 In some areas where the number, type or density of licensed premises, such as those selling alcohol or **providing late night refreshment**, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.*

14.22 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.

14.23 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.

This is an application to grant a new LNR licence within close proximity of the city centre within walking distance of many of the pubs, bars and clubs.

The application also seeks to operate during the main window of times when issues within the NTE are at their peak, in other words when the vast majority of those out in the city have been consuming alcohol for a number of hours, are in varying levels of intoxication and/or might have come into contact with recreational drugs. It is also a peak time when the dispersal will be starting to occur meaning there will high footfalls of the public who will be seeking hot food and transport home.

Whilst it makes absolute business sense to want to operate at this time and this location there has to be a balance struck between profit and consideration to the area the premise chooses to locate within.

The policy seeks to reverse the usual licensing presumption so that no new licences or material variations of existing ones in the area will be granted, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact.

To facilitate such a rebuttal the City Council's statement on licensing policy advises that applicants should address the SSP within the application. Having already mentioned our concerns on the SSP prior to the application being submitted, and having read the application we have not seen anything to suggest that this has been rebutted. However with that in mind we have sought to try and agree lesser hours to seek a degree of mitigation.

However the only concession willing to be made by the applicant was one hour on Sunday, Monday, Tuesday and Wednesday (11pm-2am) and still to persist with Thursday, Friday, Saturday 11pm- 3 am. None of this addressed the concerns we had unfortunately and this concession was not ultimately included within the application either.

[Annex one below contains extracts from the City Council's statement of licensing policy which includes documentation provided by Oxford safer communities partnership outlining the issues in the area and provided the basis for the committee's decision to continue with the SSP.]

ii) Steps directly at the premises to promote a safe and responsible operation

Further to the general issues of the geographical area and focusing now on more convention licensing matters at the premises itself, the second concern TVP had regarding the application were contained within section 'M' (steps to promote the licensing objectives).

The committee will be aware that any premises provided with a grant under the Licensing Act is required to promote at all times the four licensing objectives.

A major consideration for the police in deciding on any new application is section M of the form which is the applicant's opportunity to outline clear and robust operating conditions (over and above legal requirements already stipulated by the act).

Section M also demonstrates the research and knowledge the applicant has sought to understand their obligations, the sorts of challenges they may reasonably expect to face operating that particular class of licensed business and any issues inherent to the area that the business may impact on, or vice versa from the area on the business.

LNR as a licensable activity is as much a concern for policing the NTE as a bar, pub or nightclub as they. As has been seen from the Home Office guidance above these sites can act as hot spots for gatherings of intoxicated members of the public. The City Councils' own statement on licensing also recognises this and that good control measures therefore need to be in place.

7.5.18 Premises engaged in the late night provision of hot food and drink are covered by the 2003 Act to enable appropriate controls to be introduced to reduce the incidence of disorder, disturbance and public nuisance that can arise if these venues become the focus for gatherings of people that have come from other venues and may have been consuming alcohol.

7.5.19 Management of late night refreshment venues needs to be undertaken effectively to assist in preventing crime, disorder, anti-social behaviour and public nuisance.

LNR vans are particular cause for concern to the Police given the exposed vulnerabilities of staff working at them and duty to manage customers who will have been drinking beforehand. The nature of these mobiles vans differs significantly from other LNR venues that utilize an actual retail unit as these vans/trailers do not have the same ability to install good security measures to deter/manage and subsequently provide evidence to a police investigation should there be an issue of disorder or criminality.

However this does not entirely remove the duty for a LNR van/trailer from being able to have certain due diligence steps in place and some crime mitigation.

During the pre-application consultation TVP suggested a raft of conditions that we felt were appropriate to the promotion of the licensing objectives based on what information had been provided. These would not of course circumnavigate the SSP but would go a long way to reassuring the police should we have been able to find a more reasonable hour to trade until.

We fully accept that we will not appreciate every nuance of a specific business model and there may well be some onerous impact from what we have requested. In circumstances like that we try to seek a rewording or other means to accommodate both our concerns and the applicants need to have a viable businesses.

The applicant appears to have been amenable to some of our suggestions as some of what we put forward appears in section M of the final application. However not all the conditions and all the wording were included and we are uncertain as to the rationale behind this reluctance.

This leaves the police with the concern that not all the appropriate steps expected of a LNR van will be in place.

A full list of these condition may be found within annex two of our representation.

There is often an argument put forward to say that hot food is a benefit to reducing alcohol related NTE violence, as the food reduces blood alcohol levels. This may hold some truth but it is reliant on the body absorbing the food which takes time. In reality LNR venues are all too often gatherings for groups of the public who are intoxicated, the result of which is these locations become hotspots for crime, disorder and antisocial behaviour.

At this time the city centre specifically from a policing point of view is in a delicate state. Indeed NTE related violence, crime and disorder are now no longer just the preserve of the weekends as it once, with it being more socially acceptable to go out late night drinking in the NTE. As such issues associated with the NTE are now a seven day a week occurrence.

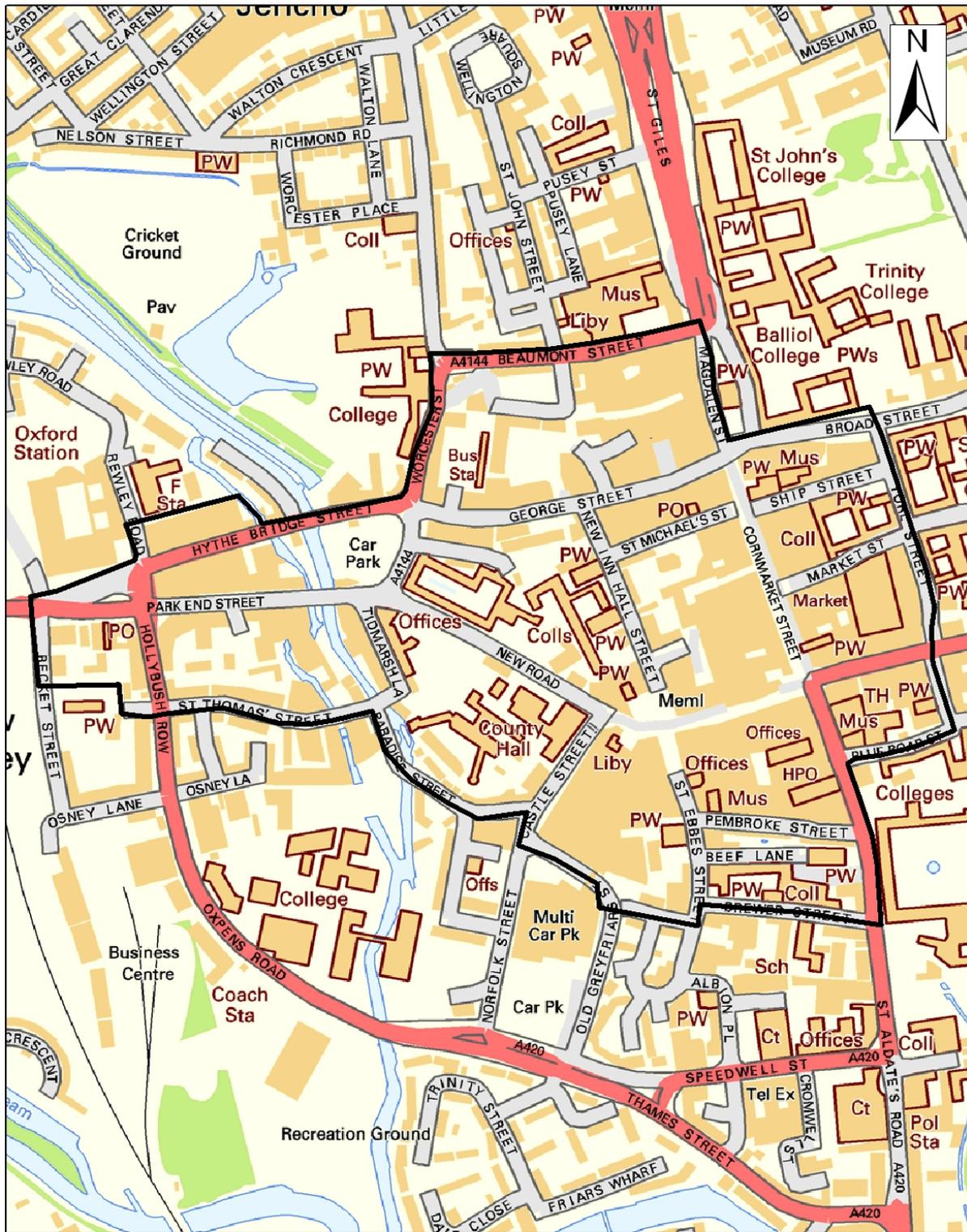
Therefore the continued upholding of the SSP, as well as ensuring that any licensed premises operating in Oxford as whole has appropriate conditions to ensure the licence is fit for purpose are essential.

We believe that the application in its current state undermines both points and having been unable to resolve these differences now must lodge our objection and ask that the licensing subcommittee as the Licensing Authority decide on the matter.

----- End of Report -----

Annex One – City Centre Special Saturation Policy map and supporting data - please see below

Appendix 11 – Central Oxford Special Saturation Policy Area



Licensing Act 2003

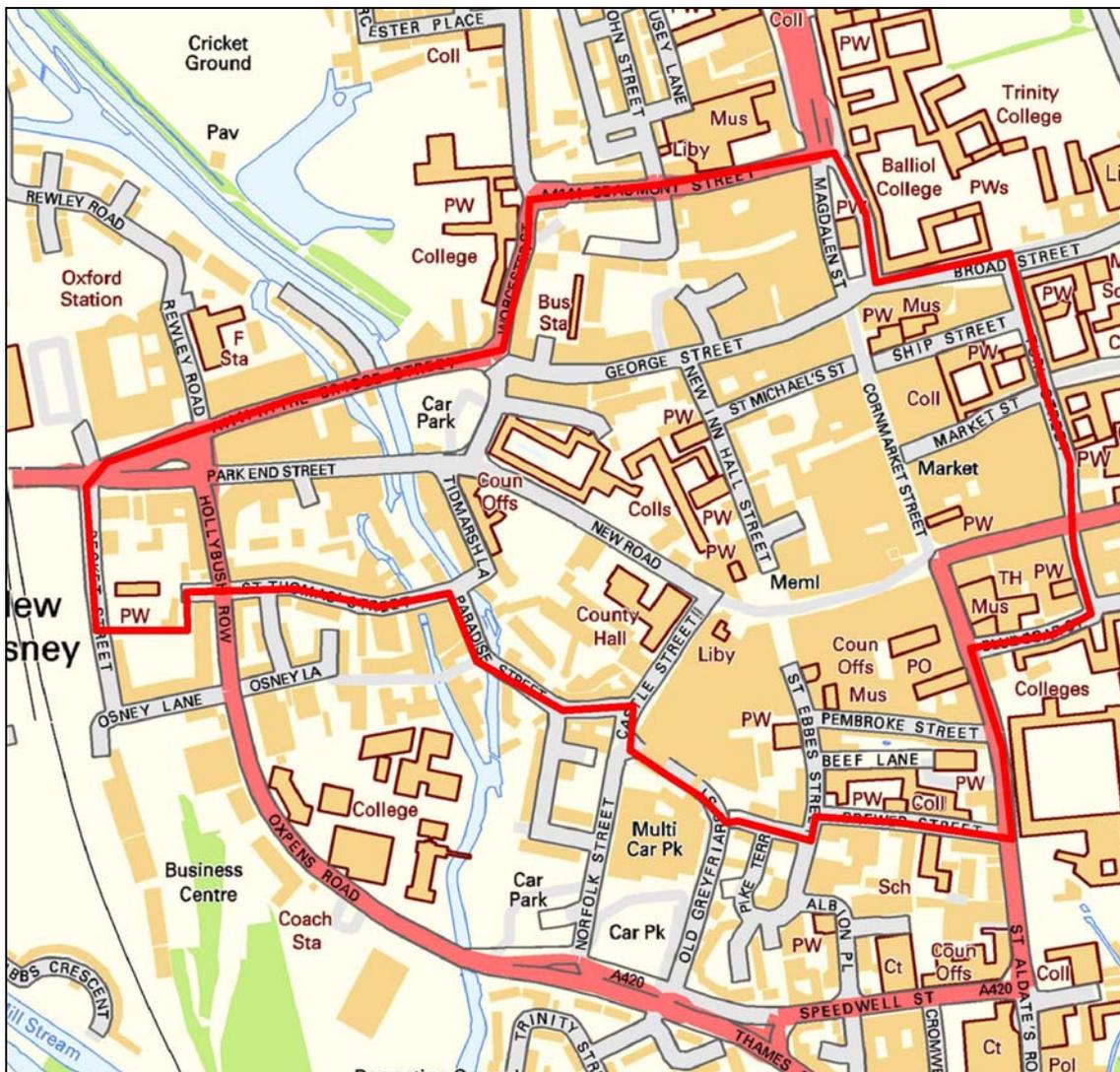
Central Oxford Special Saturation Policy

Scale: 1:5,000

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office (HMSO). Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Oxford City Council LA 100019348



Existing Special Saturation Area for Oxford city



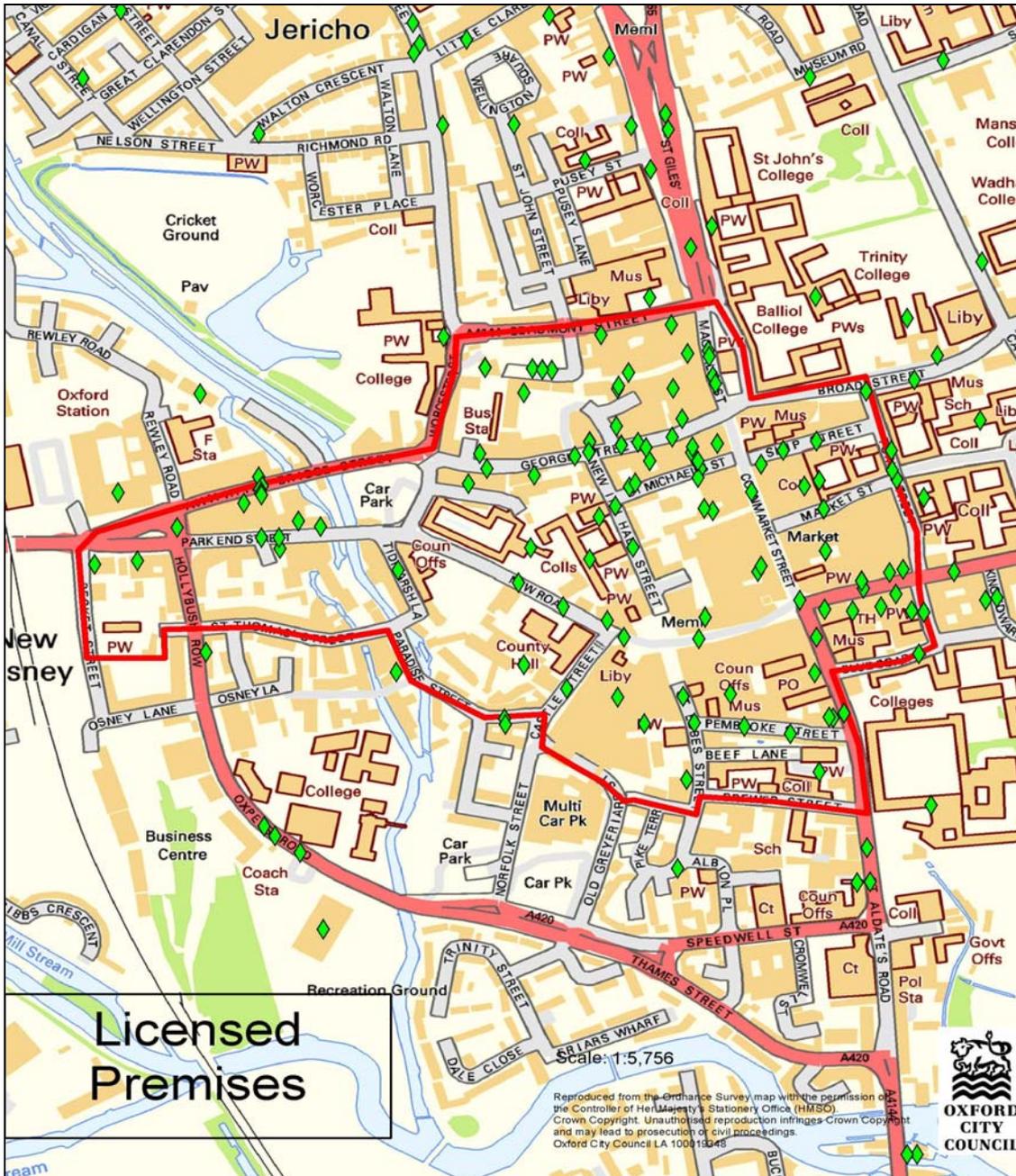
SSP Boundary ———

Comparison of crime data for the Carfax Ward in Oxford City centre for the years 2012, 2013 and 2014.

	2012	2013	2014
ASB	724	579	870
Violence and Sexual Offences	322	406	423
Public Order	322	400	258

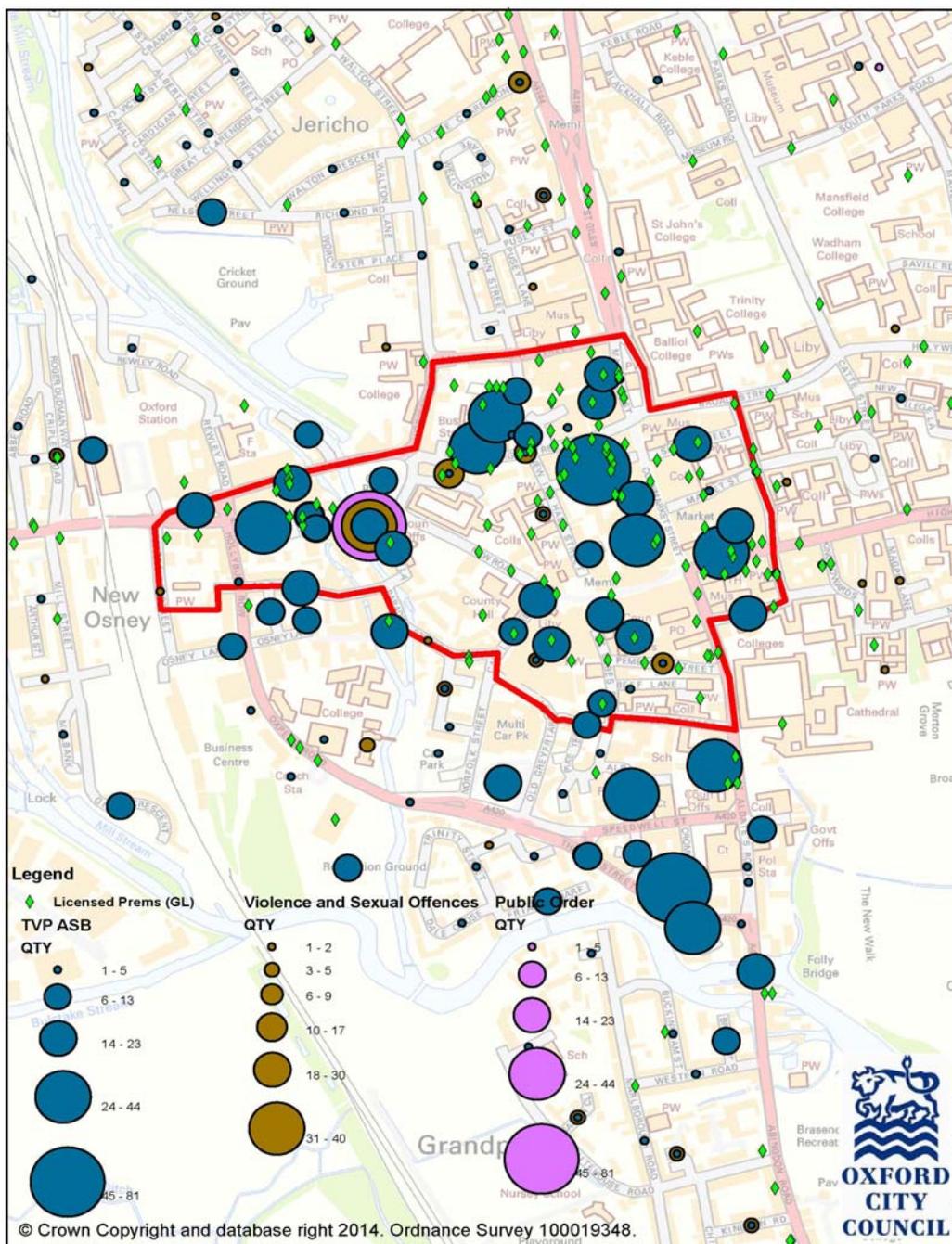
Due to changes in the crime recording standards in 2013 violent crimes was reclassified to violence and sexual offences. Public disorder and weapons were separated into individual classifications.

Map showing locations of licensed premises in Oxford City centre



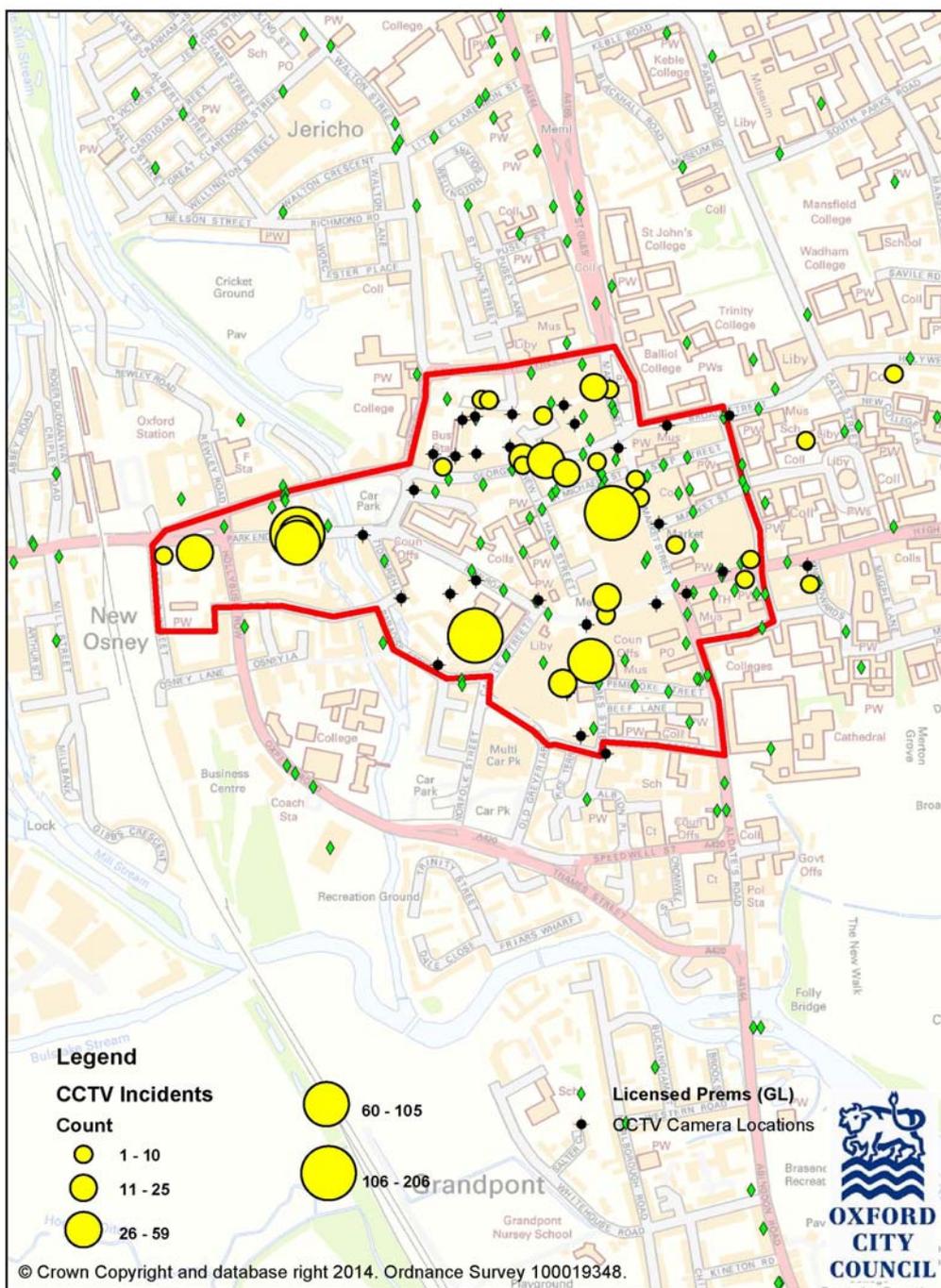
Map showing concentration of violent incidents and anti-social behaviour incidents in Oxford City centre from February 2014 to May 2015

City Centre Violence and ASB



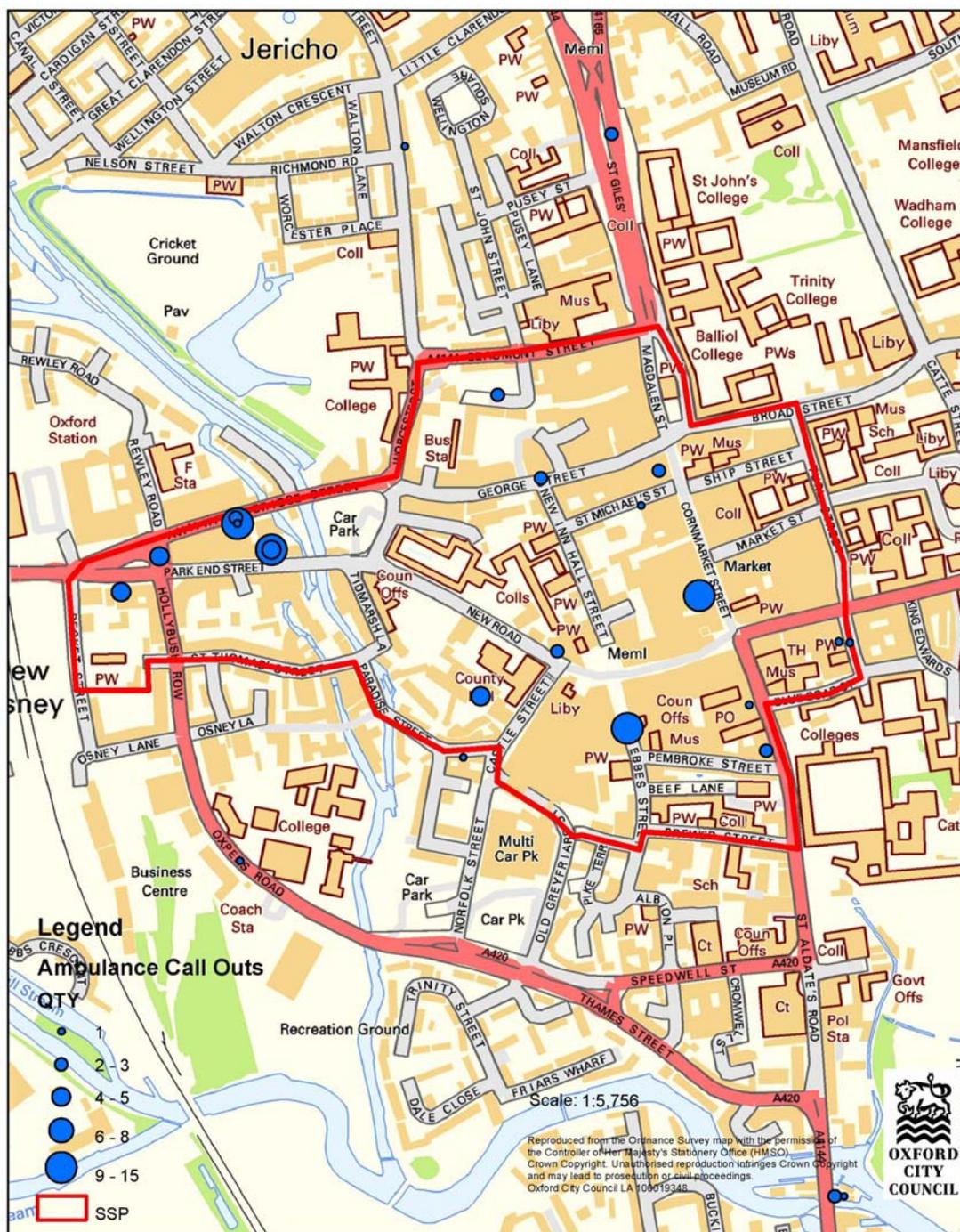
Map showing the number of CCTV incidents from 2010 to 2015 from 19.00 to 07.00 in Oxford City centre.

City Centre CCTV Incidents 2010 -2015



Map showing the number of Ambulance call outs linked to licenced premises from 19.00 to 07.00 in Oxford City centre, from April to September 2013.

City Centre Ambulance Call Outs



Annex Two – Conditions initially put forward by TVP.

TVP 1.

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 complaints 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.
- Any incidents of crime, disorder or anti social behaviour at on in the immediate vicinity of the premises to include:
 - Date and time
 - Member(s) of staff present
 - Brief description of the incident and that of any parties involved
 - Whether the police were called
- 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 (to include date, time, member of staff involved, reason for force as well as a brief physical description of the person refused)
- Daily checks of the emergency phone/communication unit including the member of staff that carried out the check. If any faults were found and if so what remedial action was undertaken to resolve it
- 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.
- Checks of the emergency communication devices

The premises licence holder, or in their absence duly appointed member of staff, 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.

TVP 2

The premises shall implement written policies. Such documents shall include, but not be limited to, the following:

- CCTV
- Crowd Dispersal
- Safeguarding Children & Vulnerable Adults
- Noise
- Queue Management
- Security Measures
- Zero Tolerance Drugs

From these written policies and operating procedures, the premises licence holder will implement written staff training, ensuring that all staff employed at the premises receive full training on those policies that are relevant to their specific role.

Staff shall sign and date these training records to confirm they have had, fully understand the training, and that they will carry out their duties in accordance with them.

These training records will be retained and made available to the Licensing Authority and/or responsible authority named under the licensing act upon request.

Where subsequent issues or concerns related to one or more of the policy(s) are brought to the premises licence holder's attention by the licensing authority and/or one of the responsible authorities named under the licensing act, the premises licence holder will make amendments as directed by that authority(s).

Hard copies of the most up to date policy/procedures will be kept on the premises. They will be readily accessible to staff for their own reference whilst working, and will be made available to any of the authorities upon request to check for compliance.

TVP 3.

A CCTV system will be installed and maintained. The CCTV system will 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 the servery/point of sale area which will provide a facial shot of identification quality of patrons.
- 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.
- A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed

TVP 4.

No drinks will be served in glass bottles or containers

TVP 5.

The food preparation/kitchen areas will be secured in such a way that the public are not able to access them or any kitchen utensils such as knives etc

TVP 6.

Subject to the agreement of the relevant service provider/ radio link committee. The Premises Licence holder shall 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.

TVP 7.

All staff receive training in conflict management to have the knowledge and confidence to deal with difficult situations and reduce crime and disorder at the premises. A record will be kept of the date and name of the person trained. Records will be available for inspection by the police or licensing authorities.

TVP 8.

As part of the written 'security measures' policy condition, the premises licence holder will carry out and implement a written risk assessment every three months regarding the need (if at all) for SIA licenced security. This will be for day to day standard operation as well as for any special one off events over and above that of normal trade. The risk assessment will be made readily available to the police upon request and where subsequent issues or concerns related to the security risk assessment are brought to the premises licence holder's attention by the police, the premises licence holder will make amendments as directed.

TVP 9.

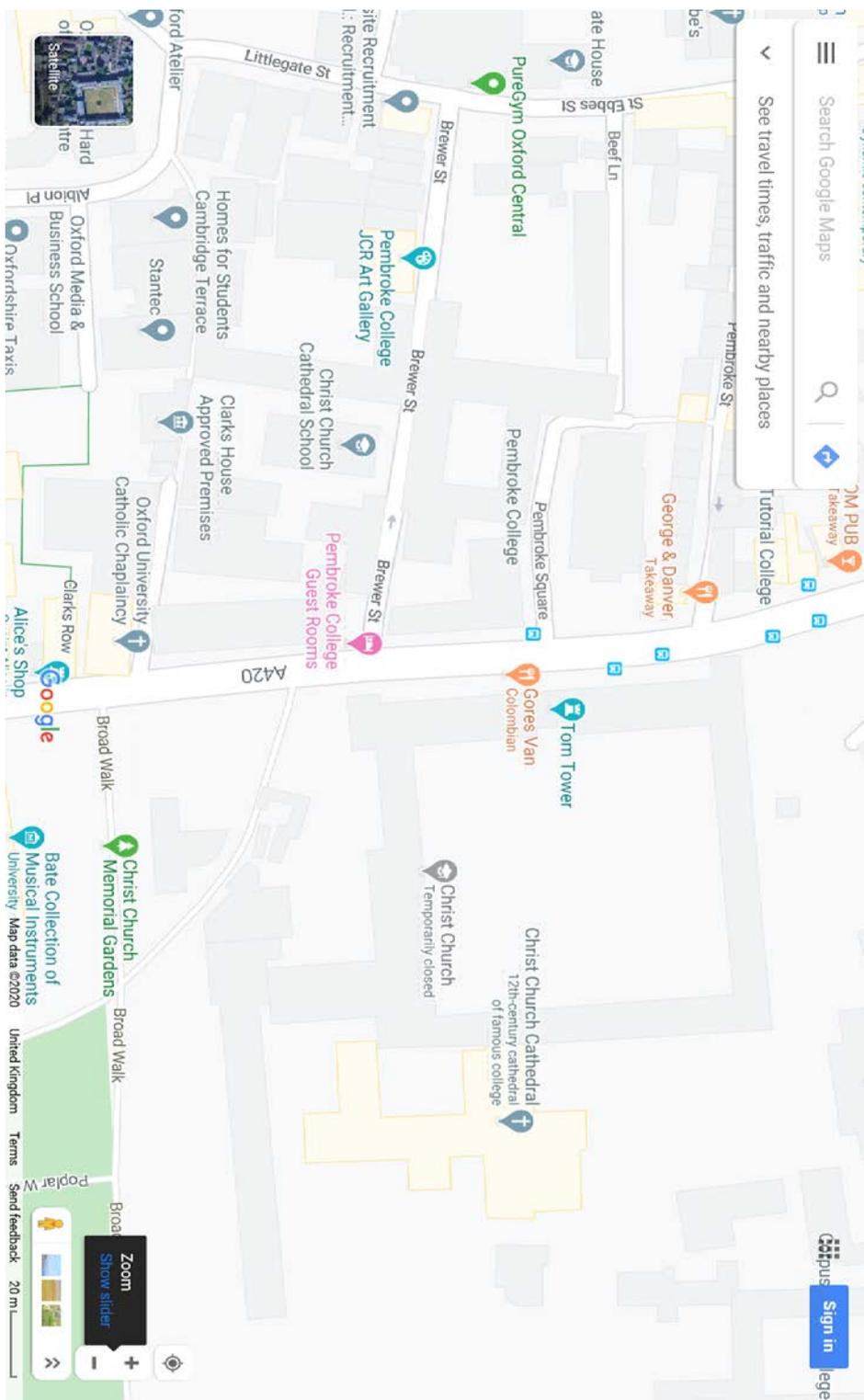
Where the premises employs SIA security staff there will be no fewer than 2 on duty to avoid issues and risks associated with lone working. All door staff will wear at all times

whilst on duty high visibility florescent yellow coats/tabards to clearly identify them as working that role.

TVP 10.

There will be at all times during the operation of the premises a means of contacting the emergency services (emergency communication devices) such as a mobile phone etc. Staff will check it is operating correctly before the start of each day's trade. These checks will be documented in the daily premises register.

----- End -----



Street Trading Site 14 outside Christ Church, St Aldate's, Oxford – Trading hours 18:30 – 03:00 (subject to obtaining a premises licence under the Licensing Act 2003).



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