

Licensing Act 2003



Licensing Sub-Committee

Notification of determination

Hearing under Sections 17 and 18 of the Act, and the Licensing Act 2003 (Hearings) Regulations 2005 In respect of an application made to Oxford City Council for a New Premises Licence.

Date of hearing:	11th October 2021
Place:	Town Hall, Oxford
Case No.	21/02643/PREM
Applicant	Mr Resul ASAM
Premises:	NEF Istanbul Restaurant
Premises address:	212 – 214 Cowley Road, Oxford, OX4 1UQ
Licensing Sub-Committee Councillors:	Cllr Clarkson (Chair), Cllr Mundy, Cllr Miles
Legal Advisor:	Alison Daly
Licensing Officer:	Richard Masters
Clerk:	Joshua Curnow

At the start of the hearing Cllr Mundy declared that he recognised the applicant, Mr Resul Asam, as a casual acquaintance made through charity work. Cllr Mundy was not aware of this prior to the hearing as he did not know Mr Asam's name. Cllr Mundy explained that he had no interest or conflict in regards to Mr Asam's application or premises. All parties agreed that Cllr Mundy should not be prevented from taking part in the hearing and agreed that the applicant would not be prejudiced in any way. All parties agreed the hearing should continue and that the application would be considered on its merits in the same way as any other.

The Sub-Committee heard representations from the following:

Licensing Authority: Richard Masters (Licensing Officer)

Richard Masters presented the Licensing Authority's report, stating that the application had attracted representations from Thames Valley Police (TVP). Richard Masters explained that prior to the hearing the Applicant had indicated they would like to amend the application to

include conditions proposed by TVP and to reduce the terminal hour of the applied licensable activities to 01:00 hours Monday to Saturday.

Applicant: Resul Asam (Applicant), Jon Payne (Representation)

Resul Asam attended the hearing and was represented by Jon Payne. Jon Payne noted the applicant was grateful to TVP for the work they had done and the conditions they had proposed, confirming that the applicant would like to amend the application to include the conditions on the operating schedule and to reduce the terminal hour of the licensable activities to 01:00 hours Monday to Saturday.

Jon Payne explained that if in the future the applicant would still like to trade until 02:00 hours that they would instead submit an application to vary the premises licence, triggering a new consultation and opportunity for representations by TVP.

Responsible Authorities: Alex Bloomfield (Thames Valley Police)

Alex Bloomfield explained that following the amendment of the application to include the conditions proposed by TVP and the terminal hour being reduced to 01:00 hours, TVP would like to withdraw their objection.

Decision and Reasons of the Sub-Committee

1. The Sub-Committee considered all submissions, both written and oral. It also had regard to the relevant Home Office Guidance and the Council's Statement of Licensing Policy.
2. The Sub-Committee noted the applications amended conditions and hours.
3. The Sub-Committee also noted TVPs withdrawal of representations and Section 2.1 of the Section 182 Home Office guidance where Licensing authorities should look to the police as the main source of advice on crime and disorder.
4. The Sub-Committee found that it was appropriate to Grant the licence as amended by the applicant.

The application was **GRANTED** as follows:-

Exhibition of Films (Indoors Only):

Monday to Saturday	09:00 hours until 01:00 hours
Sunday	09:00 hours until 01:00 hours

Performance of Live Music, Performance of Dance, Recorded Music (Indoors Only):

Monday to Saturday	09:00 hours until 01:00 hours
Sunday	09:00 hours until 00:00 hours (midnight)

Late Night Refreshment (Indoors and Outdoors):

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

Supply of Alcohol (On and Off Sales):

Monday to Saturday 09:00 hours until 01:00 hours

Sunday 09:00 hours until 01:00 hours

And subject to including the following details on the applications operating schedule (as amended by the applicant):

1. The primary use of the premises shall be as a restaurant/takeaway venue where food is the primary function and alcohol is only a supplementary offer and the venue is not to operate as a public house, night club or predominantly as a drinking establishment.
2. All staff will be provided with training in relation to the licensing objectives that are commensurate with their duties. This will include the individual's responsibilities, age verification and licensing offences, as appropriate. Details of the training will be recorded in a personnel file or log book and will be refreshed at regular intervals of every 12 months.
3. A CCTV system shall be installed. The system will be maintained and operated at all times the premises are open to the public. Images shall be kept for a minimum rolling period of 31 days. A person who is familiar with the operation of the system to the extent of being able to play back recorded images and take copies shall be available whilst the premises are trading.
(NB: Powers of inspection already exist for officers under the provisions of the Licensing Act 2003)
4. Signage will be displayed at the exit to the premises to request that patrons have consideration for people living in the area when leaving the premises.
5. A challenge 25 scheme will be adopted in compliance with the age verification condition. Customers who appear to be under 25 years of age will be required to prove their age when purchasing alcohol. Suitable forms of identification will be a passport, 'pass' card or other identification recognised by the licensing authority in its statement of licensing policy.
6. Any off sales of alcohol will only be made as part of an order of food.
7. 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.
 - The name of the person authorising the sale of alcohol each day.
 - All calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti-social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident about which the call is made and any actions taken to deal with the call.

- Any refusals on grounds of age and/or intoxication (to include date, time, member of staff involved, reason for refusal as well as a brief physical description of the person refused)
- Weekly checks of the CCTV, to ensure it is fully operational and any faults are dealt with including the time of the check and the person that carried it out.
- Any calls to Thames Valley Police in relation to any crime and disorder or like related matter.

The Designated Premises Supervisor, 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.

8. No customer shall be allowed to leave the premises whilst in the possession of any drinking vessel or open bottle, whether empty or containing any beverage.
9. Where off sales of alcohol are for delivery to a customer's address, orders will be accepted no later than 23:00.
10. All sales of alcohol for delivery off the premise will only be made by way of credit or debit card transaction (including that by way of third party proxy such as 'Paypal' etc)- no cash upon delivery.
11. Where the premises under its 'off sales' function provides a home delivery ordering service involving licensable activities, orders for deliveries shall only be accepted where the delivery address is a bona fide residential or business address. The business website, if any, will make it clear that delivery cannot be made to other addresses.
12. In the event the premises under its 'off sales' function provides a home delivery ordering service by staff employed at the premises, all persons delivering alcohol must be aged 18 years or over
13. Where a delivery service provider is engaged to deliver alcohol sold for consumption off the premises, the service provider shall be requested to :

Engage delivery personnel that are readily identifiable as being a persons delivering on behalf of the premises (ie high visibility premises/courier branded vest etc) and to remove any helmet or other head gear etc that might obscure their face when at the front door.

Ensure that all persons delivering alcohol must be aged 18 years or over

Provide training to staff on 1) the law concerning the sale of alcohol and 2) conflict management

Complete the delivery only if the recipient appears to be over 25, or is be asked for photographic identification to prove the age of the person, which is to be a passport, UK driving licences with a photograph, a Photographic Card bearing the 'PASS' hologram or other identity document recognised by the licensing authority as being suitable to prove the age of the bearer.

A handwritten signature in black ink that reads "Mary Clarkson". The signature is written in a cursive style with a large initial 'M' and 'C'.

**Signed: Councillor Clarkson
Chair of Licensing Sub-committee**

Notes:

- A. The applicant, and any responsible authority or interested party that has made representations upon the application has a right of appeal to the Magistrates' Court against this decision. If you wish to appeal you must do so within 21 days of being notified of the decision.

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