



**To:** Licensing and Gambling Acts Sub-Committee  
**Date:** 4<sup>th</sup> July 2022  
**Report of:** Head of Regulatory Services and Community Safety  
**Title of Report:** Mr Mohammed Halilu – Application to vary a Premises Licence – HEAT African Restaurant, 189 Cowley Road, Oxford, OX4 1UT.  
**Application Ref:** 22/01382/PREM

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	To inform the determination of Mr Halilu’s application to vary a Premises Licence.
<b>Corporate Priority:</b>	Enable an Inclusive Economy
<b>Recommendation(s):</b>	That the Licensing and Gambling Acts Sub-Committee resolves to:
	1. Determine Mr Halilu’s application taking into account the details in this report and any representations made at this Sub-Committee meeting.

<b>Appendices</b>		
Appendix	1	Application to vary a Premises Licence
Appendix	2	Existing Premises Licence - 22/00789/TRPREM
Appendix	3	Decision Notice June 2021
Appendix	4	Initial Representation from Thames Valley Police (TVP)
Appendix	5	Notification of TVP withdrawal of representation
Appendix	6	Representations from Interested Parties
Appendix	7	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 variation to the Premises Licence to Mr Halilu.

## Application Summary

2. An application to vary a Premises Licence has been submitted by Mr Mohammed Halilu. A summary of the licensable activities applied for and the timings proposed for these activities can be found detailed below

### **Supply of Alcohol (On Sales Only), Recorded Music (Indoors Only):**

Sunday to Thursday 12:00 until 00:00 (midnight)  
Friday and Saturday 12:00 until 01:15

### **Late Night Refreshment (Indoors Only):**

Sunday to Thursday 23:00 until 00:00 (midnight)  
Friday and Saturday 23:00 until 01:15

### **Opening hours:**

Sunday to Thursday 12:00 until 00:30  
Friday and Saturday 12:00 until 01:30

3. 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**.
4. The applicant has requested to remove existing condition 27:

***Ordering, service of and payment for alcohol will be via table service only by way of floor waiter/waitress.***

And has volunteered the following condition to be added to any potential variation granted:

***A minimum of 12 tables and 70 seats shall always be available in the premises when licensing activities take place.***

5. The applicant has also volunteered the below condition in their operating schedule:

***There shall be no admittance or re-admittance of customers after 22:30 hours Sunday to Thursday and 23:30 hours Friday and Saturday.***

They have not however requested to remove or amend the current condition 41 of the licence in the relevant section of the application form which reads:

***There shall be no admittance or re-admittance of customers after 22:00 hours Sunday to Thursday and 22:30 hours Friday and Saturday.***

In addition, the applicant considers the conditions attached to the current Premises

Licence appropriate to uphold the licensing objectives.

6. In order to assist all parties to this Hearing, the current Premises licence for Heat African Restaurant, stating the current timings for licensable activities, is attached at **Appendix Two**.
7. The Sub-committee Decision Notice for the previous variation application from June 2021 can be found at **Appendix Three** of the report.

### Relevant Representations

8. A Valid representation was initially received from Thames Valley Police during the consultation period. A copy of this representation is attached at Appendix **Four**.

Responsible Authority	Response	Licensing Objective(s)
Thames Valley Police	Representation	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	

9. During discussions between the Applicant and Thames Valley Police following the cessation of the consultation period, an agreement has been reached that if the Applicant were to retain condition 27 on the current licence, Thames Valley Police would be satisfied and withdraw their representation. A copy of the agreement can be found at **Appendix Five**.
10. A valid representation has been received from an Interested Party (other person) as detailed in the table below. A Copy of this representation is attached at **Appendix Six**.

Name	Address	Licensing Objective(s)
Divinity Road Area Residents' Association	Divinity Road, Oxford	Public Nuisance, Crime & Disorder,

### Location

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

### Statement of Licensing Policy

12. The Sub-Committee is referred to the Council's Statement of Licensing Policy\*. In particular, the following paragraphs have a bearing upon the application:

<b>Relevant Policy Matters</b>	<b>Section</b>	<b>Policy</b>
Cumulative Impact	3.1.1 to 3.2.8	GN19
Licensing Hours	5.1.1	LH3
Public Nuisance	7.3.1 to 7.3.10	LA2 to LA4
Pubs, Restaurants, Hotels, Guest Houses	7.5.1 to 7.5.2	PP1
Crime and Disorder	8.3.1 8.5.1 to 8.5.3	OS7 OS9

13. 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](https://www.oxford.gov.uk/downloads/file/1303/statement_of_licensing_policy)

### **Home Office Statutory Guidance**

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

<b>Relevant Sections</b>	<b>Relevant Paragraph</b>
Crime and Disorder	2.1 to 2.5
Public Nuisance	2.15 to 2.21
Cumulative Impact	14.20 to 14.48

15. 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**

16. 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.
17. The Special Saturation Policies were introduced following evidence brought by Thames Valley Police and other Responsible Authorities 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.
18. 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

19. 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.
20. 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.
21. 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.
22. 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.
23. 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.

24. 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.
25. 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.
26. 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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**Application to vary a premises licence 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 Mohammed Halih

*(Insert name(s) of applicant)*

**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

<b>Premises licence number</b> 22/00789/TRPREM
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description  HEAT African Restaurant 189 Cowley Road			
Post town	Oxford	Postcode	OX4 1UT

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 37,500.00

**Part 2 – Applicant details**

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)			
Current postal address if different from premises address	[REDACTED]		
Post town	[REDACTED]	Postcode	[REDACTED]

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes  No

If not, from what date do you want the variation to take effect? 

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No

**Please describe briefly the nature of the proposed variation**

To vary the opening times to 00:30 Sunday - Thursday and 01:30 Friday and Saturday. To vary the licensable activities - Sale of Alcohol / Recorded Music / Late Night refreshment to end at 00:00 Sunday - Thursday and 01:15 Friday and Saturday.

We recognise that our premises resides in the East Oxford special saturation policy area and as such the application is within the ambit of licensing policy GN19. We believe that we have valid grounds to rebut this policy and suggest that the application to vary this licence should be granted. The current operating schedule contains a robust suite of conditions which were agreed with police and others which were attached after the application hearing in 2020. These conditions and their implementation by management have been successful in preventing any problems relating to nuisance, public safety and promoted the reduction of crime and disorder.

In addition, we believe that our business is unique. There are no African restaurants or bars in Oxford which means that African culture and entertainment is not yet properly represented in a city that has the third highest ethnic minority population in south-east England.

For this reason, we feel that policy GN19 should be disapplied further to this application. Heat African restaurant has a history of successful and lawful trading without incident which would indicate that there is no reason to believe that a limited extension to our operating hours would have an adverse impact on either the licensing objectives or the wider community.

The premises licence was granted in June 2020 and has operated (covid restrictions allowing) without incident since then. On 14/06/2021 Oxford Licensing Committee part granted a requested variation of the licence allowing licensable activities to take place until 12.00 midnight Friday and Saturday. This has been operated since without incident.

This variation would also seek to remove condition 27 regarding table only service for ordering and payment for alcohol and replace it with 'A minimum of 12 tables and 70 seats shall always be available in the premises when licensing activities take place.'

This condition would physically limit vertical drinking and in conjunction with condition 26 which requires alcohol consumption to coincide with a substantial table meal, which we don't propose to remove, will still maintain the integratory of the licence.

Heat African restaurant has also applied for and had granted 17 Temporary Events Notices trading to the same hours that we are requesting within this variation application

or even late. The increase in licensing hours has had no noticeable impact on the licensing objectives.

A limited extension to our licensable activity hours would give us parity with other Non-African venues in the vicinity and allow us to celebrate and embrace diversity. This application will allow us to continue to provide a venue in which patrons of African origin and patrons wishing to experience African culture may meet and to positively promote inclusive behaviour with residents and those using the services in the community.

The presence of an African venue will sponsor the council's commitment to 'lay a foundation to advance equality of opportunity for all ethnic minorities in the city'. As outlined in Oxford council's October 2020 inclusion framework, we feel that the grant of the variation of this licence will promote equality, celebrate diversity, improve social inclusion and most importantly ensure fairness for everyone whilst underpinning principals of supporting local community groups and flexibly engage with the diverse needs of the minority culture in the surrounding area.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | <b>Provision of regulated entertainment (Please see guidance note 3)</b>                                    | <b>Please tick all that apply</b>   |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>            |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/>            |
| f) recorded music (if ticking yes, fill in box F)   | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>            |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>            |

**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 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			
Thur			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 (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	12:00				
		24:00			
Tue	12:00		<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
		24:00			
Wed	12:00		<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 7)		
		24:00			
Thur	12:00				
		24:00			
Fri	12:00				
		01:15			
Sat	12:00				
		01:15			
Sun	12:00				
		24:00			

G

Performances of dance Standard days and timings (please read guidance note 8)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)		
Wed			<b><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></b> (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)		
Fri					
Sat			<b><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></b> (please read guidance note 7)		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 5)		
Mon	23:00	24:00			
Tue	23:00	24:00			
Wed	23:00	24:00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Thur	23:00	24:00			
Fri	23:00	01:15	<b><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></b> (please read guidance note 7)		
Sat	23:00	01:15			
Sun	23:00	24:00			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)					
Mon	12:00	24:00						
Tue	12:00	24:00						
Wed	12:00	24:00						
Thur	12:00	24:00						
Fri	12:00	01:15						
Sat	12:00	01:15						
Sun	12:00	24:00						
						<b>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</b> (please read guidance note 7)		

K

<p><b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 10).</p>
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L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	12:00		<p><b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 7)</p>
		00:30	
Tue	12:00		
		00:30	
Wed	12:00		
		00:30	
Thur	12:00		
		00:30	
Fri	12:00		
		01:30	
Sat	12:00		
		01:30	
Sun	12:00		
		00:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

27: Ordering, service of and payment for alcohol will be via table service only by way of floor waiter/waitress.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.  
Electronic application attached.

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

A minimum of 12 tables and 70 seats shall always be available in the premises when licensing activities take place

**b) The prevention of crime and disorder**

Current annex 2 conditions appropriate.

**c) Public safety**

Current annex 2 conditions appropriate.

**d) The prevention of public nuisance**

There shall be no admittance or re-admittance of customers after 22:30hrs Sunday to Thursday and 23:30 Friday and Saturday.

**e) The protection of children from harm**

Current annex 2 conditions appropriate.

Checklist:

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**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.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	06/05/2022
Capacity	Duly Authorised Agent

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 15)



Post town		Post code	
Telephone number (if any)			

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

### Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  8. Please 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.
  9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  10. Please 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 or the presence of gaming machines.
  11. Please list here steps you will take to promote all four licensing objectives together.

12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

**The Licensing Act 2003  
(Premises licences and club premises certificates) Regulations 2005  
Regulation 33, 34 and Schedule 12  
Part A**

**Premises Licence  
*Oxford City Council***

**Premises Licence Number**

22/00789/TRPREM

**Part 1 – Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code:**

HEAT African Restaurant  
189 Cowley Road  
Oxford  
Oxfordshire  
OX4 1UT

**Telephone number:**

**Where the licence is time limited the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Supply of Alcohol  
Late Night Refreshment  
Recorded Music

**Times the licence authorises the carrying out of licensable activities:**

**Supply of Alcohol:**

Sunday to Thursday 12:00 hours to 23:00 hours  
Friday and Saturday 12:00 hours to 00:00 hours

**Late Night Refreshment:**

Friday and Saturday 23:00 hours to 00:00 hours

**Recorded Music (Indoors only):**

Sunday to Thursday 12:00 hours to 23:00 hours  
Friday and Saturday 12:00 hours to 00:15 hours

**The opening hours of the premises:**

Sunday to Thursday 12:00 hours to 23:30 hours  
Friday and Saturday 12:00 hours to 00:30 hours

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies:**

On sales only

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Mohammed Halilu



**Registered number of holder, for example company number, charity number (where applicable):**

Not applicable

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

Mohammed Halilu

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Personal licence number:** 19/03086/PER

**Licensing Authority:** Oxford City Council

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made under the Premises Licence;
  - (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence,
  - or
  - (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.
3. Where this licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each individual must be licensed by the Security Industry Authority, with the following exceptions:
  - a) premises where the premises licence authorises plays or films
  - b) any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 to the Private Security Industry Act 2001 (premises being used exclusively by a club with a club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
  - c) any occasion within paragraph 8(3)(d) of Schedule 2 to the Private Security Industry Act 2001.
4.
  - 1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - 2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
    - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
      - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6.
  - 1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - 2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - 3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:
    - a) a holographic mark; or
    - b) an ultraviolet feature.
7. The responsible person must ensure that—
  - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
    - i) beer or cider: ½ pint;
    - ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - iii) still wine in a glass: 125 ml;
  - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
8.
  1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  2. For the purposes of the condition set out in paragraph 1:
    - (a) duty is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
    - (b) permitted price is the price found by applying the formula:  $P=D+(D \times V)$  where:
      - (i) P is the permitted price,
      - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
      - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
    - (c) relevant person means, in relation to premises in respect of which there is in force a premises licence:
      - (i) the holder of the premises licence,
      - (ii) the designated premises supervisor (if any) in respect of such a licence, or
      - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
    - (d) relevant person means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
    - (e) value added tax means value added tax charged in accordance with the Value Added Tax Act 1994.
  3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (the first day) would be different from the permitted price on the next day (the second day) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## Annex 2 – Conditions consistent with the Operating Schedule

9. The Premises Licence Holder shall ensure that all staff employed at the premises whose duties include the sale or supply of alcohol shall undertake and complete a relevant programme of training prior to them being authorised to sell or supply alcohol. Such training shall consist of providing staff with an understanding of:

- The need to ensure the responsible sale and supply of alcohol
- The need to refuse the sale and supply of alcohol to persons who are intoxicated or underage
- The need to seek credible age verification from persons seeking to be sold or supplied alcohol who may appear under the age of 18 years old

Where subsequent issues related to the training is brought to the premises licence holder's attention by either the Licensing Authority and/or responsible authorities named in the Licensing Act, the premises licence holder will make amendments as directed by that authority.

Records of the training programme shall be maintained and made available to Authorised Officers upon request.

The Premises Licence Holder shall provide a "refresher" training session to all relevant staff members as and when deemed necessary on a case by case evaluation, but as a minimum requirement the refresher training session shall be provided to all staff on at least one occasion every twelve months

10. A Premises Daily Register shall be held at the premises. This Register shall be maintained for a rolling minimum period of 12 months. It will be comprised of a paginated and dated pre-printed book such as a desk diary to prevent fraudulent amendment 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 a brief physical description of the person refused and whether the emergency services 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 or in ejecting persons from the premises (to include date, time, member of staff involved, reason for force, a brief physical description of the person dealt with and whether the emergency services were called)
- Weekly checks of the CCTV, to ensure it is fully operational and any faults are dealt with including the time of the check and the person that carried it out.
- Any calls to or visits by Thames Valley Police in relation to any crime and disorder or like related matter.

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 the Licensing Authority, Thames Valley Police or other named responsible authority under the Licensing Act throughout the trading hours of the premises.

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

- CCTV
- Conditions of Entry
- Crowd Dispersal
- Safeguarding Children & Vulnerable Adults

- Noise
- Responsible Service of Alcohol
- Security Measures
- Underage Sales & False Identification
- 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 training records to confirm they have had the training, that they fully understand the training, and that they will carry out their duties in accordance with the training.

These training records and confirmation sheets 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)/training 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 and training 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 the licensing authority and/or responsible authorities upon request to check for compliance.

12. The Premises Licence Holder shall ensure that, as part of the security measures policy, they will carry out a written security risk assessment. This will detail the need (if at all) for the employment of SIA registered door staff for normal trade each day of the week and for any special one off events/ promotions that are not part of regular daily trade.  
Where this assessment finds the need for SIA registered door staff, to mitigate issues associated with lone working and ineffectual security there will be a minimum of two SIA registered door staff employed for that occasion.  
This risk assessment will be to the satisfaction of Thames Valley Police, and where subsequent issues or concerns are brought to the attention of the premises licence holder by the police, the premises licence holder will make and implement amendments as directed by the police.
13. The Premises Licence Holder shall ensure that, where SIA registered door staff are employed, they shall be on duty from no later than 20:00 until the premises and immediate vicinity of the premises are closed and cleared of patrons.
14. The Premises Licence Holder shall ensure that all staff employed in a security role at the premises wear at all times whilst on duty both inside and outside of the premises high visibility yellow florescent jackets/ vests which clearly identify them as members of the security staff.
15. The Premises Licence Holder shall ensure that drinks will be served in containers made from non-glassware drinking vessels (e.g. polycarbonate plastic, toughened safety glass or other such material).  
Note: Weights and measures legislation requires the use of "stamped glasses" where "meter-measuring equipment" is not in use
16. The Premises Licence Holder shall ensure that, other than wine in bottles, other bottled drinks will be decanted into drinking vessels before being served to the customers to ensure no bottles other than wine ones are in the public side of the premises.
17. 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 any entrance which will provide a facial shot of identification quality.
  - Have cameras covering other pertinent public areas (internally and externally)

- 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
18. The Premises Licence Holder shall ensure that no person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.
  19. The Premises Licence Holder shall, in order to promote the prevention of crime and disorder objective, ensure that the maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed 100 persons for the whole premises.  
The Premises Licence Holder will implement steps to ensure that this capacity is not exceeded.
  20. Subject to the agreement of the relevant Pubwatch / Crime reduction Business Partnership committee the Premises Licence Holder shall become a member and participate in the designated local Pubwatch / Crime reduction Business Partnership scheme and ensure that a representative of the licensed premises attend all of the arranged meetings or such a person has made all reasonable endeavours to attend the arranged meetings.
  21. 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 at all times when the licence is in operation.
  22. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo (subject to the exemptions contained in sec 150(4) of the LA 2003 or subsequent similar legislative provision)
  23. The premises shall be cleared of customers and closed 30 minutes after the conclusion of the last licensed activity.
  24. Prominent, clear notices shall be displayed at all exit points to advise customers to respect the needs of the local community and of acceptable behaviour in public spaces.
  25. The sale of alcohol will be ancillary to the premises main function as a restaurant specialising in African cuisine
  26. The sale of alcohol will only be made to customers that are waiting to place an order for a substantial table meal, are consuming a substantial table meal or have had a substantial table meal.
  27. Ordering, service of and payment for alcohol will be via table service only by way of floor waiter/waitress
  28. All exit routes and public areas shall be kept unobstructed, shall have non-slippery and even surfaces, shall be free of trip hazards and shall be clearly signed.
  29. The Premises Licence Holder shall ensure that a suitable fire risk assessment and emergency plan is in place at all times.
  30. The Premise Licence Holder shall ensure that an adequate and appropriate supply of first aid equipment and materials shall be available on the premises.

31. The Premises Licence Holder shall ensure that, apart from normal entrance and egress all external windows and doors shall be kept shut at all times when regulated entertainment is being provided.
32. Entertainment shall be held internally only; no music or speakers shall be provided to external areas of the premises
33. The Premises Licence Holder shall ensure that, between the hours of 21:00 and 07:00, no waste glass or bottles shall be moved or deposited outside.
34. The Premises Licence Holder shall ensure that patrons smoking outside the premises shall be monitored regularly to ensure the potential for noise nuisance is controlled. Clear and legible notices shall be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and use the area quietly.
35. The Premises Licence Holder shall ensure that a notice stating the operating hours of the premises shall be displayed conspicuously outside each public entrance.
36. The Premises Licence Holder will ensure that there shall be no children unaccompanied by a responsible adult on the premises after 19:00 hours.
37. The Premises Licence Holder will ensure that all children under the age of 12 years shall be accompanied by an adult whilst on the premises.

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

38. The Premises Licence Holder (or such person as they nominate) shall provide 14 days prior written notification to the Force Licensing Officer of Thames Valley Police and to the Licensing Authority of:

- Any one-off event that includes entertainment or a promotion that is not consistent with regular trade

Such written notifications shall provide the following details:

- The name of the person in charge/authorising the sale of alcohol for the duration of the event.
- The name of any promoters
- The name of the any act, DJ's or other such performers involved
- The nature of the event.
- The date, the commencement and conclusion time of the event.
- Security provisions (including numbers and working hours of SIA staff)
- Expected numbers attending

There shall be a maximum of twelve such events per annum each with prior written consent of Thames Valley Police and the Licensing Authority

39. The Premises Licence Holder shall ensure that there will be no use of the rear yard (external area) by customers after 21:00 hours. When in use the rear yard will be monitored by staff.

40. The Premises Licence Holder shall ensure that a circuit 'cut off' device is fitted and working which automatically switches off the sound system when the rear door is opened after 21.00 hours. Such device to be approved by the Responsible Authority for environmental health.

41. There shall be no admittance or re-admittance of customers after 22:00 hours Sunday to Thursday and 22:30 hours Friday and Saturday.

**Annex 4 – Plans**

See attached

Licensing Act 2003



## Licensing and Gambling Acts Casework Sub-Committee

### Notification of determination

Hearing under Sections 34 and 35 of the Act, and the Licensing Act 2003 (Hearings) Regulations 2005 In respect of an application made to Oxford City Council for variation of a Premises Licence

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Date of hearing:	<b>14<sup>th</sup> June 2021</b>
Place:	<b>Remote hearing via 'Zoom'</b>
Case No.	<b>21/01141/PREM</b>
Applicant	<b>HEAT African Bar And Restaurant Ltd</b>
Premises:	<b>HEAT African Restaurant</b>
Premises address:	<b>189 Cowley Road, Oxford, OX4 1UT</b>
Licensing Sub-Committee Councillors:	<b>Cllr Colin Cook (Chair), Cllr Ajaz Rehman, Cllr Imogen Thomas</b>
Legal Advisor:	<b>Daniel Smith</b>
Licensing Officer:	<b>Emma Thompson</b>
Clerk:	<b>Richard Masters</b>

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The Sub-Committee heard representations from the following:

**Licensing Authority:** Emma Thompson (Senior Licensing Compliance Officer)

Emma Thompson presented the Licensing Authority's report, stating that the application had attracted representations from Thames Valley Police (TVP) and Environmental Health, as well as eight objections from Interested Parties, all of which highlighted concerns in relation to how the application may fail to promote the licensing objectives of the prevention of crime and disorder and prevention of public nuisance.

Mrs Thompson also stated that in addition the Licensing Authority had received 20 representations in support of the application, including a petition signed by 25 members of the African Football Group.

**Applicant:** [REDACTED] (Licensing Consultant – Innpacked Ltd on behalf of the Applicant)

██████████ reiterated that the name of the premises is Heat African Restaurant and it is a restaurant rather than a bar, as reflected by the current conditions attached to the existing premises licence which only allow the sale of alcohol to be ancillary to food. However ██████████ did concede that the nature of the operation was “not exclusively a restaurant”.

██████████ stated that the current permitted hours for licensable activity were similar to the permitted hours for licensed premises prior to the introduction of the Licensing Act 2003, which was established to allow flexibility whilst also upholding the licensing objectives.

He claimed that the current licence contained more conditions than any other licence in the vicinity, including the O2 Academy.

He explained the hours sought, which would be crucial to the successful trading of the business and that the aim was to keep customers in the premises rather than have a large turnover of them and offered a last admission condition, as described in the application.

██████████ volunteered to amend the existing condition 28 attached to the licence, which currently states there will be no use of the rear yard after 22:00, to no use after 21:00, in response to the representations received by Interested Parties concerning noise nuisance. The rear yard would also be monitored by staff when it is occupied.

██████████ expressed doubt over a recent noise complaint as it was at a time when he believed the premises was not trading.

Heat is a unique restaurant that offers African cuisine, music and atmosphere meaning a total experience for a night out and customers will look at it as a destination venue.

It has a capacity of 100, with around 70 covers and without the increase in hours the business may fail. Aim is to encourage people to remain at the premises for 2 to 3 hours to enjoy the facilities including African food and music with alcohol ancillary to both.

Other premises in the vicinity have longer hours than Heat Restaurant and ██████████ listed some examples.

██████████ stated that the business relies heavily on Fridays and Saturdays trade so needs to operate to their full potential at that time to offer customers what they want but also to be a successful business.

██████████ referred to the number of conditions on the existing licence and that they were, in his belief, adequate to cover the later hours sought.

Due to the pandemic, the business has only been able to operate for six months since the initial grant of the licence, resulting in the business making a loss.

They have conformed with all Covid-19 related restrictions and Mr Halilu has tried to build a reputation as a African restaurant and entertainment venue. Mr Halilu is both the Designated Premises Supervisor (DPS) and managing director of the company and is a businessman passionate about meeting his aims whilst at the same time addressing the needs of both the Responsible Authorities and the local community.

In conclusion, ██████████ reiterated that the rear yard will be closed at 21:00, 7 days a week and monitored when used to prevent noise nuisance. They already have a condition which does not permit music to be played outside and due to the thickness of the walls, as the premises was

previously a bank, this would prevent noise inside from escaping.

He also said that there will be a latest admission time as stated in the application and that Mr Halilu is 100% committed to the successful running of the premises and to make it a welcome addition to the local nightlife.

Their aim is to showcase African cuisine and culture and all residents of Oxford are welcome, which is indicated by the number of representations in support of the application.

Cllr Cook queried the capacity of 100 but only 70 covers. [REDACTED] explained that the additional 30 people could be in the rear yard, awaiting a table and natural movement to the toilet etc. 70 is the reasonable capacity for diners and unlikely to reach the full capacity of 100.

Cllr Cook also asked for the number of services per night at the venue and [REDACTED] proposed that the likely turnover is once per night as they would be encouraging people to stay at their tables and be served by waiter service throughout their stay.

Cllr Cook then asked of the six months they have been open, how many had they been operating 'normally'. [REDACTED] responded by saying none due to pandemic related restrictions.

Cllr Rehman asked if at 22:00 there are no more admissions, would this mean there would be no more than 70 people in the premises as a maximum? [REDACTED] agreed stating they would not allow any more admission after that time.

Cllr Rehman asked how the back yard was used currently. [REDACTED] said it had become the outside area due to the pandemic where people could eat and socialize but with no music. [REDACTED] conceded that it did get quite noisy at times, resulting in complaints but the proposed alterations would put an end to this.

[REDACTED] confirmed that the 70 covers were inside the restaurant.

Cllr Thomas enquired about the use of the rear yard after 21:00 by staff clearing up and taking bins out that could potentially create a noise nuisance.

[REDACTED] accepted that one representation referred to the noise of staff in the outside area and that they would comply with the relevant conditions already on the licence to ensure no nuisance was caused.

Daniel Smith stated that the current licence included 'recorded music' which was unusual for a restaurant and asked if the music volume is monitored. He also asked if background music would suffice for the premises or if recorded music was a part of the business plan.

[REDACTED] said that people go out to eat on their night out and the premises were not an exclusively restaurant operation, but more one that provides the complete experience of music and food. He said it was common practice to increase the level of music as the night progresses so it would be at a level above background. The premises does have DJs at weekends.

Dave Acreman (Environmental Health Officer) suggested a 'cut off' device would be advisable if the volume was to be louder than background levels given the proximity of neighbours living close to premises.

[REDACTED] stated that the layout of the premises and the noise monitoring would prevent any sound breakout and that staff could leave the removal of waste from the restaurant, and the

clearing of the back yard waste, until the morning if preferable.

Mr Acreman agreed that leaving the removal of the waste until the morning would be preferable to removing it late at night.

**Responsible Authorities:** [REDACTED] Thames Valley Police-(TVP)

[REDACTED] stated that during initial renovations of the premises, it was advertised as a sports bar and karaoke bar and due to the pandemic they have been unable to operate at capacity. TVP need to check licence holders are responsible and are upholding the licensing objectives. Unfortunately, and through no fault of their own, they have not had anywhere near the number of people through doors they might have hoped for and Government restrictions have impacted the business. The business is untested on a licensing basis and the current restrictions have seen the activity in the city reduce as have the number of students. In the evidential bundle it states that nearly 50% of all offences relate to the night time economy on Friday and Saturdays, the busiest period for the Police is between 01:00 and 04:00. On the Cowley Road, the crime hotspot is between O2 Academy and Cowley Retreat. Heat restaurant is located in the middle of this area.

The Special Saturation Policy (SSP) was in place at the time of the original application. Even though it has lapsed due to the pandemic, [REDACTED] stated that we needed to be mindful of the cumulative impact of having more people leave licensed premises at the same time, especially at the terminal hour sought, which is peak demand time for the services of both the Police, and the NHS.

**Interested Parties:** [REDACTED]

[REDACTED] stated their objection was on the grounds of public nuisance in relation to the cumulative impact due to the number of businesses on the Cowley Road. She said that the number of late night venues in the vicinity and the cumulative impact on the residents is significant.

[REDACTED] said that if the premises was to stay open later it would increase the issues of public nuisance. She stated that there was sustained anti-social behavior (ASB) and noise nuisance from patrons from premises on the Cowley Road and she was concerned that adding another venue will act as a draw to traffic on Cowley Road and will have an impact on the residents of Divinity Road and the local community.

[REDACTED] said that he had lived in Oxford for 35 years and never seen anything like this restaurant trading in Oxford and he welcomed its addition with open arms. He said it is key to his existence and enjoyed it's food and experience and had never seen any issues at the premises.

He said he could not see any empirical evidence as to what has been claimed, and argued that the impact of one extra restaurant on the cumulative impact would be marginal. He said the knock on effect was not credible and evidence would need to be seen.

He stated it was unfair that other premises on Cowley Road have longer hours.

He queried the Divinity Road objection due to the distance from the premises and thought that there may be other motives as some complaints were untrue.

He stated that the music is part of the ambience and that African music is very popular. The

premises is different and unique, and to deny the opportunity for longer hours would be a big shame.

He agreed that conditions should be on the licence and adhered to which he believed the licence holder would do.

██████████ agreed with the points raised by ██████████ and referred to her written representation in support of the premises.

**Responsible Authorities:** Dave Acreman, Environmental Health, (EH)

Mr Acreman said he was heartened by the conditions offered by the Applicant, which would go a long way to mitigating the concerns of EH. He said he would like a lobby system at the front of the premises to help prevent noise escaping onto Cowley Road.

He also suggested a cut off device on the rear door which will cut off the music if the door is opened to control noise breakout, as music escaping out of the back door was the most pressing issue.

Emma Thompson confirmed she visited the premises on Friday night with Richard Masters (Senior Licensing Compliance Officer) and stated there is an electric door that opens at the front when people enter.

Daniel Smith asked if the thickness of the walls will assist with adequate noise attenuation.

Mr Acreman clarified that noise breakout is normally from weaknesses in the structure, namely doors, windows and vents and the issue was noise escaping out into the back yard.

Mr Acreman agreed that closing the back yard at 21:00 was a reasonable time to assist with the issue of noise from people outside and that he could assist with a condition in relation to noise limiters or levels if necessary.

██████████ concluded by saying that noise nuisance good management practice comes from working with residents and the Responsible Authorities rather than against them. He said it was reasonable to request a winding down period towards the closing time, as this encourages people to leave gradually. He also said that the cumulative effect of the additional hours would be negligible in agreement with ██████████

██████████ remarked that it was an exciting offer to have an African cuisine themed restaurant in Oxford and African music is popular for the 100 people in attendance. He did not expect to have noise issues in the future.

He recommended that the licence be granted to meet customer demand but also to make it economically viable and said that there was a responsible and passionate DPS in charge.

██████████ reiterated that it is an untested venue, due to the pandemic, and he had not seen the operation in full swing. Cumulative impact was expected at the riskier times requested and the premises is located in a crime hot spot area.

██████████ said that the majority of people using the premises were already on Cowley Road, and it would not create a cumulative impact as the people were already circulating on Cowley Road and the premises provides a further option to the patrons already in the vicinity. He said

that the assertion that it will create problems is not credible.

### **Decision and Reasons of the Sub-Committee**

1. The Sub-Committee considered all submissions, both written and oral. It also had regard to the relevant Home Office Guidance and the Council's Statement of Licensing Policy, in particular policies LH3 (Licensing hours), LH7 (Last admission times) GN18 (Cumulative Impact), PP1 (Pubs, Restaurants, Hotels, Guesthouses) and policies LA2-LA4 (General Prevention of Public Nuisance).
2. The Sub-Committee gave weight to the concerns of TVP in regard to the high levels of crime, disorder and nuisance in the area, particularly after 01.00hrs. The Licence had been granted in 2020 as an exception to the then East Oxford Special Saturation Policy (EOSSP) due to the apparently low impact of the intended operation as a restaurant. The decision at that time gave no expectation that hours of operation would be extended at a later date.
3. The premises had been unable to trade at full capacity due to the restrictions related to the pandemic, for this reason the Sub-Committee had no evidence before it as to the actual impact of the business when operating under normal circumstance. Whilst the EOSSP was not currently in effect the TVP evidence showed that the cumulative impact problems in the area remained high and the representations from the Interested parties indicated noise nuisance was a problem, particularly from use of the outside area.
4. The Sub-Committee also had concerns that although the premises is restricted by its licence to operation as a restaurant, it had many aspects that were not restaurant related and were more akin to a nightclub.
5. For these reasons the Sub-Committee found it appropriate to limit the variation applied for and to impose additional conditions, as follows, in order to promote the licensing objectives of preventing public nuisance and preventing crime and disorder:

#### ***hours for licensable activities:***

##### *Retail Sale of Alcohol (on sales only)*

*Friday and Saturday 12:00 to 00:00*

*Sunday to Thursday 12:00 to 23:00*

##### *Late Night Refreshment*

*Friday and Saturday 23:00 to 00:00*

##### *Recorded Music*

*Friday and Saturday 12:00 to 00:15*

*Sunday to Thursday 12:00 to 23:00*

#### ***opening Hours:***

*Friday and Saturday 12:00 to 00:30*

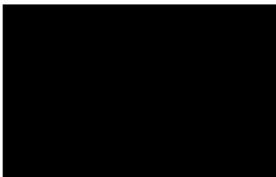
*Sunday to Thursday 12:00 to 23:30*

**additional conditions:**

- I. *The Premises Licence Holder shall ensure that there is no use of the rear yard (external area) by customers after 21:00 hours. When in use the rear yard will be monitored by staff. (nb. this condition replaces current condition 28 of the licence)*
- II. *The Premises Licence Holder shall ensure that a circuit 'cut off' device is fitted and working which automatically switches off the sound system when the rear door is opened after 21.00. Such device to be approved by the Responsible Authority for environmental health.*
- III. *There shall be no admittance or re-admittance of customers after 22:00hrs Sunday to Thursday and 22:30hrs Friday and Saturday.*

6. The application is **GRANTED** subject to the additional conditions and timings set out above.

**Signed: Councillor Colin Cook**



**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.



01/06/2022

To The Licensing Authority- Oxford City Council

**Subject: Variation Heat, Cowley Road (22/01382/PREM)**

Thames Valley Police have received a variation for Heat Restaurant on the Cowley Road. The variation seeks to:

1. increase the hours

		Terminal Hours						
		Mon	Tue	Wed	Thurs	Fri	Sat	Sun
Alcohol	Current	23:00	23:00	23:00	23:00	Midnight	Midnight	23:00
	Application	Midnight	Midnight	Midnight	Midnight	01:15	01:15	Midnight
	Variance	+1HR	+1HR	+1HR	+1HR	+1HR	+1HR	+1HR
Recorded Music	Current	23:00	23:00	23:00	23:00	00:15	00:15	23:00
	Application	Midnight	Midnight	Midnight	Midnight	01:15	01:15	Midnight
	Variance	+1HR	+1HR	+1HR	+1HR	+1HR	+1HR	+1HR
Late Night Refreshment (LNR)	Current	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight
	Application	Midnight	Midnight	Midnight	Midnight	01:15	01:15	Midnight
	Variance	NA	NA	NA	NA	+1 HR 15 MINS	+1 HR 15 MINS	NA
Operating Hours	Current	23:30	23:30	23:30	23:30	00:30	00:30	23:30
	Application	00:30	00:30	00:30	00:30	01:30	01:30	00:30
	Variance	+1HR	+1HR	+1HR	+1HR	+1 HR 15 MINS	+1 HR 15 MINS	+1HR

2. The application also seeks to remove a fundamental condition of the licence.

*27. Ordering, service of and payment for alcohol will be via table service only by way of floor waiter/waitress*

And replaced with:

*A minimum of 12 tables and 70 seats shall always be available in the premises when licensing activities take place*

The premises falls within the East Oxford Special Saturation Policy area (SSP) and as such all new and material variations must be closely scrutinised to properly understand what is being applied for and what impact this may have on the overall cumulative effect of all the licensed activities on the local area.

The local area Inspector for Oxford has reviewed the application and whilst understanding that the SSP matrix recognises that that restaurants are 'unlikely' to add to the cumulative effect, he has concerns regarding the extent and purpose of this application and its compatibility with the policy.

The police have expressed these concerns to the applicant and their licensing consultant and have tried to offer a compromise. However with the statutory deadline now due to shortly expire we have not been able to an appropriate outcome and as such we must refer the matter to the subcommittee and ask they decide the matter.

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East Oxford is afforded protected status with a special saturation policy (SSP).

As the Committee will be aware the SSP concerns itself not with the direct management of any one licensed premises, but recognises the cumulative, significant detrimental effect on the licensing objectives within a geographical area from all of the varied licensed premises as a whole (not just that of alcohol).

The East Oxford night time economy (NTE) from a policing point of view is in a delicate balance and it should also be noted that licensing and NTE related issues are now no longer just the preserve of the weekends as it used to be. With a large student presence and it now being generally more socially acceptable to go out late night during the weekdays for the general public as well, the evening and night time economy is now a seven day a week occurrence, with much promotional activity by the premises to drive that throughout the week.

Heat is located within the very nexus of East Oxford SSP issues and the Cowley Road is one of the main arterial routes to and from the City centre NTE and the various residential areas of Oxford. As such, this area sees a significant footfall of the public out in the NTE already.

*[The city council's most recent data and SSP policy may be found at the end of this bundle.]*

This variation is or should be for a food lead premises, namely a restaurant. Home Office guidance and the Local Authority's statement of Licensing Policy both recognise that a restaurant being primarily food lead, less alcohol consumption and

tending towards earlier terminal hours than bars, pubs and nightclubs is less likely to add to the cumulative effect of all licensed activity in an area.

This means therefore in theory it is less likely to trigger the SSP.

It should be noted however food itself is no exception to the SSP. Indeed late night refreshment venues which sell food to a late terminal hour without any alcohol are just as much a as risk category and therefore come under the SSP.

Much of this is therefore reliant on the business actually being a restaurant and not a bar that sells food which there is a discernible difference regarding the customer expectation, how the business interacts with the SSP and will likely tip the delicate balance of the overall area. This links into the matter of condition 27.

Heat first came to both the Council and Police's attention prior to the original licence application being served back in 2020 when flyers advertising a new sports bar opening were reported from concerned residents.



Subsequent emails with Mr Halilu and eventually a meeting on the 4<sup>th</sup> of March 2020 at the Council's offices with him at the point an application was submitted to discuss our SSP concerns resulted in what the police were lead to believe and what the police eventually agreed a 'no objection' on was a change of business model to a dining restaurant only, thus removing any late night bar provision and agreeing set of restaurant conditions and sensible and responsible terminal hours to ensure the venue operated as such.

This was of course not just for the application at hand but as the sub committee will be aware to safeguard the licence for the future as once granted a licence remains in existence indefinitely and likely to pass through many other operators and many different business models over the years until it is under either surrendered or revoked. The latter is an exceptionally difficult and protracted process to achieve, and any transfer objection is based on the criminality associated with the company or person not the intended use of the licence. In an area where late night licences are at a premium because of the SSP, a licence must have conditions to keep it tightly tethered to the purpose for which it was applied.

The dining conditions in question were:

*25. The sale of alcohol will be ancillary to the premises main function as a restaurant specialising in African cuisine*

26. *The sale of alcohol will only be made to customers that are waiting to place an order for a substantial table meal, are consuming a substantial table meal or have had a substantial table meal.*

27. *Ordering, service of and payment for alcohol will be via table service only by way of floor waiter/waitress*

(27 being the one subject to this application)

25 and 26 are somewhat problematic as they present many loopholes. The overall intention however is to ensure anyone looking to move away from food would have to vary the licence. This would give the police an opportunity to object. The problem being that 26 would permit someone if they so wished to allow customers to eat and then remain indefinitely on site drinking alcohol for many hours afterwards until the venue closed.

Condition 27 is therefore a check to this in at least as it tries to ensure that alcohol consumption is tightly regulated by staff and to ensure the premises' operation does not evolve on a daily basis from food in the afternoon/early evening to more vertical wet led sales in the late evening/night.

We are of the view that the proposed alternative:

*A minimum of 12 tables and 70 seats shall always be available in the premises when licensing activities take place*

Is weak and ineffectual as 'always be available in the premises' can mean anything and could mean as an example having them stacked away in a corner readily available, freeing up the venue for other purposes.

The ambiguity around conditions 25 and 26, the need for condition 27 and our concerns on how the new condition could be interpreted in a very open way, may be illustrated in matters around November of last year.

In relation to intelligence reported to Thames Valley Police by a female alleging her daughter had returned home in a state of excessive intoxication having been out drinking at Heat, a night time licensing visit was conducted.

The report is attached at annex three. However whilst Mr Halilu was adamant that both he and indeed every customer on site had eaten '*a substantial table meal*', prior to police arrival there was no sign to the three officers attending of anyone ordering food, eating food or any indications that food had been consumed in the immediate 30+ minutes or so. What did present to officers was a room with people stood, sat and at the bar all drinking alcohol with regulated entertainment playing loudly in the background. The impression all three officers left was one of a typical alcohol led bar.

Both the police and the Licensing Authority's primary goal is to support our licensed businesses at first instance through education. From that encounter, therefore it was felt that a meeting should be held to go through the licence to identify any issues and support Mr Halilu with compliance.

On the 21<sup>st</sup> of February a meeting was held at the site between the venue, the licensing authority and the police and the licence discussed in detail. The findings of that meeting were for the most part conditions were indeed being met. That the wording of conditions 25 and 26 were being complied with if not the spirit and intent of their purpose , but that there were some breaches as well and advice was given on how to rectify those.

Since that time, we have received concerns from local East Oxford residents about the below advertising literature that is in circulation on open source social media for Heat.



These do not reference food or a dining experience (only one refers to the venue as Heat RESTAURNT) and are more suggestive of a late night bar verging on nightclub. Some do come under temporary event notices (TENs) hence the later hours, and Mr Halilu has been very proactive in applying for these. Under the Licensing Act 2003, it does mean the conditions of the licence are not included in the TEN but on each occasion in applying for them Mr Halilu has taken pains to reiterate the licence conditions are applicable.

In giving a fair and balanced report, this venue is not, that we are aware, a significant generator of crime and disorder. However this is not the point of the SSP which as mentioned above does not concern itself with one venue or another.

However the statement made by the applicant *'the premises licence was granted in June 2020 and has operated (covid restrictions allowing) without incident since then'* is not entirely true and should be qualified. Further to the recent interactions with the police, on the 25<sup>th</sup> of September 2020 police officers on Covid curfew patrols had to empty the bar of patrons and then disperse the crowd out of the area after the cut off hour. The venue has also received a letter from the City Council's EHO on the 28<sup>th</sup> of July 2020 regarding noise complaints from nearby residents and a contravention letter from the Licensing Authority on the 27<sup>th</sup> of July 2021 regarding door staff not being compliant with conditions. These are however not grounds to review obviously, but it must be remembered the venue has only been open for technically two years (albeit slightly less due to the pandemic).

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The SSP needs to be protected and upheld. So much good work has been done over the years steering East Oxford away from yet more late night venues and high alcohol consumption premises.

The police are absolutely supportive of licensed businesses that seek to bring varied offers to the area for the public to go out and enjoy, provided they do not undermine the policy and its aims.

The inspector whilst wishing to support Heat to be a success feels however in this application that, condition 27 addresses a very real need and should remain. That the increased hours when taken with the remove of condition 27 and replaced with a very lack lustre alternative, when taken in light of the current operation and the previous incremental variation last year will mean this application will conflict with the SSP.

As such we must lodge our objection.

On a side note we also request the sub-committee clarify and confirm what we hope is a typing error in section 'M' of the application which may if taken to form part of any change of licence would also undermine the hard work put into the original grant:

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

A minimum of 12 tables and 70 seats shall always be available in the premises when licensing activities take place

**b) The prevention of crime and disorder**

Current annex 2 conditions appropriate.

**c) Public safety**

Current annex 2 conditions appropriate.

**d) The prevention of public nuisance**

There shall be no admittance or re-admittance of customers after ~~22:30hrs~~ 22:00hrs Sunday to Thursday and 23:30 Friday and Saturday.

The actual existing condition of the licence states:

*41. There shall be no admittance or re-admittance of customers after 22:00 hours Sunday to Thursday and 22:30 hours Friday and Saturday.*

**Appendix 11 – East Oxford Special Saturation Policy Area**

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## Appendix 12 – Special Saturation Policy Evidence

### Contents

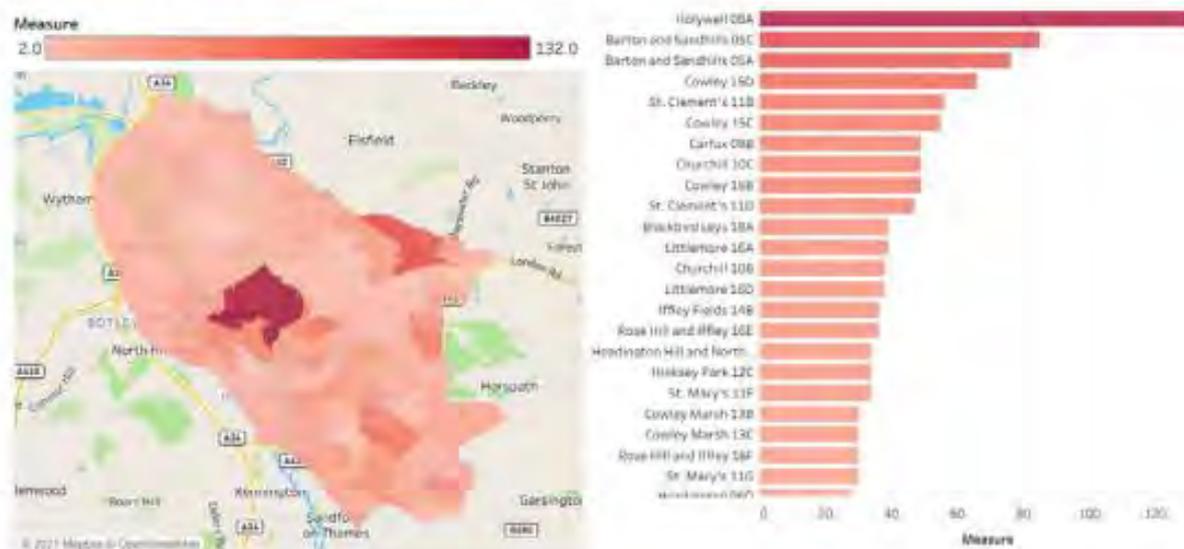
1. Police ASB incidents 2020 – LSOA level
2. Police Criminal damage crimes 2020 – LSOA level
3. Police Public Order crimes 2020 – LSOA level
4. Police Violent crime and sexual offences 2020 – LSOA level
5. Seasonal trends of top-4 LSOAs
6. CCTV incidents
7. Police data analysis methodology
8. Temporal analysis
9. Seasonal analysis
10. Geographic distribution: all NTE occurrences
11. Geographical distribution: serious violence occurrences
12. Public Health data – alcohol related admissions and mortality rates

### Glossary

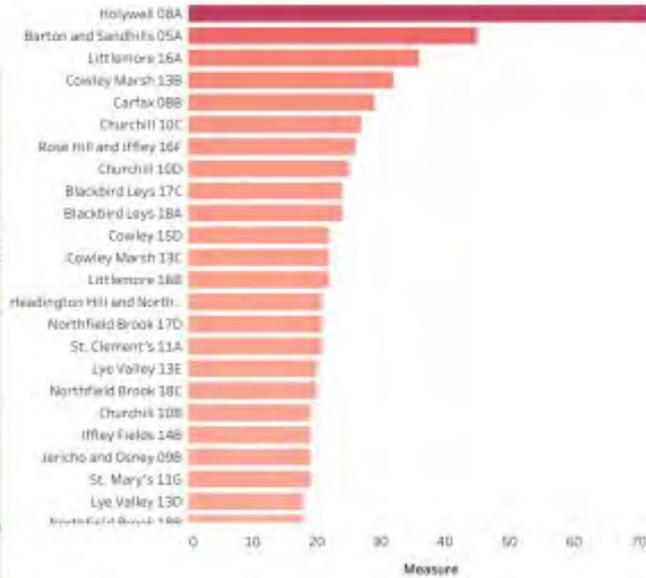
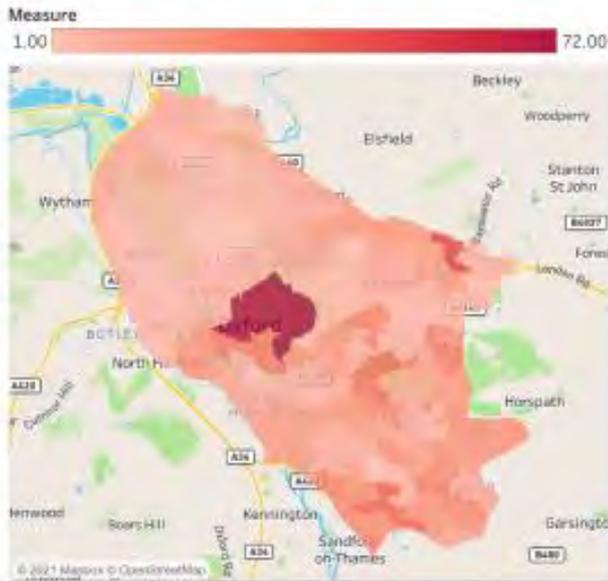
LSOA – Lower Super Output Area

ASB – Anti-social Behaviour

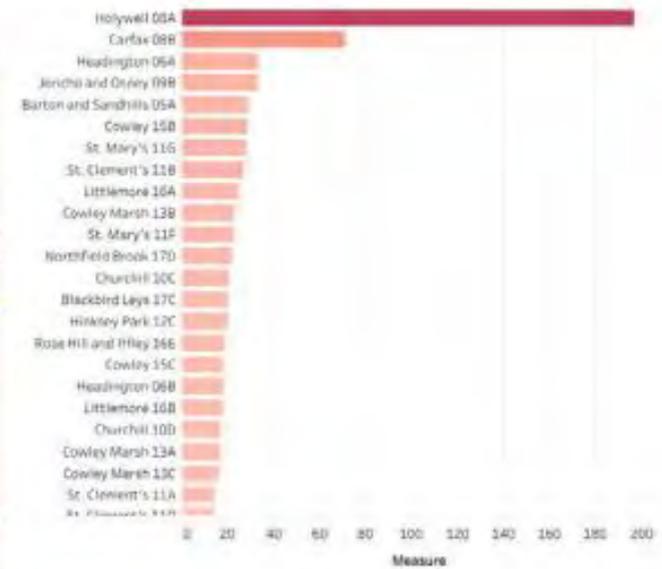
### 1. Police ASB incidents 2020 – LSOA level



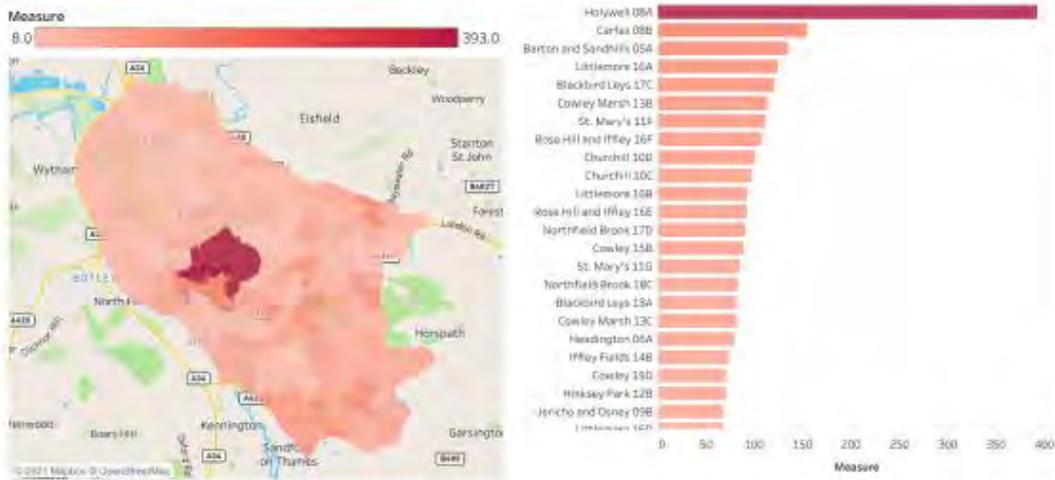
### 2. Police criminal damage and arson crimes 2020 – LSOA level



### 3. Police Public Order crimes 2020 – LSOA level



**4. Police Violent crime and sexual offences 2020 – LSOA level**



**5. Police crime trend data – top 4 LSOAs**

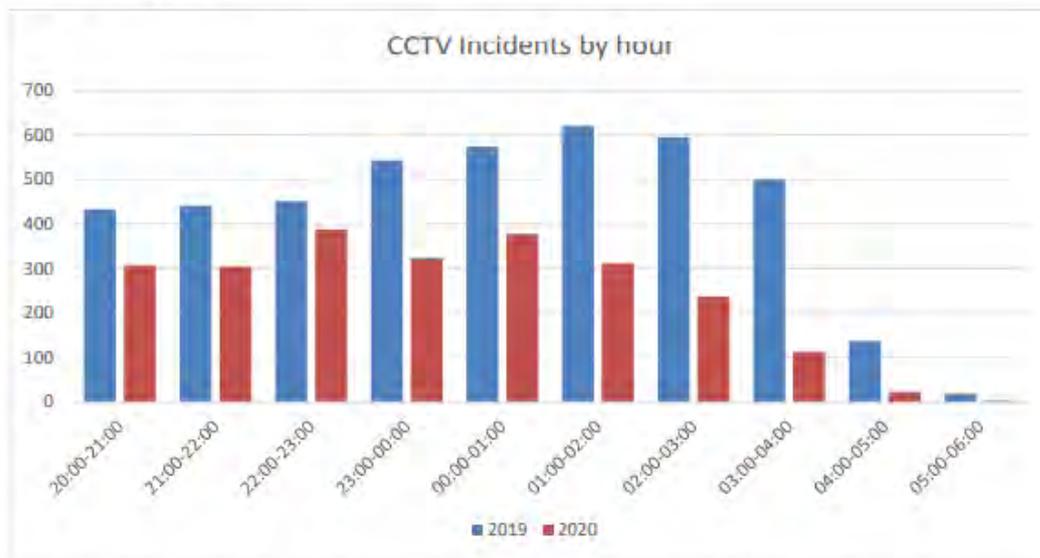
ASB incidents	2018		2019		2020		2021		Total				
	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun					
Holywell O8A	73	83	66	72	48	52	38	21	30	43	22	43	591
Barton and Sandhills O5A	18	14	13	24	28	18	8	25	20	23	16	13	220
St. Clement's 11D	36	44	18	12	26	7	10	8	14	15	6	11	207
Carfax O8B	31	20	27	22	19	9	16	9	11	13	4	10	191

Criminal damage & arson	2018		2019		2020		2021		Total				
	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun					
Holywell O8A	32	43	23	36	26	16	23	11	14	24	11	17	276
Barton and Sandhills O5A	9	5	6	12	12	4	13	12	13	7	9	11	113
Littlemore 16A	14	7	9	6	14	4	6	13	5	12	5	6	101
Carfax O8B	17	10	9	9	5	7	3	7	10	9	8	4	98

Public order	2018		2019		2020		2021		Total				
	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun					
Holywell O8A	56	48	49	57	37	55	54	24	59	60	61	97	657
Carfax O8B	14	18	13	17	20	15	24	8	13	26	15	18	201
Jericho and Osney O9B	2	2	3	4	3	2		9	11	13	24	22	93
St. Mary's 11G	6	2	3	9	8	6	9	4	9	6	9	15	85

Violence & sexual	2018		2019		2020		2021		Total				
	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun					
Holywell O8A	176	187	175	136	171	183	161	56	94	82	56	130	1807
Carfax O8B	29	36	35	30	38	39	39	24	44	48	31	67	460
Barton and Sandhills O5A	32	22	23	22	36	26	29	35	39	32	27	49	372
Littlemore 16A	24	35	34	27	39	17	35	34	26	30	27	31	359

## 6. CCTV incidents



The graph illustrates the peak hours of incidents monitored by public space CCTV cameras in the city. It is not possible to disaggregate the small number of cameras in neighbourhood areas from the cameras in the city centre.

This hourly breakdown is clearly linked to public space incidents during the night-time economy period.

## 7. Police Analysis of Violent Crime in the NTE: Methodology

Data from the police occurrence record keeping system for occurrences taking place within the Oxford Local Police Area with a reported date between 01/01/2017 and 26/04/2021 and with the Home Office Statistics Code 1 representing Violence Against the Person or Disorder.

Cancelled, historic or occurrences where the date was unknown were removed from the data set.

VAP and Disorder are very broad categories and include many occurrences unrelated to the NTE, attempts were made to refine the focus of the data by removing occurrences where the Location was recorded as a Dwelling or using the following criteria:

The data set resulting from the described initial search and filtering criteria comprised 4,523 occurrences which were considered to be related to Oxford's Night Time Economy. This data set was then analysed using Microsoft Excel and Esri ArcMap.

**8. Police Analysis of Violent Crime in the NTE: Temporal Distribution**

The temporal distribution of the 4,514 occurrences for which a time could be determined is shown below. It should be noted that 314 of these had an Event Start Time recorded as 00:00 – upon further investigation 305 of these were changed to a more accurate time based on Recorded Time, Event End Time and times noted in the summary report.

Fig. 1	00:00 - 01:00	01:00 - 02:00	02:00 - 03:00	03:00 - 04:00	04:00 - 05:00	05:00 - 06:00	...	21:00 - 22:00	22:00 - 23:00	23:00 - 00:00	Grand Total
Monday	44	43	38	40	21	3		71	86	62	408
Tuesday	39	33	50	69	21	3		102	77	85	479
Wednesday	45	42	30	41	24			102	94	72	450
Thursday	60	44	61	42	18	4		99	61	68	457
Friday	52	47	64	56	29	3		94	114	122	581
Saturday	115	131	143	165	78	6		113	125	141	1017
Sunday	147	216	202	210	98	5		88	80	76	1122
	502	556	588	623	289	24		669	637	626	4514

**Figure 1: Distribution of occurrences by time and day of week**

Shows what we might expect intuitively: almost half (47%) of occurrences linked to Oxford's NTE occur on either a Saturday or a Sunday. The busiest period is between 01:00 and 04:00 on a Sunday morning, with those 3 hours alone accounting for 14% of occurrences analysed.

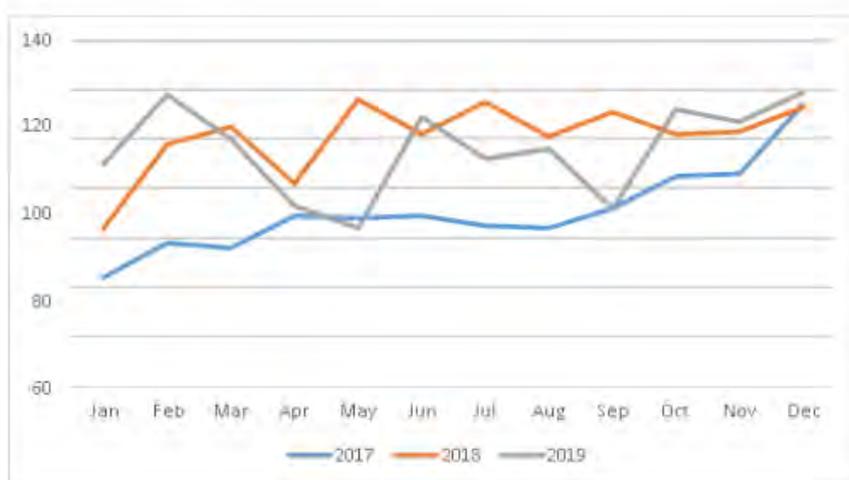
Fig. 2	00:00 - 01:00	01:00 - 02:00	02:00 - 03:00	03:00 - 04:00	04:00 - 05:00	05:00 - 06:00	...	21:00 - 22:00	22:00 - 23:00	23:00 - 00:00	Grand Total
Monday	12	9	7	5	5	1		3	4	3	49
Tuesday	11	6	12	18	16	8		2	5	7	85
Wednesday	7	8	5	5	3	3		2	2	7	42
Thursday	13	10	13	9	15	3		6	2	5	76
Friday	6	12	7	8	10	2		11	7	5	68
Saturday	15	27	32	28	40	16		10	5	14	187
Sunday	18	59	52	41	59	22		6	3	7	267
	82	131	128	114	148	55		40	28	48	774

**Figure 2: Distribution of NTE-related hospitalisations to John Radcliffe AandE by time and day of week**

Shows the distribution of admissions to the Accident and Emergency department of the John Radcliffe hospital between August 2017 and August 2020 which were classified as Apparent Assaults in which alcohol was believed to be a factor. The distribution largely mirrors the conclusion drawn from analysis of the temporal distribution of NTE-linked occurrences in Oxford, with an even greater focus on the early hours of Sunday morning (and to a lesser extent of Saturday morning).

**9. Police Analysis of Violent Crime in the NTE: Seasonality**

The count of NTE-linked occurrences taking place in each month of 2017, 2018, and 2019 is illustrated below. The chart does not suggest any great degree of predictable seasonality, although it appears that occurrence counts in November and December may be particularly high. These monthly counts were then compared to the expected level (based on the 12 month centred moving average) to determine whether any months appeared to have occurrence counts consistently above the expected count.



Month	2017	2018	2019
Jan	-27	-28	-8
Feb	-13	3	20
Mar	-15	7	6
Apr	-2	-18	-22
May	-3	15	-32
Jun	-2	1	13
Jul	-8	12	-6
Aug	-12	-4	-2
Sep	-8	7	-25
Oct	4	-2	18
Nov	1	4	13
Dec	26	13	28

This analysis accounts for changing trends (2017 saw a steadily rising number of monthly occurrence counts, leading to consistently higher levels in 2018). It clearly shows that December NTE-linked occurrence counts were higher than expected in every year from 2017 to 2019, and that January occurrence counts were lower than expected in every year. April and August were also consistently lower than expected, albeit to a lesser extent than January, and November was also associated with marginally higher than expected NTE occurrence counts.

**10. Police Analysis of Violent Crime in the NTE: Geographic distribution**

The following heat maps show locations of NTE occurrences in Oxford, using a 100m x 100m grid overlaid on a map of the police area with the count of occurrences recorded as taking place within each grid square being indicated by the colour of the square.

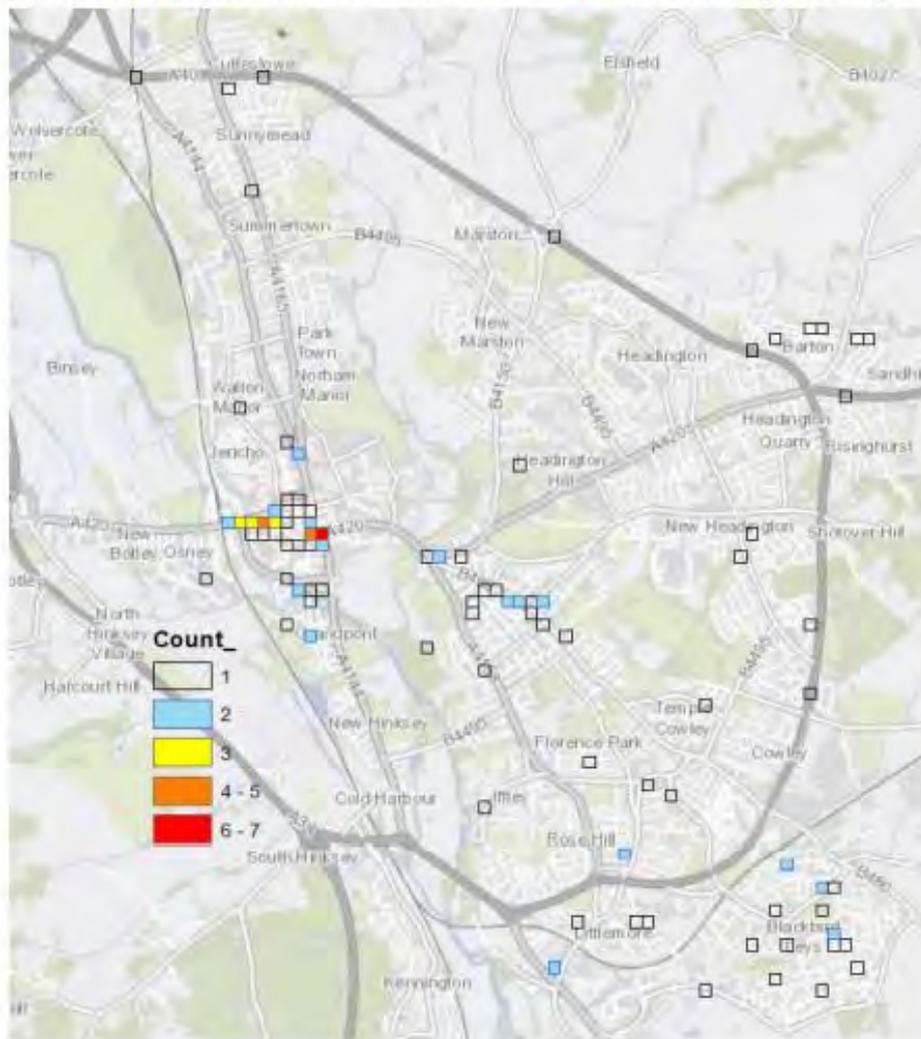
The map clearly indicates that the most notable areas in which NTE occurrences have taken place are: the city centre area focused on Park End Street, Hythe Bridge Street and Cornmarket; Magdalen roundabout, the Cowley Road between Union Street and East Avenue (O2 Academy and Cowley Retreat area); the A and E department of the John Radcliffe Hospital; and the Littlemore Mental Health Centre. It is possible (although not confirmed) that the hospital events may include occurrences that took place elsewhere and were reported from the hospital location.



### 11. Police Analysis of Violent Crime in the NTE: Geographic distribution

Serious violence offences.

Serious violence in Oxford's NTE appears to be highly focused in city centre areas, in particular: Queen Street / Cornmarket Street and Park End Street / Hythe Bridge Street.



## 12. Public Health Data

The table below shows the alcohol related hospital admissions and mortality rates for Oxford.

Compared to England: ■ better ■ similar ■ worse

Indicator	Period	England	Oxfordshire	Oxford
Alcohol related mortality	2018	46.5	41.1	48.6 <span style="color: yellow;">■</span>
Admission episodes for alcohol related conditions	2018-19	664	526	640 <span style="color: yellow;">■</span>
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Source: PHE: Population Health Analysis (PHA) team using data from NHS Digital and ONS

The trend for hospital admissions for alcohol related conditions is increasing. There is also an increase in the trend for hospital admissions for alcohol related cardiovascular diseases.





# Cumulative Impact Assessment 2022



## **1. Cumulative Impact Assessments – Background**

- 1.1 The concept of cumulative impact has been described within the Secretary of State’s Guidance since the commencement of the 2003 Act.
- 1.2 The guidance describes cumulative impact as “the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area”.
- 1.3 For clarity, the licensing objectives are:
- Prevention of crime and disorder
  - Prevention of a public nuisance
  - Public safety
  - Protection of children from harm
- 1.4 The Licensing Authority had previously adopted a Special Saturation Policy within its Statement of Licensing Policy, which covered both Oxford City Centre and East Oxford, adopted following assessment of the particular impact from the concentration of licensed premises in those areas. Due to the effects of the COVID-19 pandemic, the Authority was unable to conduct a Cumulative Impact Assessment when the Statement of Licensing Policy was due to be reviewed in early 2021. The result was that the Special Saturation Policy was removed, with the understanding that it would be reassessed later in the year.
- 1.5 The Policing and Crime Act 2017 amended the Licensing Act 2003 to place ‘Cumulative Impact Assessments’ on a statutory footing by introducing paragraph 5a of the Licensing Act 2003. This amendment came into force on 6th April 2018.
- 1.6 This Cumulative Impact Assessment is therefore being published under these new provisions of the Licensing Act 2003. The policy will be reviewed no later than every three years from the date it comes into force.
- 1.7 Section 182 Guidance states that “A Cumulative Impact Assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area”.

## **2. Consultation**

- 2.1 As per section 5a of the Licensing Act 2003, in preparing the Cumulative Impact Assessment the Licensing Authority consulted with the persons mentioned in section 5(3) of the Licensing Act 2003, namely:
- the Chief Officer of Police
  - the Chief Officer of the Fire and Rescue Service
  - persons/bodies representative of the Local Authority with the function of public health
  - persons/bodies representative of local holders of premises licences
  - persons/bodies representative of local holders of club premises certificates
  - persons/bodies representative of local holders of personal licences
  - persons/bodies representative of businesses and residents in the City of Oxford

- persons/bodies representative of Child Protection Services
  - other organisations as appear to the Licensing Authority to be affected by licensing matters, including local community, cultural, educational and entertainment organisations.
- 2.2 The Licensing Authority considered the views of all those consulted prior to determining this policy.

### **3. Cumulative Impact Assessment**

- 3.1 The assessment relates to all premises within specified areas that have a premises licence or a club premises certificate which will be carrying on or proposing to carry on the following licensable activities:
- The sale or supply of alcohol on or off the premises
  - The provision of late night refreshment on or off the premises
- 3.2 CIAs do not apply to Temporary Event Notices (TENS); however it is open to the police and environmental health authority (as relevant persons) to refer to evidence published within a CIA when objecting to a TEN.
- 3.3 While the evidence underpinning the publication of this CIA should generally be suitable as the basis for a decision to refuse an application or impose conditions, it does not change the fundamental way that decisions are made under the 2003 Act. Each decision in an area subject to a CIA therefore still needs to be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives. Importantly, the publication of this CIA would not remove the Licensing Authority's discretion to grant applications for new licences or applications to vary existing licences, where the Authority considers this to be appropriate in the light of the individual circumstances of the case.
- 3.4 It also does not remove the requirement for a relevant representation to be submitted by a responsible authority or a member of the public (defined as 'any other person' within the act) against an application for it to be considered by the Licensing Sub-Committee. An application that does not receive relevant representations is deemed granted under the Act.
- 3.5 The Licensing Authority's Special Saturation Policy creates a rebuttable presumption that an application within the designated cumulative impact areas for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received. It is for the applicant to demonstrate that their application would not add to the cumulative impact of such licensed premises in the areas. Applicants are encouraged to liaise with the Licensing Authority and other Responsible Authorities in advance of submitting an application.
- 3.6 The steps followed in considering whether to publish a CIA are summarised below:
- identify concern about crime and disorder; public safety; public nuisance or protection of children from harm in a particular location.
  - Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
  - if there is evidence that such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that cumulative impact is imminent.

- Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
- Consult those specified in section 5(3) of the 2003 Act. As with consultations in respect of the licensing policy statement as a whole, it is for each licensing authority to determine the extent of the consultation it should undertake in respect of a CIA (subject to the statutory requirements).

3.7 The Licensing Authority had previously adopted a special policy on cumulative effect, known as its Special Saturation Policy, and it is now being readopted following this Cumulative Impact Assessment.

#### **4. Cumulative Impact Assessment Statement**

4.1 This assessment is being published because the authority is of the opinion that the number of licensed premises and club premises certificates within the City Centre and the East Oxford area is such that it is likely that granting further licences or variation to licences would be inconsistent with the authority's duty to promote the licensing objectives. This opinion has been reached after careful consideration of evidence and data, from Thames Valley Police, the Responsible Authorities and other persons, which show high levels of public nuisance, anti-social behaviour and crime and disorder within these areas. Therefore it is appropriate and necessary to control the cumulative impact in these areas.

The areas covered by the policy are the City Centre, as shown in **Appendix One**, and East Oxford, predominately Cowley Road, as shown in **Appendix Two**.

The evidential basis for the decision to publish a Cumulative Impact Assessment is set out in **Appendix Three**.

In areas where there is an excessive accumulation of off and on licensed premises, it is relatively straight forward to provide a direct correlation between those premises and public nuisance, anti-social behaviour and crime and disorder in the area, through an analysis of the evidence including operating hours of the premises and the peak times for incidents and calls for service.

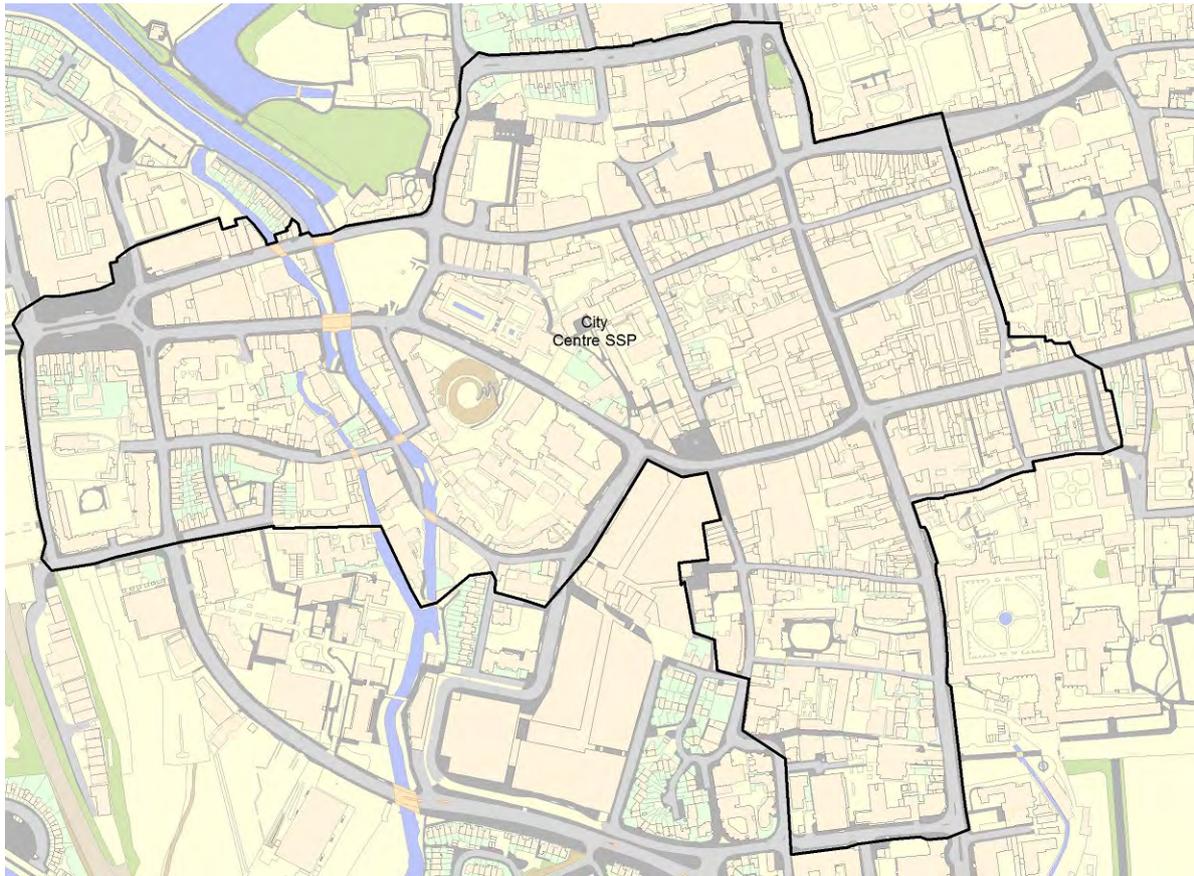
#### **5. Other mechanisms for controlling cumulative impact**

5.1 There are mechanisms and interventions, both within and outside the licensing regime, that are available for mitigating adverse impacts on the licensing objectives and should be considered alongside local licensing policy by the Licensing Authority, Responsible Authorities, other persons, licensed premises and new and existing applicants: For example:

- planning controls
- positive measures to create a safe and clean environment in partnership with local businesses, transport operators and others
- the provision of CCTV,
- ample taxi ranks and Private Hire Companies licensed within district
- powers to designate parts of the city as places where alcohol may not be consumed publicly-Public Space Protection Orders.
- confiscation of alcohol from adults and children in designated areas
- police enforcement of the law with regard to disorder and anti-social behaviour, including the issuing of fixed penalty notices
- enforcement action against those selling alcohol to people who are inebriated

- police powers to close some premises for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise
- the power of police, local businesses or residents to seek a review of the licence or certificate

## Appendix One – Cumulative Impact Area – Oxford City Centre



## Appendix Two – Cumulative Impact Area – East Oxford



# Appendix Three – Cumulative Impact Evidence

## Contents

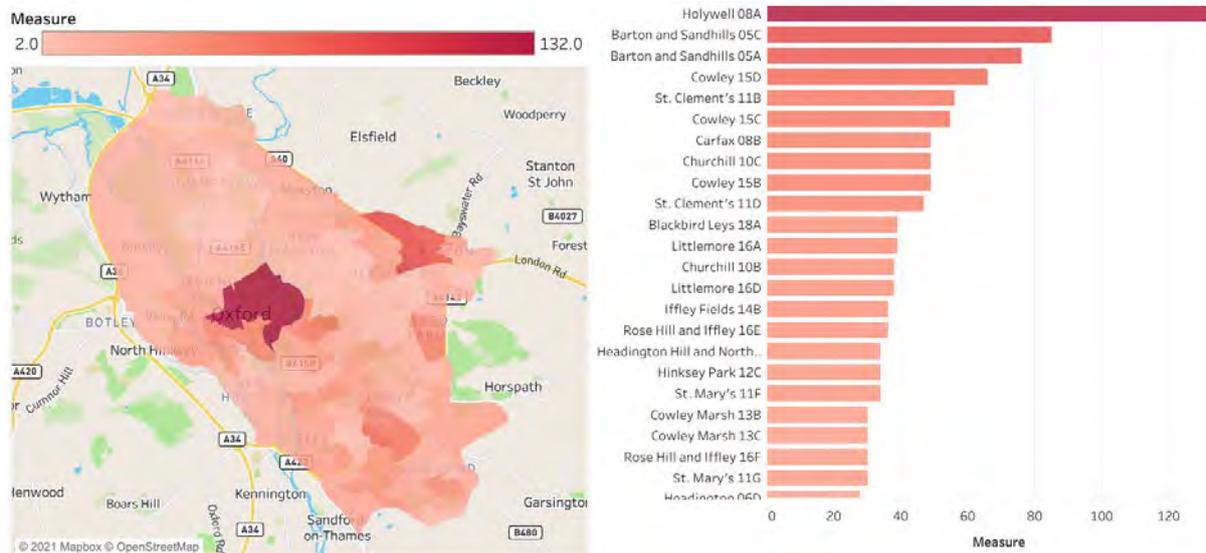
1. Police ASB incidents 2020 – LSOA level
2. Police Criminal damage crimes 2020 – LSOA level
3. Police Public Order crimes 2020 – LSOA level
4. Police Violent crime and sexual offences 2020 – LSOA level
5. Seasonal trends of top-4 LSOAs
6. CCTV incidents
7. Police data analysis methodology
8. Temporal analysis
9. Seasonal analysis
10. Geographic distribution: all NTE occurrences
11. Geographical distribution: serious violence occurrences
12. Public Health data – alcohol related admissions and mortality rates

## Glossary

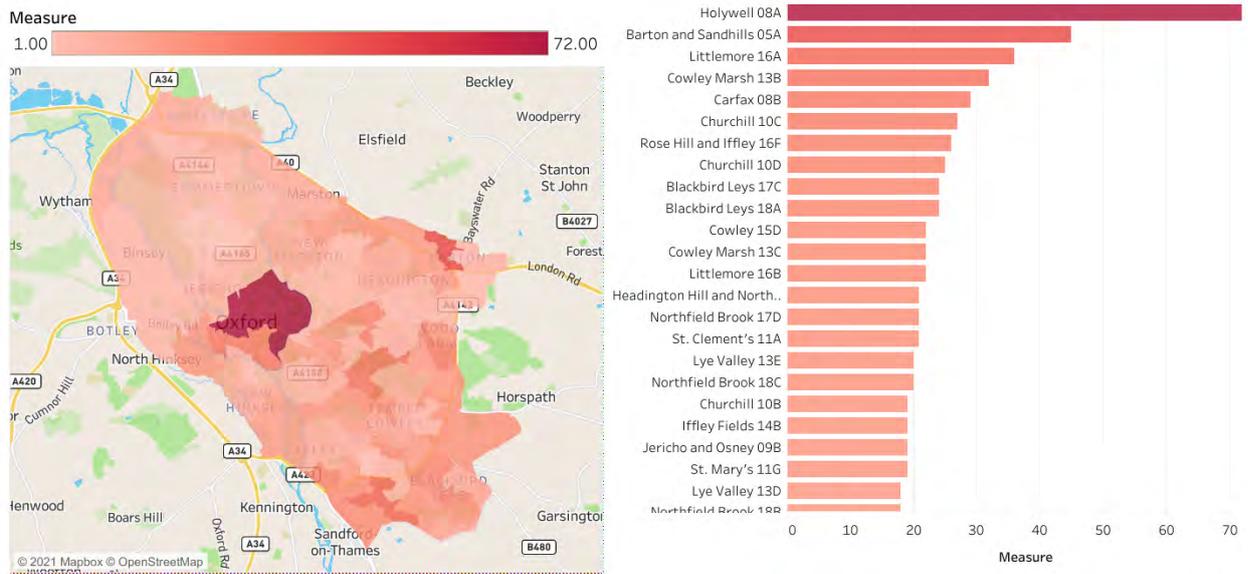
LSOA – Lower Super Output Area

ASB – Anti-social Behaviour

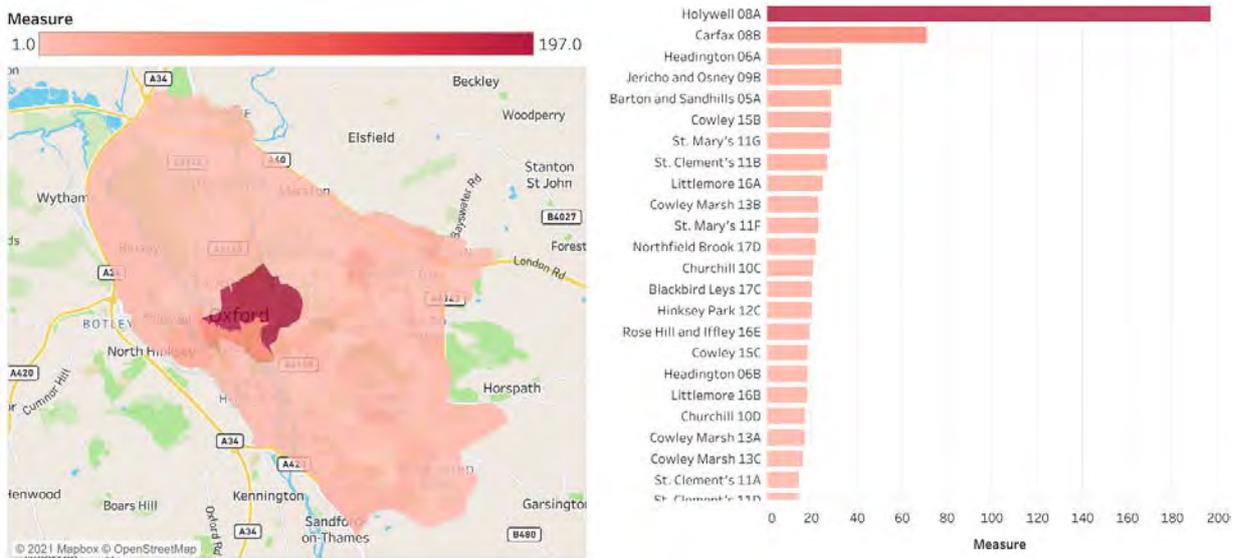
### 1. Police ASB incidents 2020 – LSOA level



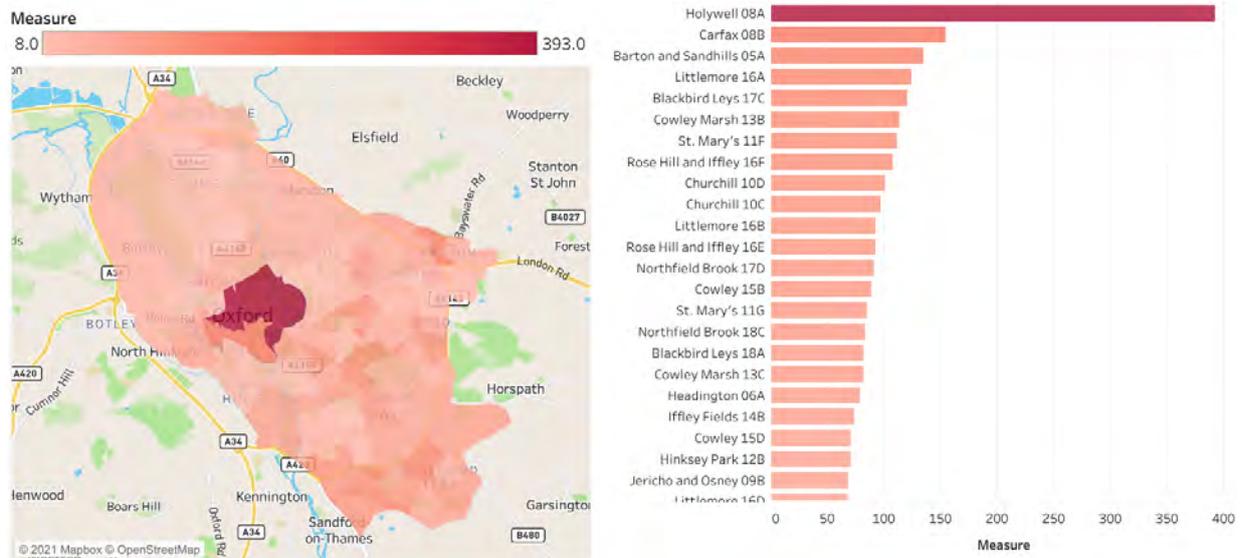
## 2. Police criminal damage and arson crimes 2020 – LSOA level



## 3. Police Public Order crimes 2020 – LSOA level



#### 4. Police Violent crime and sexual offences 2020 – LSOA level



#### 5. Police crime trend data – top 4 LSOAs

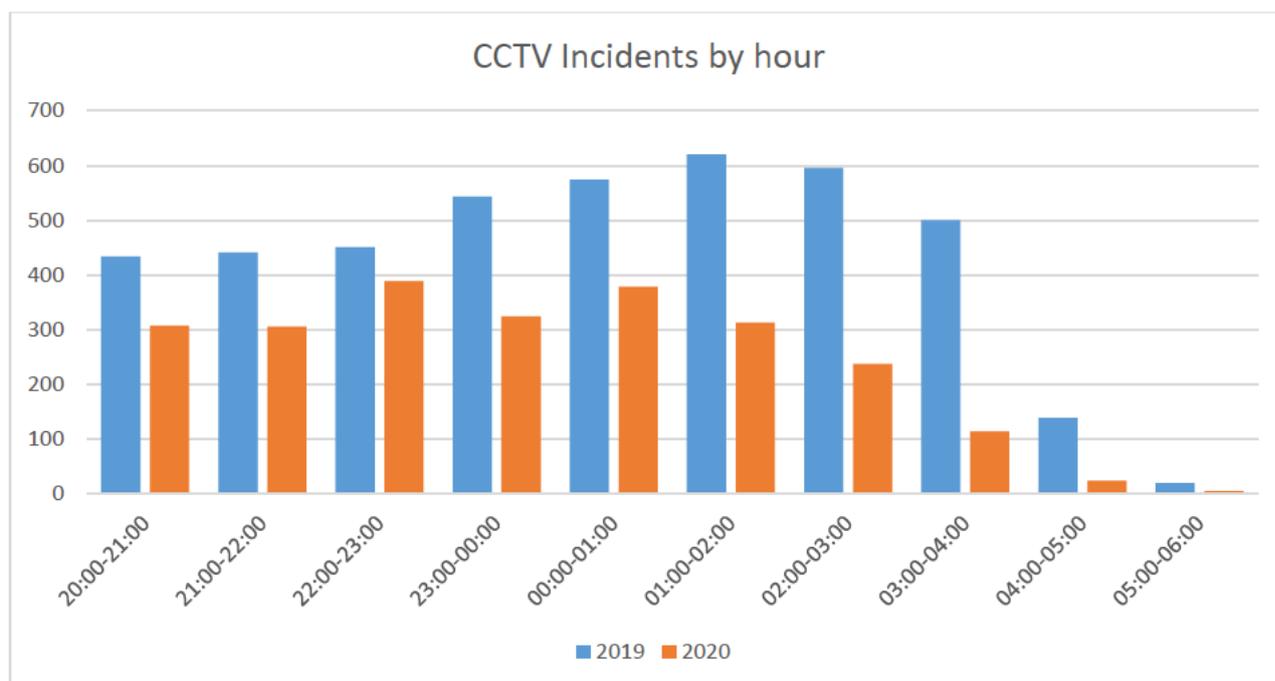
ASB incidents	2018				2019				2020				2021		Total
	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	
Holywell 08A	73	83	66	72	48	52	38	21	30	43	22	43	591		
Barton and Sandhills 05A	18	14	13	24	28	18	8	25	20	23	16	13	220		
St. Clement's 11D	36	44	18	12	26	7	10	8	14	15	6	11	207		
Carfax 08B	31	20	27	22	19	9	16	9	11	13	4	10	191		

Criminal damage & arson	2018				2019				2020				2021		Total
	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	
Holywell 08A	32	43	23	36	26	16	23	11	14	24	11	17	276		
Barton and Sandhills 05A	9	5	6	12	12	4	13	12	13	7	9	11	113		
Littlemore 16A	14	7	9	6	14	4	6	13	5	12	5	6	101		
Carfax 08B	17	10	9	9	5	7	3	7	10	9	8	4	98		

Public order	2018				2019				2020				2021		Total
	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	
Holywell 08A	56	48	49	57	37	55	54	24	59	60	61	97	657		
Carfax 08B	14	18	13	17	20	15	24	8	13	26	15	18	201		
Jericho and Osney 09B	2	2	1	4	3	2		9	11	13	24	22	93		
St. Mary's 11G	6	2	2	9	8	6	9	4	9	6	9	15	85		

Violence & sexual	2018				2019				2020				2021		Total
	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	
Holywell 08A	176	187	175	136	171	183	161	56	94	82	56	130	1607		
Carfax 08B	29	36	35	30	38	39	39	24	44	48	31	67	460		
Barton and Sandhills 05A	32	22	23	22	36	26	29	35	39	32	27	49	372		
Littlemore 16A	24	35	34	27	39	17	35	34	26	30	27	31	359		

## 6. CCTV incidents



The graph illustrates the peak hours of incidents monitored by public space CCTV cameras in the city. It is not possible to disaggregate the small number of cameras in neighbourhood areas from the cameras in the city centre.

This hourly breakdown is clearly linked to public space incidents during the night-time economy period.

## 7. Police Analysis of Violent Crime in the NTE: Methodology

Data from the police occurrence record keeping system for occurrences taking place within the Oxford Local Police Area with a reported date between 01/01/2017 and 26/04/2021 and with the Home Office Statistics Code 1 representing Violence Against the Person or Disorder.

Cancelled, historic or occurrences where the date was unknown were removed from the data set.

VAP and Disorder are very broad categories and include many occurrences unrelated to the NTE, attempts were made to refine the focus of the data by removing occurrences where the Location was recorded as a Dwelling or using the following criteria:

The data set resulting from the described initial search and filtering criteria comprised 4,523 occurrences which were considered to be related to Oxford's Night Time Economy. This data set was then analysed using Microsoft Excel and Esri ArcMap.

## 8. Police Analysis of Violent Crime in the NTE: Temporal Distribution

The temporal distribution of the 4,514 occurrences for which a time could be determined is shown below. It should be noted that 314 of these had an Event Start Time recorded as 00:00 – upon further investigation 305 of these were changed to a more accurate time based on Recorded Time, Event End Time and times noted in the summary report.

Fig. 1

	00:00 - 01:00	01:00 - 02:00	02:00 - 03:00	03:00 - 04:00	04:00 - 05:00	05:00 - 06:00	..	21:00 - 22:00	22:00 - 23:00	23:00 - 00:00	Grand Total
Monday	44	43	38	40	21	3		71	86	62	408
Tuesday	39	33	50	69	21	3		102	77	85	479
Wednesday	45	42	30	41	24			102	94	72	450
Thursday	60	44	61	42	18	4		99	61	68	457
Friday	52	47	64	56	29	3		94	114	122	581
Saturday	115	131	143	165	78	6		113	125	141	1017
Sunday	147	216	202	210	98	5		88	80	76	1122
	502	556	588	623	289	24		669	637	626	4514

**Figure 1: Distribution of occurrences by time and day of week**

Shows what we might expect intuitively: almost half (47%) of occurrences linked to Oxford's NTE occur on either a Saturday or a Sunday. The busiest period is between 01:00 and 04:00 on a Sunday morning, with those 3 hours alone accounting for 14% of occurrences analysed.

Fig. 2

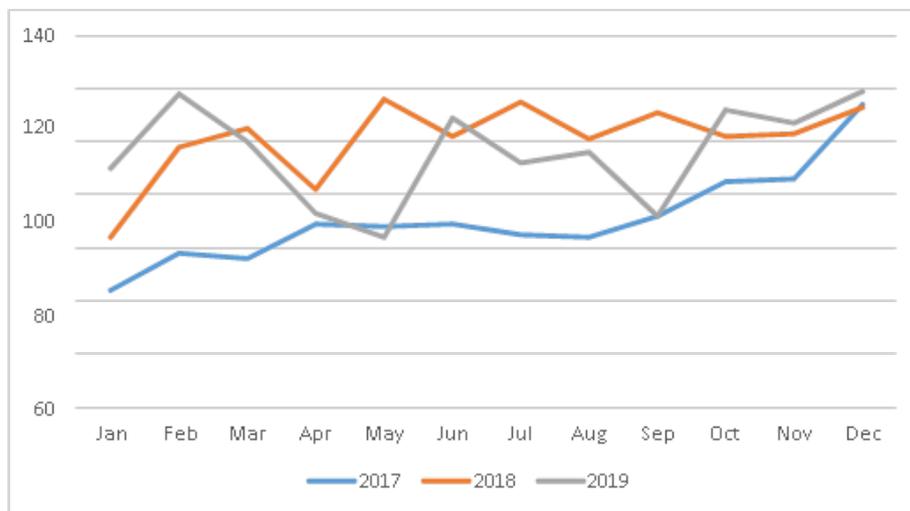
	00:00 - 01:00	01:00 - 02:00	02:00 - 03:00	03:00 - 04:00	04:00 - 05:00	05:00 - 06:00	..	21:00 - 22:00	22:00 - 23:00	23:00 - 00:00	Grand Total
Monday	12	9	7	5	5	1		3	4	3	49
Tuesday	11	6	12	18	16	8		2	5	7	85
Wednesday	7	8	5	5	3	3		2	2	7	42
Thursday	13	10	13	9	15	3		6	2	5	76
Friday	6	12	7	8	10	2		11	7	5	68
Saturday	15	27	32	28	40	16		10	5	14	187
Sunday	18	59	52	41	59	22		6	3	7	267
	82	131	128	114	148	55		40	28	48	774

**Figure 2: Distribution of NTE-related hospitalisations to John Radcliffe A&E by time and day of week**

Shows the distribution of admissions to the Accident & Emergency department of the John Radcliffe hospital between August 2017 and August 2020 which were classified as Apparent Assaults in which alcohol was believed to be a factor. The distribution largely mirrors the conclusion drawn from analysis of the temporal distribution of NTE-linked occurrences in Oxford, with an even greater focus on the early hours of Sunday morning (and to a lesser extent of Saturday morning).

### 9. Police Analysis of Violent Crime in the NTE: Seasonality

The count of NTE-linked occurrences taking place in each month of 2017, 2018, and 2019 is illustrated below. The chart does not suggest any great degree of predictable seasonality, although it appears that occurrence counts in November and December may be particularly high. These monthly counts were then compared to the expected level (based on the 12 month centred moving average) to determine whether any months appeared to have occurrence counts consistently above the expected count.



Month	2017	2018	2019
Jan	-27	-28	-8
Feb	-13	3	20
Mar	-15	7	6
Apr	-2	-18	-22
May	-3	15	-32
Jun	-2	1	13
Jul	-8	12	-6
Aug	-12	-4	-2
Sep	-8	7	-25
Oct	4	-2	18
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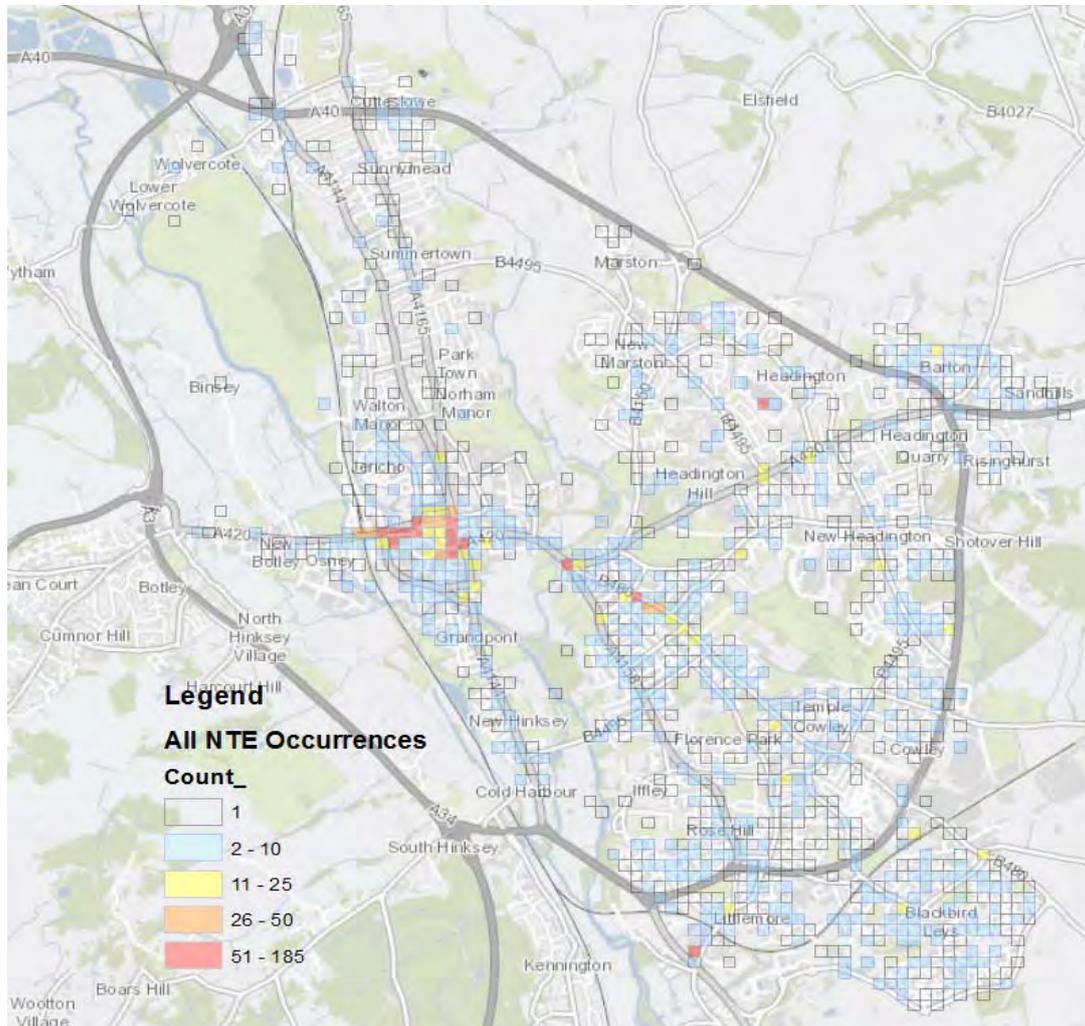
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The map clearly indicates that the most notable areas in which NTE occurrences have taken place are: the city centre area focused on Park End Street, Hythe Bridge Street and Cornmarket; Magdalen roundabout, the Cowley Road between Union

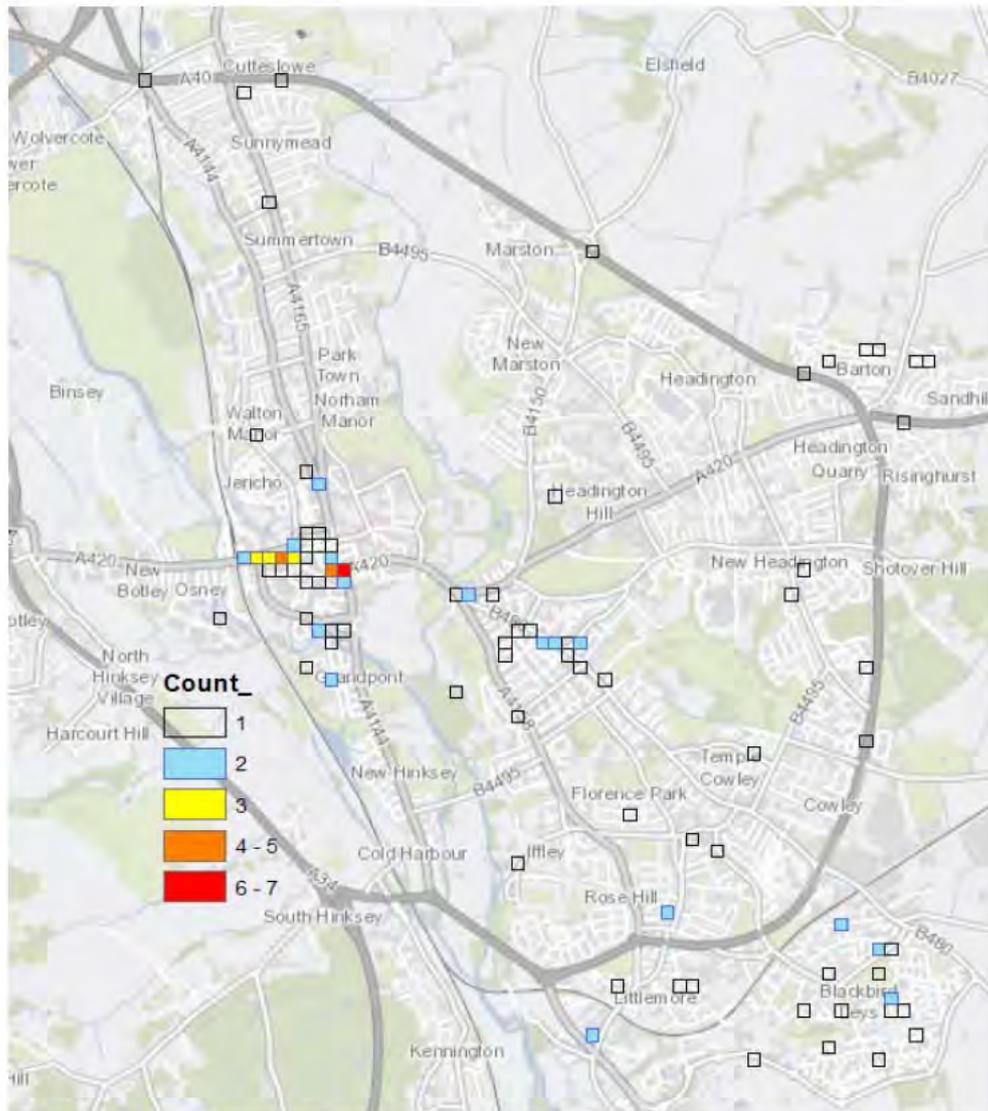
Street and East Avenue (O2 Academy and Cowley Retreat area); the A&E department of the John Radcliffe Hospital; and the Littlemore Mental Health Centre. It is possible (although not confirmed) that the hospital events may include occurrences that took place elsewhere and were reported from the hospital location.



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Serious violence offences.

Serious violence in Oxford's NTE appears to be highly focused in city centre areas, in particular: Queen Street / Cornmarket Street and Park End Street / Hythe Bridge Street.



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Compared to England: ■ better ■ similar ■ worse

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<b>Hospital admissions of alcohol related cardiovascular disease (female)</b>	2018/19	776	613	791 ■
<b>Hospital admissions for mental and behavioural disorders due to alcohol</b>	2018/19	75.6	52.2	97.9 ■
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Source: PHE: Population Health Analysis (PHA) team using data from NHS Digital and ONS

The trend for hospital admissions for alcohol related conditions is increasing. There is also an increase in the trend for hospital admissions for alcohol related cardiovascular diseases.

<b>Submitting Officer</b>		
<b>Shoulder No/Name:</b> C0714	<b>Station:</b> BA	<b>LPA:</b> OXLPA

<b>Incident References</b>		
<b>Premises Name/Location:</b>	HEAT COWLEY ROAD	
<b>Incident Date:</b>	19/11/2021	<b>Incident Time:</b>
<b>Command &amp; Control URN:</b>	NA	<b>Crime Report(s):</b> NA
<b>CCTV Seized?</b>	NA	
<b>Sources of Information:</b>	INTEL RE INTOXICATION	

**Nature of Incident – what happened?**

PCs TSE and GOODCHILD attended with TVP Licensing as part of a licensing visit following a report of an intox female having been at Heat. Upon approaching the venue there were two SIA doorstaff and the PLH/DPS outside the door. There was also a large group of young looking customers. it was not clear if they were using it as a smoking area or queuing to get in, however the group quickly dispersed as officer approached. It was explained to the PLH/DPS why the police were attending and that we wished to look at the operation of the venue as a result. Upon entering it was quickly commented upon that no one was sat down having a table meal or eating at all. Officers TSE and GOODCHILD carried out a visual inspection to check on alcohol consumption and food and due to the loud background music Licensing asked the PLH/DPS to go back outside so they could discuss their concerns.

**Premises Response – what part did staff play? How did they react/assist (include good/poor performance)?**

Licensing made the PLH/DPS aware of the trigger cause for the visit. Which the PLH/DPS was sceptical of. Licening also voiced the concern that there we no signs of food at all just drinking. It was stated that it was possibly breaching the licence. The PLH/DPS stated that everyone including himself had eatten food prior to police arrival. It was then stated that the licence had been granted for a sit down dining venue and the current content of the premies was verticle drinking and this was not supportive to the SSP. Officers TSE and GOODCHILD exited the premies and confirmed no signs of any food or dining were visble and also in their opinon the premies was trading as conventional bar.

**Police Response – what action was taken? Please identify the main officers who dealt with the incident.**

Police raised their concerns whilst people may have been eatng they were all just consuming alchol and that the SSP could not accomadate another bar. It was suggested a meeting with the Licensing Authority would be the most appropate way forward.

It should be noted that the venue being an old bank has electric folding doors. Whilst a licensing visit of the O2's queue was being conducted after having visited Heat, across the Cowley Raod, every time Heat's door opened to allow a customer in or out the volume of the music inside Heat was such it was noticably loud and audiabel over the passing traffic and the O2 nosiey crowds.

<b>Persons Involved - to add more rows click into the final cell of this table</b>				
<b>Name</b>	<b>Date of Birth</b>	<b>Role</b>	<b>Action Taken</b>	<b>Ref No.</b> (e.g. Custody, PND etc)

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

**From:** [Redacted]  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** FW: Subject: Variation Heat, Cowley Road (22/01382/PREM)  
**Date:** 15 June 2022 16:49:18  
**Attachments:** [image007.png](#)  
[image008.png](#)  
[image009.png](#)

---

Dear All

Having taken instruction from Inspector Bouse I can confirm that whilst the venue is located within the SSP its use as a restaurant will factor lower in the risk matrix as identified by home office guidance and the city councils' statement of licensing policy.

Whilst further additional alcohol provision in East Oxford and how that will impact on the local area is always a concern to the police the applicant has agreed to withdraw the part of the application that sought to remove of condition 27. As such the inspector feels this maintains parity in terms of the terminal hours with other food lead establishments in both SSP areas and safeguards the licence from being abused as a vertical drinking establishment.

In light of the below response therefore we are willing to remove the representation that was submitted at the time of the consultation expiring.

We are aware that local residents have lodged objections to the application, therefore the matter is to go to a hearing irrespective of the agreement between the applicant and the police and potentially the sub committee may decide to take another view. As such Inspector Bouse has tasked the TVP HQ licensing officer to attend any hearing on behalf of the Oxford policing area should there be a need to discuss the police response.

Yours Sincerely

[Redacted Signature]

[Redacted] | Force Licensing Officer | Policing Strategy (Local Policing inc Licensing) | Thames Valley Police, HQ South |



What to know more about Licensing? Read our [Alcohol Licensing Operational Guidance](#)

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**From:** Licensing <[licensing@innpacked.com](mailto:licensing@innpacked.com)>

**Sent:** 08 June 2022 12:30

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** Subject: Variation Heat, Cowley Road (22/01382/PREM)

Good afternoon,

I must apologise we were unable to respond to your representation made against the proposed variation to Heat's premises licence as your email got stuck in our spam filters.

I have spoken with Mohammed and he is happy to accept keeping the condition (number 27) if you are happy for the varied times to stand and withdraw your representation.

Please let me know if this is acceptable.

*Kind regards,*

*Edith Lake*

*Administrator*

*DD: 08000 786056*

[licensing@innpacked.com](mailto:licensing@innpacked.com)

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\*\*\*\*\*

From: [REDACTED]  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: HEAT African Bar And Restaurant Ltd (reference 22/01382/PREM)  
Date: 25 May 2022 08:44:29

Dear Licensing Team,

This comment relates to the application made by HEAT African Bar And Restaurant Ltd (reference 22/01382/PREM). It is submitted on behalf of the Divinity Road Area Residents Association (DRARA, <https://www.drara.org.uk>). DRARA objects to this application on the grounds of public nuisance.

The Council's Special Saturation Policy for Licensing ([https://www.oxford.gov.uk/info/20143/alcohol\\_entertainment\\_and\\_late\\_night\\_refreshment/34/special\\_saturation\\_policy\\_for\\_licensing#~:text=The%20effect%20of%20the%20Special%20prohibit%20applications%20being%20made,](https://www.oxford.gov.uk/info/20143/alcohol_entertainment_and_late_night_refreshment/34/special_saturation_policy_for_licensing#~:text=The%20effect%20of%20the%20Special%20prohibit%20applications%20being%20made,)) is once again in place for this area. Granting this variation to the existing license would significantly contribute to the existing problems of alcohol related disorder and antisocial behaviour that the residents of this area experience. The venue is located less than a four minute walk from the beginning of the large residential area around Divinity Rd. The area is already saturated with businesses offering late night drinking and dining and this has a significant cumulative impact on residents in the area.

Residents of DRARA already experience significant nuisance related to the number of businesses offering late night entertainment, particularly alcohol service, in this area. HEAT African Bar and Restaurant is located directly adjacent to many of these, for example it is opposite the OJ Academy and The Library, it is flanked to the East by the City Arms, Cafe Baba, and The Baron, and to the West by The Bullingdon and The Cowley Retreat. The number of businesses serving alcohol late into the night has a cumulative impact and the proposed variation to this licence will contribute to this. Granting this variation application would allow the high number of late night drinking venues in the area to grow further.

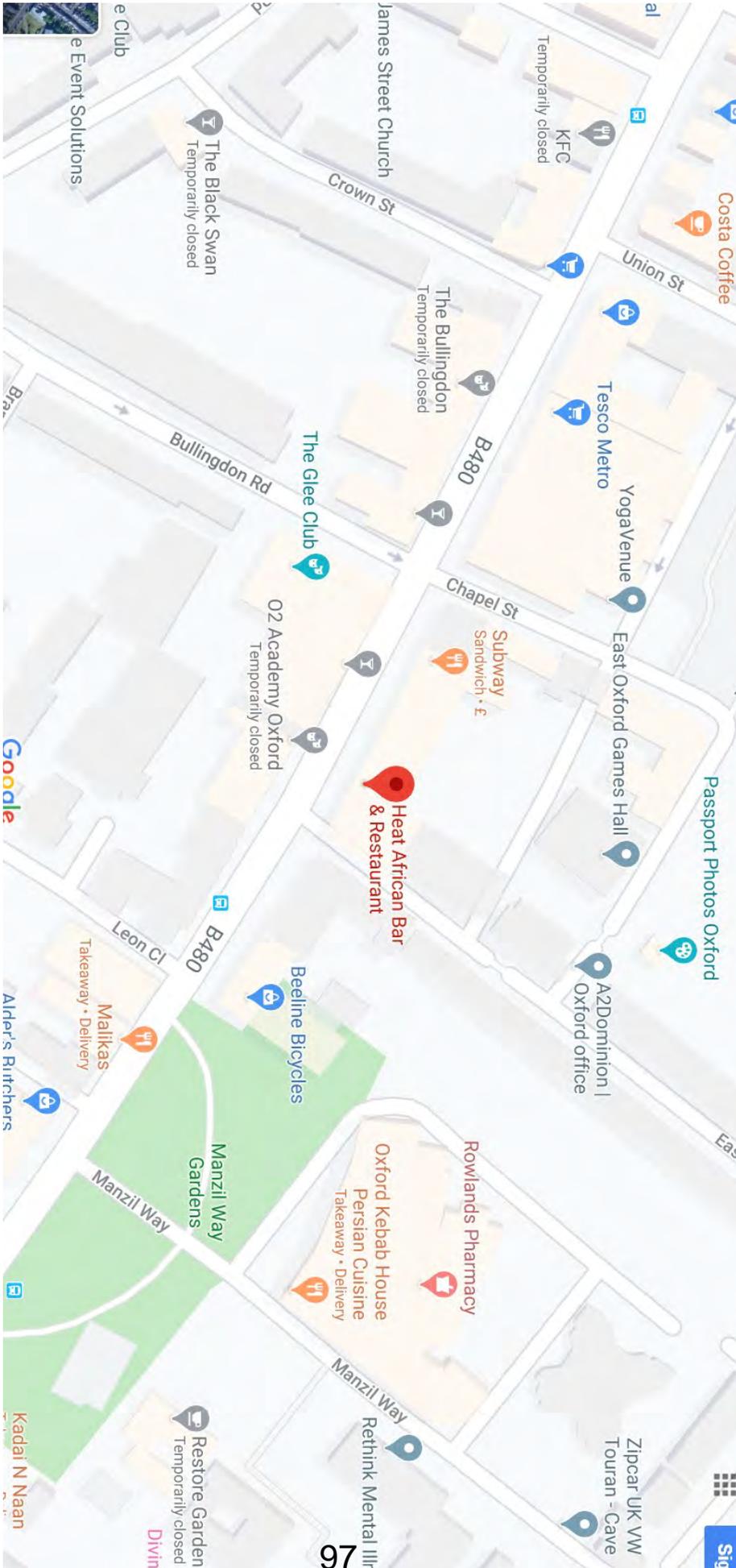
DRARA has in the past objected to applications from this business to vary the terms of its license (reference 21/01141/PREM) and we renew our objection.

My details are as follows

Title Dr  
First Name Lydia  
Surname Mathews  
Address [REDACTED]  
[REDACTED]

Best wishes,  
Lydia Mathews on behalf of Divinity Road Area Residents Association

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