

Licensing Act 2003



Licensing Sub-Committee

Notification of determination

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

Date of hearing:	23rd August 2022
Place:	Town Hall, Oxford
Case No.	22/01657/PREM
Applicant	STOJA LTD
Premises:	Taste of Jamaica
Premises address:	32 Cowley Road, Littlemore, Oxford, OX4 4LD
Licensing Sub-Committee Councillors:	Councillor Clarkson (Chair), Councillor Humberstone, Councillor Miles
Legal Advisor:	Alan Parr
Licensing Officer:	Joshua Curnow
Clerk:	Lucy Jones

The Sub-Committee heard representations from the following:

Licensing Authority: Joshua Curnow (Licensing Officer)

Joshua Curnow (JC) presented the Licensing Authority's report, stating that the application had attracted representations from twenty-eight (28) Interested Parties. **JC** outlined the timings of licensable activities applied for on the application and explained that Thames Valley Police (TVP) had liaised with the Applicant during the consultation period who had agreed for twelve (12) additional conditions to be attached to the licence if granted and a reduction of hours.

JC advised that concerns raised within representations or raised verbally at the hearing must be related to the Licensing Objectives and related to the licensable activities applied for in the application, specifically the concerns raised regarding parking or traffic in the local area could not be considered by the committee when making their decision.

JC also advised that the premises has conditions restricting operation hours imposed by the Planning Authority. **JC** went on to explain that Planning and Licensing fall under separate regimes and that the committee may grant a licence beyond the hours restricted by Planning, but this would not supersede the applicant's requirement to comply with conditions set by Planning.

Applicant: Saudia Hind and Aaron Hind (In attendance with Michael Evans)

Saudia Hind (SH) gave a statement, providing details about her personal background as well as details about the premises. **SH** stated that the business had been running well enough to open a branch in Wallingford where the sale of alcohol was permitted. **SH** explained that opening the second branch identified the element of selling alcohol alongside the food was missing for Taste of Jamaica. Most of the customers are online based and order through 'Just Eat' and 'Deliveroo'. **SH** explained she currently holds a Personal Licence so it made sense to apply for a Premises Licence to go with it to make the business more attractive and inviting for customers to dine in the restaurant as they would have the option to have an alcoholic beverage alongside their meal. **SH** explained that Taste of Jamaica has applied for the sale of alcohol, serving food alongside alcoholic beverages, recorded music for indoor only which would be kept below 45 decibels and late night refreshments.

Michael Evens (ME) spoke in support of the application.

Responsible Authorities: Edward Davis (Environmental Health)

As the Environmental Health Department did not make a representation during the consultation period, Cllr Clarkson asked the Applicant if they consented to Edward Davis making a verbal representation. The applicant refused.

Sergeant Campbell (Thames Valley Police)

Sergeant Campbell (SC) did not make an additional verbal representation, but did explain she was the local neighborhood Sergeant and would answer any questions raised for TVP.

Interested Parties: Norman Mccubbin (Local resident)

Norman Mccubbin (NM) explained he was a local resident and that he spoke on behalf of the objectors present. **NM** provided a statement regarding concerns around noise nuisance and antisocial behaviour, which was already something that causes local residents anxiety.

NM explained there had not been an attempt to engage with the local community about the proposed licence. He explained that many local residents had logged complaints across teams at Oxford City Council as well as Thames Valley Police as a result of noise, nuisance and disruptions following events at the premises.

Closing submissions:

SC summarised points raised when liaising with the Applicant during the consultation period, and explained that the stance of TVP had changed since the premises held events with

licensable activities authorised under Temporary Event Notices. As the events had caused a significant amount of complaints about noise nuisance and anti-social behaviour, TVP considered a terminal hour of 23:00 hours more appropriate.

SC informed the committee that TVP wants to find the balance between supporting the local neighborhood and policing the local area. However, they do wish to work with the applicant to ensure community safety.

JC summarised the concerns raised around noise nuisance and terminal hours of licensable activities, outlining the agreed conditions and timings proposed by TVP. **JC** advised the committee that they may amend or add conditions if they were proportionate to manage noise nuisance.

SH thanked everyone for their comments and representations made and has taken into consideration the main concerns from residents including timings which they will be happy to compromise with and the noise nuisance.

NM explained that what has been discussed in the meeting has modulated from the application and requested clarification on the planning restrictions currently imposed.

Decision and Reasons of the Sub-Committee

1. The Sub-Committee considered all submissions, both written and oral. It also had regard to the relevant Home Office Guidance and the Council's Statement of Licensing Policy.
2. The Sub-Committee were persuaded by the evidence presented at the hearing and in the report that there was a risk of noise nuisance from the premises that could be caused by the licensable activities applied for.
3. The Sub-Committee were concerned about the representations in regards to noise nuisance and anti-social behaviour linked to the premises following licensable activities that had been authorised under Temporary Event Notices.
4. The Sub-Committee considered the proposals in the operating schedule, the conditions previously agreed with Thames Valley Police and the proposed terminal hours of licensable activities and found they were not sufficient to uphold the licensing objectives.

The Sub-Committee decided:

- To **GRANT** the licence, and;
- To **MODIFY** the conditions of the operating schedule by altering and adding to them, and;
- To **EXCLUDE & RESTRICT** from the scope of the licence the licensable activities to which the application relates.

Times the licence authorises the carrying out of licensable activities:

Supply of Alcohol (on and off sales):

Monday to Thursday:	12:00 hours – 22:30 hours
Friday to Saturday:	12:00 hours – 23:00 hours

Sunday:	12:00 hours – 21:00 hours
Recorded Music (indoors only):	
Monday to Thursday:	09:00 hours – 22:30 hours
Friday to Saturday:	09:00 hours – 23:00 hours
Sunday:	09:00 hours – 21:00 hours

Conditions attached after a hearing:

1. 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 25 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 Thames Valley Police or the Licensing Authority 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 12 months.

2. The Premises Licence Holder shall ensure that a Premises Daily Register is held at the premises. This Register shall be maintained for a rolling minimum period of 12 months, and shall record:
 - The name of the person responsible for the premises on each given day.
 - The name of the person authorising the sale of alcohol each day.
 - All calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti-social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident about which the call is made and any actions taken to deal with the call.
 - Any refusals on grounds of age and/or intoxication (to include date, time, member of staff involved, reason for refusal as well as a brief physical description of the person refused)
 - Any items seized by security staff employed at the premises.
 - 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 as well as a brief physical description of the person refused)

- Weekly checks of the CCTV, to ensure it is fully operational and any faults are dealt with including the time of the check and the person that carried it out.
- Any calls to 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 any Authorised Officer of the Licensing Authority or Thames Valley Police throughout the trading hours of the premises.

3. The Premises Licence Holder shall ensure written policies are implemented. Such documents shall include, but not be limited to, the following:

- CCTV
- Customer 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, fully understand the training, and that they will carry out their duties in accordance with them. These training records will be retained and made available to the Licensing Authority and/or responsible authority named under the licensing act upon request.

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

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

4. The Premises Licence Holder shall ensure a CCTV system is 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 any 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
5. The Premises Licence Holder shall ensure that no person is allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.
 6. The Premises Licence Holder shall ensure all members of staff 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.
 7. The Premises Licence Holder shall ensure the premises is cleared of customers and closed 30 minutes after the conclusion of the last licensed activity.
 8. The Premises Licence Holder shall ensure prominent, clear notices are displayed at all exit points to advise customers to respect the needs of the local community and of acceptable behaviour in public spaces.
 9. The Premises Licence Holder shall ensure any off sales of alcohol are only permitted in conjunction with a food order for takeaway. There will be no 'alcohol only' off sales.
 10. The Premises Licence Holder shall ensure that the written 'Security measures' policy required in condition 3 has a written risk assessment regarding the need (if at all) for SIA licenced door supervisors. This will be for day to day standard operation as well as for any special one off events over and above that of normal trade. The risk assessment will be made readily available to the police upon request and where subsequent issues or concerns related to the security risk assessment are brought to the premises licence holder's attention by the police, the premises licence holder will make amendments as directed.
 11. The Premises Licence Holder shall ensure where the premises employs SIA door staff there will be no fewer than 2 on duty to avoid issues and risks associated with lone working.
 12. The Premises Licence Holder shall ensure all door staff wear at all times, whilst on duty, high visibility florescent yellow coats/tabards to clearly identify them as working that role.
 13. The Premises Licence Holder shall ensure that the written 'Noise' policy required in condition 3 is reviewed and approved by the Environmental Health authority as appropriate to manage any public nuisance caused by noise.
 14. The Premises Licence Holder shall ensure that no amplified music is played indoors or outdoors.



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

Notes:

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

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