

Licensing Act 2003



Licensing Sub-Committee

Notification of determination

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

Date of hearing:	12th December 2022
Place:	Town Hall, Oxford
Case No.	22/03792/PREM
Applicant	Mrs. Manpreet Kaur Lalpurwal
Premises:	Best Food and Wine
Premises address:	17 Woodstock Road, Oxford, OX2 6HA
Licensing Sub-Committee Councillors:	Cllr Mary Clarkson (Chair), Cllr Barbara Coyne, Cllr Jo Sandelson
Legal Advisor:	Alison Daly
Licensing Compliance Officer:	Emma Thompson
Clerk:	Katie Thorp

The Sub-Committee heard representations from the following:

Licensing Authority: Emma Thompson (Senior Licensing Compliance Officer)

Emma Thompson (**ET**) Senior Licensing Compliance Officer presented the Licensing Authority's report to the Sub-Committee. **ET** confirmed that the applicant and their representation were unable to attend the hearing but provided a written statement and a letter from Oxfordshire County Council as additional material to be taken into consideration by the Sub-Committee panel. **ET** confirmed that copies of both documents had been emailed to all parties prior to the hearing. **ET** confirmed that the application had attracted one representation from Thames Valley Police (**TVP**). **ET** stated that the proposed Premises Licence Holder has a similar premises in Wolvercote. **ET** confirmed that the premises to which the application before the Sub-committee relates, is located on Woodstock Road and is outside of the Licensing Authority's special saturation policy area. **ET** also stated that there are several restaurants and establishments with on sales drinking nearby, with the nearest off sales premises being on Walton Street.

Cllr Mary Clarkson (**MC**) asked **ET** how many other premises licenses this applicant holds in in the City.

ET confirmed the applicant is a premises licence holder of one other premises. This is in Wolvercote on Godstow Road.

MC also asked whether the Licensing Authority are aware of any issues or management issues at the premises in Godstow Road premises in terms of sales to underage people or any associated disorder.

ET says that she is not aware of any as nothing had been reported directly to the Licensing Authority. However, complaints of underage sales may go to Trading Standards or directly to Thames Valley Police.

Responsible Authorities: Sgt Pete Neale & Alex Bloomfield (Thames Valley Police)

Sgt Pete Neale (**PN**) confirmed the nearby University site backs onto Walton Street which has existing off licenses in the form of the Co-Op. **PN** also confirmed that on St Giles there are further premises in the form of Sainsbury's and Tesco. **PN** stated that the premises that was the subject of the application was near to a venue that deals with homeless and vulnerable people some of whom have addiction issues. **PN** stated that whenever the Police have premises in the vicinity of a place where homeless and vulnerable people gather, the Police tend to see trouble. The reason for this is that addicts buy the drink, and this then leads to anti-social behaviour. **PN** stated the location of the premises is not well served by CCTV, and rarely sees any foot patrol from the Police. **PN** explained that there is a soup kitchen and vulnerable support location near to the premises that was the subject of the application. **PN** had spoken to the Manager of the soup kitchen during the consultation period and they said they would be keen for the premises to not be there due to the associated problems it would cause. **PN** stated he can see the potential for an increase in addiction and alcohol related anti-social behaviour, should the licence be granted.

Alison Daly (**AD**) Legal Advisor asked **PN** to clarify how close the soup kitchen is to the premises location

PN stated it was around fifty (50) metres away, if that, and certainly within walking distance.

ET asked **PN** if he had advised the soup kitchen to submit a representation, as she was mindful that there was no representation received from the premises.

PN stated he did ask, however no representation had been made.

Cllr Jo Sandelson (**JS**) asked whether the other premises that sell alcohol were much further away from the Soup Kitchen than the premises to which this application relates to.

PN confirmed they are. The closest one was at the bottom of Little Clarendon Street which is roughly one hundred (100) metres away and around a corner.

MC stated that in the **TVP** submission they made reference to two other premises which the applicant's husbands ran and which had caused subsequent concerns and asked whether the applicant herself had been working at these premises.

Alex Bloomfield (**AB**) responded and confirmed it is only one premises that the husband is involved with, the licence for the other premises on Godstow Road is in the name of Mrs.

Lalpurwal. There had been no concerns or issues raised with the operation of the Premises located on Godstow Road. **AB** also confirmed there had been no test purchase operations carried out at the premises on Godstow Road.

MC asks whether the Police have particular concerns about policing the area of the proposed new premises if alcohol is available and whether they expect there to be an increase in anti-social behaviour.

PN confirmed TVP believe this to be the case.

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, including policies LH8, CH5, PP11 and OS7.
2. The Sub-Committee considered the representation from Thames Valley Police and acknowledged their proposed conditions. They agreed that the majority of Thames Valley Police's proposed conditions should be included in the licence. Of the proposed conditions, the Sub-Committee amended condition TVP1, TVP5 and TVP6 and removed TVP7 completely. All the other proposed conditions are to be included on the premises licence.
3. The Sub-Committee agreed to amend the TVP1 condition to read as follows:

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 six months.

4. The Sub-Committee agreed to amend the TVP5 condition to read as follows:

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 alcohol from 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.

5. The Sub-Committee agreed to amend the TVP6 condition to read as follows:

When a request for proof of age is made, to help support staff in identifying fake ID, a visual inspection of the evidence provided shall be carried out by a staff member in line with their fake ID training.

The Sub-Committee took into account that there was no evidence of the applicant's unsuitability to hold a premises licence.

The application is GRANTED subject to the conditions and amendments as set out above.

A handwritten signature in cursive script, reading "Mary Clarkson", written over a horizontal line.

**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.