

Public Document Pack



Committee: **Licensing Sub Committee**

Date: **Thursday 2 June 2016**

Time: **10.00 am**

Venue **Bodicote House, Bodicote, Banbury, OX15 4AA**

Membership

Councillor Tony Ilott
Councillor Bryn Williams

Councillor G A Reynolds

AGENDA

1. Appointment of Chairman of the Sub-Committee

2. Declarations of Interest

Members are asked to declare any interest and the nature of that interest that they may have in any of the items under consideration at this meeting.

Note: Any Member with a disclosable pecuniary interest will not be able to participate in the hearing, and should therefore notify the Head of Law and Governance in advance so that arrangements may be made for an alternate Member to attend.

3. Premises Licence Review Hearing - G's, Deans Court, Bicester (Pages 1 - 90)

Report of Public Protection Manager

Purpose of report

To consider a request from Thames Valley Police for a review of the premises licence relating to; G's, Deans Court, Bicester and detail the representations received from relevant authorities that has resulted in a hearing to determine the application.

Recommendations

- 1.1 There is no recommendation, but in considering the representations received and what is appropriate for the promotion of the licensing objectives, the steps the Sub-Committee can take are outlined in paragraph 6.2.

4. Exclusion of the Press and Public

The following report(s) contain exempt information as defined in the following paragraph(s) of Part 1, Schedule 12A of Local Government Act 1972.

3– Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Members are reminded that whilst the following item(s) have been marked as exempt, it is for the meeting to decide whether or not to consider each of them in private or in public. In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion members should also be mindful of the advice of Council Officers.

Should Members decide not to make a decision in public, they are recommended to resolve as follows:

“That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item(s) of business on the grounds that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part I, Paragraph XXXXX would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

5. Premises Licence Review Hearing - G's, Deans Court, Bicester - Exempt Appendix (Pages 91 - 108)

Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.gov.uk or 01295 221601 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact Louise Aston, Democratic and Elections
louise.aston@cherwellandsouthnorthants.gov.uk, 01295 221601

Sue Smith
Chief Executive

Published on Tuesday 24 May 2016

This page is intentionally left blank

Cherwell District Council

Licensing Sub-Committee

02 June 2016

Premises Licence Review Hearing
--

Report of Public Protection Manager

This report is public

Purpose of report

To consider a request from Thames Valley Police for a review of the premises licence relating to; G's, Deans Court, Bicester and detail the representations received from relevant authorities that has resulted in a hearing to determine the application.

1.0 Recommendations

- 1.1 There is no recommendation, but in considering the representations received and what is appropriate for the promotion of the licensing objectives, the steps the Sub-Committee can take are outlined in paragraph 6.2.

2.0 Introduction

- 2.1 To consider an application to review a premises licence submitted by Thames Valley Police.

3.0 Report Details

- 3.1 G's, Deans Court, Bicester is a town centre bar and nightclub that currently benefits from a premises licence issued in accordance with the Licensing Act 2003, covering the sale of alcohol by retail for consumption on the premises, regulated entertainment and late night refreshment.
- 3.2 Any sale of alcohol such as this must be authorised by a person who holds a personal licence issued under the Licensing Act, and every premises selling in these circumstances must have a designated premises supervisor (DPS) in place. This is a person holding a personal licence who is ultimately responsible for all alcohol sales.
- 3.3 The application was made by Laura Morris, Licensing Officer on behalf of Thames Valley Police who are the Responsible Authority with responsibility for the Crime & Disorder objective under the Licensing Act 2003.
- 3.4 The application regards concerns that the Premises Licence Holders are not promoting the Prevention of Crime and Disorder licensing objective.

4.0 Conclusion and Reasons for Recommendations

4.1 There is no recommendation

5.0 Consultation

5.1 In accordance with the regulations of the Licensing Act 2003, the Licensing Authority displayed the Notice of Review for a period of 28 days starting from the day after the date on which the application was served. The notice was displayed at the premises in question, at Cherwell District Council offices and published on CDC's website.

5.2 There have been no other representations in relation to this application.

5.3 The applicant and objectors have been invited to attend.

6.0 Alternative Options and Reasons for Rejection

6.1 At the end of the consultation period the licensing authority must hold a hearing. It must take such steps as it considers appropriate for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

6.2 The steps the Sub-Committee can take are to:

- modify the conditions of the Premises Licence;
- exclude a licensable activity from the scope of the Premises Licence;
- remove the Designated Premises Supervisor from the Premises Licence;
- suspend the Premises Licence for a period not exceeding three months;
- revoke the Licence;
- any combination of the above;
- none of the above.

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications resulting from this report.

Comments checked by Brian Wallace, Principal Accountant, 01295 221737,
brian.wallace@cherwellandsouthnorthants.gov.uk

Legal Implications

7.2 The determination of this application must be made in accordance with the relevant legislation and statutory guidance, and the council's licensing policy.

Comments checked by Matt Marsh, Solicitor,
matt.marsh@cherwellandsouthnorthants.gov.uk, 01295 221691

8.0 Decision Information

Wards Affected

Bicester East Ward

Links to Corporate Plan and Policy Framework

Not applicable

Lead Councillor

Not applicable

Document Information

Appendix No	Title
1	Copy of application to review premises licence
2	Copy of premise licence
3	Notice of hearing
4	Statement of licensing policy
5	Tier 2 warning letters included with the review application
6	Email detailing the recording capacity recording settings on the CCTV system at the premises
7	Response received from Oxfordshire fire and rescue service
8	Email received from the premises licence holder Mr David Mather
9	A copy of the current 'Door supervisor policy' in force at the premises
10	A copy of the current 'Alcohol & Children Policy' in force at the premises
11	A location map of the premises
Background Papers	
None	
Report Author	Alexandria Farrell, Licensing Enforcement Officer
Contact Information	01295 753744 licensing@cherwell-dc.gov.uk

This page is intentionally left blank

Application for the review of a premises licence or club premises certificate 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 Laura Morris on behalf of the Cheif Constable of Thames Valley Police
(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description G's Wine Bar Deans Court Market Square	
Post town Bicester	Post code (if known) OX26 6AA

Name of premises licence holder or club holding club premises certificate (if known) David Mather

Number of premises licence or club premises certificate (if known) PRM 0661

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**


(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Laura Morris Licensing Officer Thames Valley Police Licensing Department HQ South Kidlington OX5 2NX
Telephone number (if any) 01865 846150
E-mail address (optional) 

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

Thames Valley Police are calling for review of this licence due to the premise not upholding the prevention of crime and disorder objective of the 2003 Licensing Act by not adhering to the existing conditions on this licence.

There are concerns that this premise has been noted to breach its licence conditions on several occasions over the last year one of these breaches the license holder was prosecuted for.

**Please provide as much information as possible to support the application
(please read guidance note 2)**

1) Breach of last entry time

Condition Annex 2 - The prevention of public nuisance

"On the mornings of Friday, Saturday and Sunday (for clarity the mornings are the morning following the trading sessions that start the day preceding i.e. sessions that start on Thursday, Friday and Saturday) there will be no entry or re-entry to the premise after 2.15 hours."

On the 18th January 2015 we received a report that the doorstaff had at 2.18 picked a point in the queue and let everyone in the queue at that point into the premise. However at 2.20 3 SIA doorstaff from another venue came to the door and showed their badges and were allowed entry. This caused issues with those who were not allowed in due to the time.

2) Breach of doorstaff conditions

Condition Annex 2 - The prevention of crime and disorder

"SIA registered door supervisors to be employed at the premises at the following times (all to remain until closing):

- a) One from 22.00 hours on a Thursday, Friday and Saturday evening
- b) An additional one from 23.00 hours on a Thursday evening
- c) An additional two from 23.00 hours on a Friday and Saturday evening
- d) An additional one from Midnight on a Friday and Saturday evening

On the 14th February 2015 we received a report that when officers attended the premise at 2.15 they witnessed 5 persons walk straight into the premise without being challenged by doorstaff. Officer approached the door and a few moments later a member of the door team appeared. This person was then evasive towards officer questions. He did however state this happened due to their only being 2 member of doorstaff on duty at the time. Due to this report Tasking was set up for the next weekend to specifically check the numbers of doorstaff on duty.

On the 22nd February 2015 a licensing check was conducted after midnight at the premise in order to assess the numbers of doorstaff present. Only 2 members of doorstaff were seen during this check so they were asked where the others were. The member of security replied with "They are on their way from Oxford" When the officer stated that it was 00.32 and that according to the licence there should be 4 doorstaff the security members response was " there is not many people in". It was explained that it did not matter how many customers were in the premise the licence was very specific about the numbers at certain times.

Due to the above reports a meeting was held at the premise with George Smith DPS on the 19th and 23rd February 2015. The breaches were discussed and doorstaff logs were looked at and both stated that at 2.15am 2 doormen were sent home on the 13th and 14th February. George stated that he knew what his licensing condition stated but that he only had 32 customers in and could not afford to pay the doorstaff so he made the call at 2.15am to send 2 of them home. The report from the 21st/22nd February triggered another meeting on the 23rd as yet again there was only 2 doorstaff. I did see text messages from the doorstaff stating they had car trouble and I could see a lot of correspondence trying to get the correct numbers of doorstaff at the venue that day. According to doorstaff logs 1 member of doorstaff turned up at 1am. This meeting resulted in a Tier 2 warning to the premise and ultimately a prosecution for breach of licensing conditions.

3) The prosecution

George Smith was prosecuted on the 29/6/15 for carrying on licensable activities on / from premises other than in accordance with an authorisation. For this he was found guilty and received fine £60 Costs of £85 and a victim surcharge of £20. David Mathers the premise licence holder was not prosecuted as he had no decision or influence in the day to day running of the premise.

4) Breach of the CCTV conditions

Condition Annex 2 - The prevention of crime and disorder
"CCTV images shall be retained for a period of no less than 28 days."

On the 17th October 2015 I received a report reference an incident that occurred outside the premise after closing. Two males were fighting outside, officers attended and one calmed down the other would not calm so was arrested. Later in interview they both claimed it was self defence. Due to this the CCTV from G's external camera was crucial. Officers attended the premise 6 times to obtain a working CCTV copy all of which failed resulting in 1 bail extension having to be applied for. Due to the lack of CCTV evidence this offence was recorded as a crime of Public order rather than an assault or affray as initially crimed.

On the 13th November 2015 I attended the premise in order to obtain the CCTV footage of the above and was told that it had been copied to a USB stick but that now it was lost and could not be found. I asked for another copy to be burnt off as it was 27 days since the offence but when George went to do this it did not work. We then tried to establish when it stopped storing the footage which we worked out to be 15 days.

After consulting the Local Inspector it was decided that as long as the CCTV could be fixed within a reasonable time frame that we would issue a Tier 2 warning for this breach and if the CCTV could not be fixed we would look at prosecuting/ reviewing for the breach of licence. The tier 2 letter was sent out on the 18th November giving George until the 27th November to get the CCTV rectified.

I attended the premise on the 24th November 2015 and spoke via phone to the engineer who had remotely fixed the CCTV system. He explain that he had increased the memory capacity and we looked at the footage after this had been done and it was still of evidential quality.

On the 30th January 2016 an incident occurred in the alleyway outside the premise at closing time but all persons had been drinking in the premise that evening. We managed to obtain footage from the town centre of the assaults but in order to identify the suspects we needed footage from inside the venue.

After failed attempts by officers to obtain working footage I attended the premise on the 10th February 2016 with a large enough USB stick in order to obtain the relevant footage. When we went to download the footage the footage was not available. We again went through the footage in order to see when the footage stopped storing images and again this was 15 days.

On the 16th February 2016 an email was received from George and the CCTV engineer stating that this issue with CCTV was now corrected. George was asked to ensure that this was the case in 28 days to ensure as should have been done the previous time.

Due to all of the above we have looked at the following options that are available to the licensing committee and have precluded some of these:

Do Nothing – This is not an option in our eyes and would not solve the issues.

Add conditions – Seeing as the premise has struggled to uphold their current conditions we feel that further conditions will not prevent these issues.

Remove DPS or PLH – The Premise licence holder was changed on the 7th March 2014 to David Mather. David is not in daily control of the premise even though he is the premise licence holder. We feel that even if George Smith was removed as the DPS he would still be in daily control of the premise so processes would not change.

Remove Licensable activities – The evidence provide is about breaches of conditions rather than issues with licensable activities therefore this would have no relevance.

Suspension – This is an option open to the committee and one we would support. Due to the premise currently being in the process of being sold we feel that rather than jeopardise the sale by revoking the licence a suspension of the licence for a maximum of three months or until the sale of the licence is completed would be appropriate. This would not be a punitive action as it would give the premise time to change management, refurbish the premise and implement the correct policies to adhere to the conditions. Our concern would be if the premise does not sell in this time period as then this action may be seen as punitive.

Revocation - Thames Valley Police would support this action if it is deemed that a suspension of licence is not appropriate for this situation.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

2	3	0	7	2	0	1	2
---	---	---	---	---	---	---	---

If you have made representations before relating to this premises please state what they were and when you made them

This was actually under a different licence number (PRM 0381) as after the hearing and appeal it was realised in 2014 that the licence had lapsed, due to the licence holder becoming insolvent, so the licence was invalid and the applicant submitted a new application for the current licence that we are looking to review in this application.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature
(See guidance note 3)
capacity.



Solicitor or other duly authorised agent
of the applicant please state in what

Signature

Date

1/3/16

Capacity

licensing officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

PREMISES LICENCE

Issued under the Licensing Act 2003

Part A

Premises Licence Number

CHERWELL PRM 0661

Part 1 - Premises Detail

Postal Address of Premises, or if none, ordnance map reference or description

G's Wine Bar
Deans Court
Market Square
Bicester
Oxfordshire
OX26 6AA

Telephone: 01869 245 970

Where the licence is time limited, the dates

N/A

Licensable activities authorised by the licence

Provision of Regulated Entertainment

- Live Music
- Recorded Music
- Performances of Dance
- Anything of a similar description to that falling within Live Music, Recorded Music or Performance of Dance

Provision of late night refreshment

Sale (By Retail) of alcohol

LICENSABLE ACTIVITY	DAY	START	FINISH
Sale (by retail) of alcohol	Monday	11:00	02:00
	Tuesday	11:00	02:00
	Wednesday	11:00	02:00
	Thursday	11:00	02:45
	Friday	11:00	02:45
	Saturday	11:00	02:45
	Sunday	12:00	01:00

LICENSABLE ACTIVITY	INDOORS	✓	DAY	START	FINISH
	OUTDOORS				
	BOTH				
Provision of Regulated Entertainment <ul style="list-style-type: none"> • Live Music • Recorded Music • Performances of Dance • Anything of a similar description to that falling within Live Music, Recorded Music or Performance of Dance 			Monday	11:00	02:00
			Tuesday	11:00	02:00
			Wednesday	11:00	02:00
			Thursday	11:00	03:00
			Friday	11:00	03:00
			Saturday	11:00	03:00
			Sunday	12:00	01:00

LICENSABLE ACTIVITY	INDOORS	✓	DAY	START	FINISH
	OUTDOORS				
	BOTH				
Provision of late night refreshment			Monday	23:00	02:00
			Tuesday	23:00	02:00
			Wednesday	23:00	02:00
			Thursday	23:00	03:00
			Friday	23:00	03:00
			Saturday	23:00	03:00
			Sunday	23:00	01:00

Opening Hours of the Premises

DAY	START	FINISH
Monday	11:00	02:15
Tuesday	11:00	02:15
Wednesday	11:00	02:15
Thursday	11:00	03:15
Friday	11:00	03:15
Saturday	11:00	03:15
Sunday	12:00	01:15

Non standard timings for all Licensable Activities

New Years Day	New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 1 st January)
British Summer Time	An additional hour to the standard and non standard timings when British Summer Time commences
<p>On 3 occasions per calendar year all licensable activities until 04:00 subject to the following:</p> <ul style="list-style-type: none"> • No less that 28 days notice is given to Thames Valley Police. • The notice shall detail; <ul style="list-style-type: none"> - The nature of the event and brief details of how the event will be run if not covered by the general Operating Schedule. - The date, the commencement and conclusion time of the event. - The expected numbers attending - The name of the premises and the name of the Designated Premises Supervisor for the duration of the event. - The number of occasions used and the total number of occasions permitted at the premises each year, e.g. occasion 2 of 3 permitted. - Thames Valley Police shall have 14 days from the submission of the notice to veto the event. 	
For all licensable activities commencing on a Sunday night when followed by a Bank Holiday Monday the cessation of licensing activity will be 2:45 am on the Monday.	

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

Sale (By Retail) of Alcohol - On Premise
--

Part 2

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

David Mather 11 Tennyson Drive Abingdon Oxfordshire OX14 5PD Telephone: 07977 136 062

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

N/A

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

George Smith 23 Henley Avenue Oxford OX4 4DJ

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

Licence No: 05/00314/PER Authority: Oxford City Council
--



Claire Bold
Licensing Team Leader

10 April 2014

Annex 1 - Mandatory conditions

Sale of alcohol

1. No supply of alcohol may be made under this licence-
 - a) at a time when there is no designated premises supervisor in respect of it, 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 this licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) 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 a holographic mark.

7. The responsible person shall 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; and
 - (b) customers are made aware of the availability of these measures.

Door Supervision

8. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
 - a) unauthorised access or occupation (eg through door supervision), or
 - b) outbreaks of disorder, or
 - c) damage

Annex 2 - Conditions consistent with the operating Schedule

General – all four licensing objectives

There shall be a '*G's Door Supervisors Policy*' and '*Alcohol and Children Policy*' in place at the premises. Such policies to be agreed with Thames Valley Police Licensing Team and if amended only amended with the agreement of Thames Valley Police Licensing Team. Door staff are to be made aware and trained in the door supervisor policy and bar staff made aware and trained in the Children and Alcohol policy. Full details of any amendments will be submitted to the Licensing Authority prior to taking effect to avoid outdated policies being adhered to by all parties.

The prevention of crime and disorder

Door supervisors

SIA registered door supervisors to be employed at the premises at the following times (all to remain until closing):

- a. One from 22:00 hours on a Thursday, Friday and Saturday evening
- b. An additional one from 23:00 hours on a Thursday evening
- c. An additional two from 23:00 hours on a Friday and Saturday evening
- d. An additional one from Midnight on a Friday and Saturday evening

A record/log book shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor. The record shall contain the following details:

- a. The door supervisor's name;
- b. His/Her Security Industry Authority Licence Number
- c. The time and date he/she commenced and concluded their duty
- d. Agency details
- e. Full details of any incidents that may occur at the premises whilst open for business
- f. The door supervisors shall sign each entry

All door supervisors working outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear 'High Visibility Clothing'.

If physical body search is to be conducted, such searches upon females to be conducted by female door supervisors, and such searches upon males to be conducted by male door supervisors.

Any new door supervisor shall undergo training in the times and conditions of this premises licence and thereafter each door supervisor to be given refresher training every 6 months. (Details of such training as per the '*G's Door Supervisor Policy*'. Such policy to be agreed with Thames Valley Police Licensing Team and if amended only amended with the agreement of Thames Valley Police Licensing Team. Full details of any amendments will be submitted to the Licensing Authority prior to taking effect to avoid outdated policies being adhered to by all parties).

The Licence Holder shall join the 'Radiolink' communication scheme (whilst there is an active scheme) and shall comply with the Radiolink protocol.

CCTV

A tamper resistant CCTV system shall be installed, maintained in working order and operated at the premises. Subject to a suitable request and agreement of the Data Controller images shall be released to Thames Valley police so long as the Data Controller is happy to do so in accordance with the Data Protection Act 1998.

There shall be at least one CCTV camera positioned at the entry point to the premises that records the head and shoulders of persons entering the premises in order that they may be clearly identified if required.

CCTV images shall be retained for a period of no less than 28 days.

Recordings of incidents at the premises must be made secure for inspection by the police and provided on lawful request. This means that a member of staff shall be available within 24 hours who is capable of operating the CCTV system and providing recordings.

The protection of public safety

The prevention of public nuisance

Noise from amplified music, or voices, shall not be such as to cause a disturbance to occupants within residential properties (with the windows open in the normal manner for ventilation) within the vicinity of the licensed premises.

When regulated entertainment is taking place between 23:00 hours and close any external windows in areas where live or recorded music is taking place shall be kept closed until when the regulated entertainment is no longer taking place and any door(s) leading from the areas where the regulated entertainment is taking place to outside be closed for the same period save for entry and exit to the premises (NB: this may not in all cases be the last door out of the premises and may be one within a lobby or corridor).

The level of sound produced by any sound amplification equipment operated at the premises shall be controlled by the use of electronic sound limiting device(s) that have been calibrated to the satisfaction of the licensing authority. A detailed specification of the equipment to be used to comply with this condition together with plans showing the position and specification of amplifiers and loudspeakers shall be submitted to the licensing authority prior to the operation of sound amplification equipment at the premises. The specification and calibration of the sound amplification system shall not be varied without permission in writing from the licensing authority.

No outside area shall be used for consumption of alcohol or provision of Regulated Entertainment unless the area is clearly marked or defined as a smoking area and that the premise has lawful use of the area.

Management of the premises to use all reasonable endeavours to prevent persons from leaving the premises in the possession of empty drinking vessels or open glass bottles, whether empty or containing any beverage.

On the mornings of Friday, Saturday and Sunday (for clarity the mornings are the morning following the trading sessions that start the day preceding i.e. sessions that start on Thursday, Friday and Saturday) there will be no entry or re-entry to the premises after 02:15hours.

All queuing outside the premises shall be managed in such a way that prevents noisy or rowdy behaviour and therefore minimises disturbance or nuisance to neighbours.

A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the person in a position of responsibility for the premise. The Premises Daily Register shall record 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 relating to the call and any actions taken to deal with the call. The Premises Daily Register will be readily available for inspection by an Authorised Person throughout the trading hours of the premises.

The protection of children from harm

No persons under the age of 18 shall be permitted entry to or to remain on the premises after 18:00 hours until close.

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 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.

Prominent clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.

All staff shall be suitably trained in the operating procedures for refusing service to any person who is drunk or is under age or appears to be under age.

Training in respect of:

- Bar staff in underage sales and service of alcohol to an intoxicated person.
- Door supervisors initial and refresher training including queue management, refusals, cut off times for entry, dispersal and conduct.

To be approved by Thames Valley Police.

Additional conditions specific for when Erotic Dancing, Striptease, Lap dancing, Pole Dancing, Table Side Dancing or the like, is taking place (hereafter known as the 'Activity'.)

The Activity shall take place only in the designated areas and any access to the dressing room(s) shall be maintained whilst Activity is taking place and immediately thereafter.

The Activity shall be permitted at the premises between the hours of 21:00 hours and 02:00 hours on Wednesdays Only.

No displays shall be permitted, outside or in the vicinity of the premises, of any descriptions, photographs or other images that indicates that the Activity takes place on the premises.

No audience participation shall be permitted.

Whilst the Activity is taking place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at the entrance to the premises in a prominent position so it can be easily read by persons entering the premises in the following terms: "NO PERSON UNDER 18 WILL BE ADMITTED"

Performers shall be aged not less than 18.

Arrangements shall be put in place to restrict access to the dressing room at all times when the Activity is taking place, and until such time as all performers have vacated it.

There shall be no physical contact between customers and the dancers except for the placing of money or tokens in a garter or into the hands of the dancer at the beginning or conclusion of a performance.

There shall be no physical contact between dancers whilst performing.

CCTV shall be installed to cover all areas where dancing will take place.

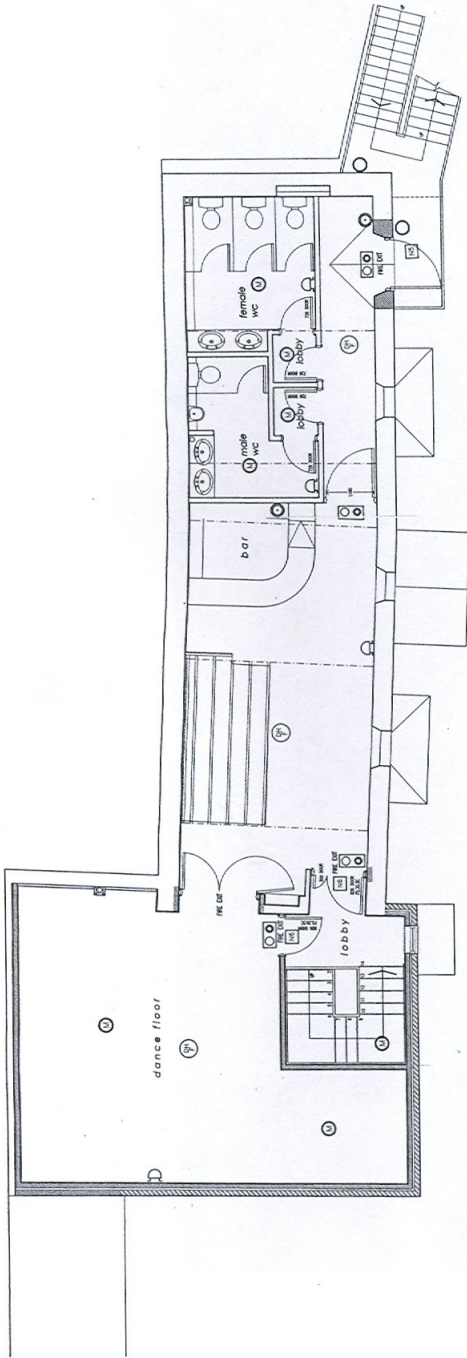
Whilst the Activity takes place not less than two registered Door Supervisors shall be on duty on the premises.

Annex 3 - Conditions attached after a hearing by the licensing authority

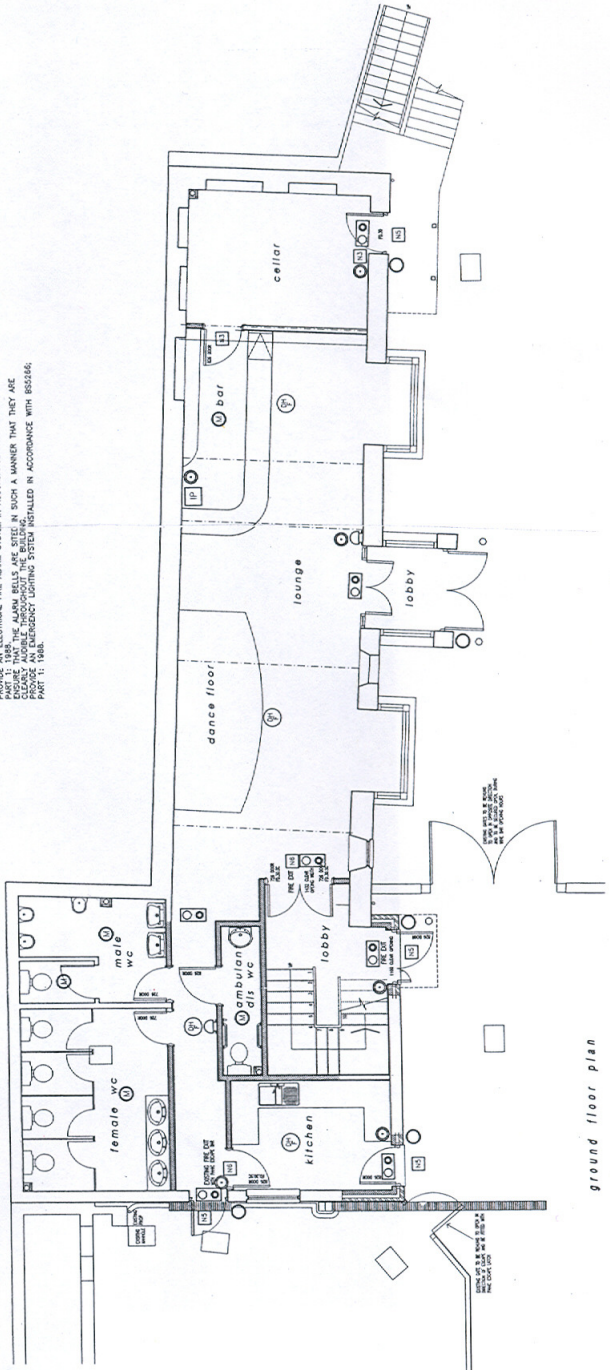
Annex 4 - Plans

- FIRE EXIT SIGNS
- FIRE EXIT DIRECTIONAL SIGNS
- NON-MAINTAINED TYPE EMERGENCY LIGHTING
- MAINTAINED TYPE EMERGENCY LIGHTING
- INTERNALLY ILLUMINATED FIRE EXIT SIGNS WITH RUNNING MAN 'FICTICIONAL'
- INTERNALLY ILLUMINATED DIRECTIONAL FIRE EXIT SIGNS WITH RUNNING MAN 'FICTICIONAL'
- FIRE ALARM INDICATOR PANEL
- MANUAL FIRE ALARM BOUNDERS
- 'FIRE DOOR - KEEP LOCKED' SIGN
- NOTICE 'FIRE ESCAPE - KEEP CLEAR'
- NOTICE - 'FIRE DOOR - KEEP SHUT'
- NOTICE - 'METHOD OF CALLING FIRE BRIGADE'
- FIRE ALARM GULL PHONE
- AUDIBLE WARNING DEVICES
- HEAT DETECTOR - RATE OF RISE
- HEAT DETECTOR - FIXED TEMPERATURE
- SMOKE DETECTOR - OPTICAL
- SMOKE DETECTOR - IONIZATION

GENERAL NOTE
 ALL FIRE ALARMS AND SMOKE DETECTORS SHALL BE INSTALLED IN ACCORDANCE WITH BS5846: PART 1: 1988.
 THE DESIGN TO BE PROVIDED IN ACCORDANCE WITH BS5846: PART 3.
 PROVIDE AN ELECTRICAL FIRE ALARM SYSTEM IN ACCORDANCE WITH BS5846: PART 3.
 WHERE THE ALARM BELLS ARE SILENT IN SUCH A MANNER THAT THEY ARE NOT HEARD BY THE OCCUPANTS OF THE BUILDING.
 PROVIDE AN EMERGENCY LIGHTING SYSTEM INSTALLED IN ACCORDANCE WITH BS5846: PART 1: 1988.



first floor plan



ground floor plan

1. INTENT OF DRAWING 2. APPROVALS 3. DATE OF ISSUE 4. SCALE 5. PROJECT INFORMATION 6. PROJECT INFORMATION 7. PROJECT INFORMATION 8. PROJECT INFORMATION 9. PROJECT INFORMATION 10. PROJECT INFORMATION 11. PROJECT INFORMATION 12. PROJECT INFORMATION 13. PROJECT INFORMATION 14. PROJECT INFORMATION 15. PROJECT INFORMATION 16. PROJECT INFORMATION 17. PROJECT INFORMATION 18. PROJECT INFORMATION 19. PROJECT INFORMATION 20. PROJECT INFORMATION 21. PROJECT INFORMATION 22. PROJECT INFORMATION 23. PROJECT INFORMATION 24. PROJECT INFORMATION 25. PROJECT INFORMATION 26. PROJECT INFORMATION 27. PROJECT INFORMATION 28. PROJECT INFORMATION 29. PROJECT INFORMATION 30. PROJECT INFORMATION 31. PROJECT INFORMATION 32. PROJECT INFORMATION 33. PROJECT INFORMATION 34. PROJECT INFORMATION 35. PROJECT INFORMATION 36. PROJECT INFORMATION 37. PROJECT INFORMATION 38. PROJECT INFORMATION 39. PROJECT INFORMATION 40. PROJECT INFORMATION 41. PROJECT INFORMATION 42. PROJECT INFORMATION 43. PROJECT INFORMATION 44. PROJECT INFORMATION 45. PROJECT INFORMATION 46. PROJECT INFORMATION 47. PROJECT INFORMATION 48. PROJECT INFORMATION 49. PROJECT INFORMATION 50. PROJECT INFORMATION 51. PROJECT INFORMATION 52. PROJECT INFORMATION 53. PROJECT INFORMATION 54. PROJECT INFORMATION 55. PROJECT INFORMATION 56. PROJECT INFORMATION 57. PROJECT INFORMATION 58. PROJECT INFORMATION 59. PROJECT INFORMATION 60. PROJECT INFORMATION 61. PROJECT INFORMATION 62. PROJECT INFORMATION 63. PROJECT INFORMATION 64. PROJECT INFORMATION 65. PROJECT INFORMATION 66. PROJECT INFORMATION 67. PROJECT INFORMATION 68. PROJECT INFORMATION 69. PROJECT INFORMATION 70. PROJECT INFORMATION 71. PROJECT INFORMATION 72. PROJECT INFORMATION 73. PROJECT INFORMATION 74. PROJECT INFORMATION 75. PROJECT INFORMATION 76. PROJECT INFORMATION 77. PROJECT INFORMATION 78. PROJECT INFORMATION 79. PROJECT INFORMATION 80. PROJECT INFORMATION 81. PROJECT INFORMATION 82. PROJECT INFORMATION 83. PROJECT INFORMATION 84. PROJECT INFORMATION 85. PROJECT INFORMATION 86. PROJECT INFORMATION 87. PROJECT INFORMATION 88. PROJECT INFORMATION 89. PROJECT INFORMATION 90. PROJECT INFORMATION 91. PROJECT INFORMATION 92. PROJECT INFORMATION 93. PROJECT INFORMATION 94. PROJECT INFORMATION 95. PROJECT INFORMATION 96. PROJECT INFORMATION 97. PROJECT INFORMATION 98. PROJECT INFORMATION 99. PROJECT INFORMATION 100. PROJECT INFORMATION	PROJECT PROPOSED FIRST FLOOR PROPOSED FIRE STRATEGY PLAN	DATE NUMBER 2008 DRAWN BY CHECKED BY 00016 - 004 G
--	--	--

Mr David Mather



*Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA*

www.cherwell.gov.uk

Please ask for: **Licensing**

Direct Dial: **01295 753744**

Email: **licensing@cherwell-dc.gov.uk**

Our Ref: **PRM0661_Review_2016**

20 May 2016

Dear Sir,

NOTICE OF HEARING – LICENSING ACT 2003

Premises: G's Wine Bar, Deans Court, Bicester

Date & Time: Thursday 2nd June 2016 at 10:00 hours

Location: The Committee Rooms, Cherwell District Council, Bodicote House,
White Post Road, Bodicote, Banbury, OX15 4AA

Please report to main reception on arrival

I refer to the application for a Review of the Premises Licence in respect of the above mentioned premises.

The review hearing will be conducted in public and all name and address details will be shown in the agenda which is a public document. The Licensing Authority may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.

Accompanying Documents:

- The Cherwell District Council Licensing Hearing procedure is attached to this letter.
- Any relevant representations received regarding this application during the consultation period are attached to this letter.

Information about Relevant Representations:

For the Licensing Authority to accept a representation as relevant it must firstly address one or all of the four licensing objectives specified in the Licensing Act 2003 (detailed below) and the likely effect of the premises licence upon the promotion of those objectives.

- The prevention of crime and disorder
- The protection of public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must then deem whether or not the representation may be deemed frivolous, vexatious or repetitious and that they have been received within the relevant timescales. The licensing authority can take whole or part of a representation and deem it as relevant, therefore excluding the irrelevant part from the proceedings.

Representations will not be included in the enclosures where they are deemed not to be relevant. Representations will be discounted where they are duplicated, where the Licensing Authority are unable to identify the author or where received out of the relevant timescales.

Rights of parties:

At the hearing you may be assisted or represented by any person, whether or not that person is legally qualified. You will be able to:

- (a) to give further information in support of your application/representation/notice;
- (b) to question any other party; and
- (c) to address the Members of the Panel regarding your application/representation/notice.

Consequences if party does not attend:

If you give notice that you do not wish to attend or be represented at a hearing, the Sub Committee may proceed in your absence. If you fail to attend or be represented at the hearing without giving notice the sub committee may:-

- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date; or
- (b) hold the hearing in your absence, in which case the Sub Committee will consider, at the hearing the application and any documents submitted by you.

In considering any representations made by a party the authority may take into account documentary or other information produced by a party in support of their application/representation (as applicable) either before the hearing or, with the consent of all other parties, at the hearing.

Witness Statements

Where a statement from a proposed witness is served on the licensing authority and all other relevant parties at least 10 days prior to the date notified for the hearing of the review, that witness statement will be taken as fact **UNLESS** written notice requiring the attendance of that witness is given to the party putting forward the witness and to the licensing authority at least five working days prior to the hearing.

Notice by you: Please contact us before 8th April 2016 :-

if you intend to attend the meeting; or
if you request that another person represents you at the hearing. (Please give name and address details including a contact telephone number or e-mail address.)

Finally, if you have any queries regarding this notice, please contact a member of the Licensing Team on 01295 753744.

Yours sincerely



Nicholas Sutcliffe - Licensing Manager

Copies to

- Relevant Applicant for review
- Relevant Premises Licence Holder (PLH)
- Relevant Agent/Solicitor of the PLH (if any)
- Relevant Responsible Authorities (if any)
- Relevant Interested Parties (if any)

Mr George Smith



*Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA*

www.cherwell.gov.uk

Please ask for: **Licensing**

Direct Dial: **01295 753744**

Email: **licensing@cherwell-dc.gov.uk**

Our Ref: **PRM0661_Review_2016**

20 May 2016

Dear Sir,

NOTICE OF HEARING – LICENSING ACT 2003

Premises: G's Wine Bar, Deans Court, Bicester

Date & Time: Thursday 2nd June 2016 at 10:00 hours

Location: The Committee Rooms, Cherwell District Council, Bodicote House,
White Post Road, Bodicote, Banbury, OX15 4AA

Please report to main reception on arrival

I refer to the application for a Review of the Premises Licence in respect of the above mentioned premises.

The review hearing will be conducted in public and all name and address details will be shown in the agenda which is a public document. The Licensing Authority may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.

Accompanying Documents:

- The Cherwell District Council Licensing Hearing procedure is attached to this letter.
- Any relevant representations received regarding this application during the consultation period are attached to this letter.

Information about Relevant Representations:

For the Licensing Authority to accept a representation as relevant it must firstly address one or all of the four licensing objectives specified in the Licensing Act 2003 (detailed below) and the likely effect of the premises licence upon the promotion of those objectives.

- The prevention of crime and disorder
- The protection of public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must then deem whether or not the representation may be deemed frivolous, vexatious or repetitious and that they have been received within the relevant timescales. The licensing authority can take whole or part of a representation and deem it as relevant, therefore excluding the irrelevant part from the proceedings.

Representations will not be included in the enclosures where they are deemed not to be relevant. Representations will be discounted where they are duplicated, where the Licensing Authority are unable to identify the author or where received out of the relevant timescales.

Rights of parties:

At the hearing you may be assisted or represented by any person, whether or not that person is legally qualified. You will be able to:

- (a) to give further information in support of your application/representation/notice;
- (b) to question any other party; and
- (c) to address the Members of the Panel regarding your application/representation/notice.

Consequences if party does not attend:

If you give notice that you do not wish to attend or be represented at a hearing, the Sub Committee may proceed in your absence. If you fail to attend or be represented at the hearing without giving notice the sub committee may:-

- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date; or
- (b) hold the hearing in your absence, in which case the Sub Committee will consider, at the hearing the application and any documents submitted by you.

In considering any representations made by a party the authority may take into account documentary or other information produced by a party in support of their application/representation (as applicable) either before the hearing or, with the consent of all other parties, at the hearing.

Witness Statements

Where a statement from a proposed witness is served on the licensing authority and all other relevant parties at least 10 days prior to the date notified for the hearing of the review, that witness statement will be taken as fact **UNLESS** written notice requiring the attendance of that witness is given to the party putting forward the witness and to the licensing authority at least five working days prior to the hearing.

Notice by you: Please contact us before 8th April 2016 :-

if you intend to attend the meeting; or
if you request that another person represents you at the hearing. (Please give name and address details including a contact telephone number or e-mail address.)

Finally, if you have any queries regarding this notice, please contact a member of the Licensing Team on 01295 753744.

Yours sincerely



Nicholas Sutcliffe - Licensing Manager

Copies to

- Relevant Applicant for review
- Relevant Premises Licence Holder (PLH)
- Relevant Agent/Solicitor of the PLH (if any)
- Relevant Responsible Authorities (if any)
- Relevant Interested Parties (if any)

F.A.O. John Payne



*Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA*

www.cherwell.gov.uk

Please ask for: **Licensing**

Direct Dial: **01295 753744**

Email: **licensing@cherwell-dc.gov.uk**

Our Ref: **PRM0661_Review_2016**

20 May 2016

Dear Sir,

NOTICE OF HEARING – LICENSING ACT 2003

Premises: G's Wine Bar, Deans Court, Bicester

Date & Time: Thursday 2nd June 2016 at 10:00 hours

Location: The Committee Rooms, Cherwell District Council, Bodicote House,
White Post Road, Bodicote, Banbury, OX15 4AA

Please report to main reception on arrival

I refer to the application for a Review of the Premises Licence in respect of the above mentioned premises.

The review hearing will be conducted in public and all name and address details will be shown in the agenda which is a public document. The Licensing Authority may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.

Accompanying Documents:

- The Cherwell District Council Licensing Hearing procedure is attached to this letter.
- Any relevant representations received regarding this application during the consultation period are attached to this letter.

Information about Relevant Representations:

For the Licensing Authority to accept a representation as relevant it must firstly address one or all of the four licensing objectives specified in the Licensing Act 2003 (detailed below) and the likely effect of the premises licence upon the promotion of those objectives.

- The prevention of crime and disorder
- The protection of public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must then deem whether or not the representation may be deemed frivolous, vexatious or repetitious and that they have been received within the relevant timescales. The licensing authority can take whole or part of a representation and deem it as relevant, therefore excluding the irrelevant part from the proceedings.

Representations will not be included in the enclosures where they are deemed not to be relevant. Representations will be discounted where they are duplicated, where the Licensing Authority are unable to identify the author or where received out of the relevant timescales.

Rights of parties:

At the hearing you may be assisted or represented by any person, whether or not that person is legally qualified. You will be able to:

- (a) to give further information in support of your application/representation/notice;
- (b) to question any other party; and
- (c) to address the Members of the Panel regarding your application/representation/notice.

Consequences if party does not attend:

If you give notice that you do not wish to attend or be represented at a hearing, the Sub Committee may proceed in your absence. If you fail to attend or be represented at the hearing without giving notice the sub committee may:-

- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date; or
- (b) hold the hearing in your absence, in which case the Sub Committee will consider, at the hearing the application and any documents submitted by you.

In considering any representations made by a party the authority may take into account documentary or other information produced by a party in support of their application/representation (as applicable) either before the hearing or, with the consent of all other parties, at the hearing.

Witness Statements

Where a statement from a proposed witness is served on the licensing authority and all other relevant parties at least 10 days prior to the date notified for the hearing of the review, that witness statement will be taken as fact **UNLESS** written notice requiring the attendance of that witness is given to the party putting forward the witness and to the licensing authority at least five working days prior to the hearing.

Notice by you: Please contact us before 8th April 2016 :-

if you intend to attend the meeting; or
if you request that another person represents you at the hearing. (Please give name and address details including a contact telephone number or e-mail address.)

Finally, if you have any queries regarding this notice, please contact a member of the Licensing Team on 01295 753744.

Yours sincerely



Nicholas Sutcliffe - Licensing Manager

Copies to

- Relevant Applicant for review
- Relevant Premises Licence Holder (PLH)
- Relevant Agent/Solicitor of the PLH (if any)
- Relevant Responsible Authorities (if any)
- Relevant Interested Parties (if any)

Laura Morris
TVP

*Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA*

www.cherwell.gov.uk

Please ask for: **Licensing**

Direct Dial: **01295 753744**

Email: **licensing@cherwell-dc.gov.uk**

Our Ref: **PRM0661_Review_2016**

20 May 2016

Dear Sir,

NOTICE OF HEARING – LICENSING ACT 2003

Premises: G's Wine Bar, Deans Court, Bicester

Date & Time: Thursday 2nd June 2016 at 10:00 hours

Location: The Committee Rooms, Cherwell District Council, Bodicote House,
White Post Road, Bodicote, Banbury, OX15 4AA

Please report to main reception on arrival

I refer to the application for a Review of the Premises Licence in respect of the above mentioned premises.

The review hearing will be conducted in public and all name and address details will be shown in the agenda which is a public document. The Licensing Authority may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.

Accompanying Documents:

- The Cherwell District Council Licensing Hearing procedure is attached to this letter.
- Any relevant representations received regarding this application during the consultation period are attached to this letter.

Information about Relevant Representations:

For the Licensing Authority to accept a representation as relevant it must firstly address one or all of the four licensing objectives specified in the Licensing Act 2003 (detailed below) and the likely effect of the premises licence upon the promotion of those objectives.

- The prevention of crime and disorder
- The protection of public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must then deem whether or not the representation may be deemed frivolous, vexatious or repetitious and that they have been received within the relevant timescales. The licensing authority can take whole or part of a representation and deem it as relevant, therefore excluding the irrelevant part from the proceedings.

Representations will not be included in the enclosures where they are deemed not to be relevant. Representations will be discounted where they are duplicated, where the Licensing Authority are unable to identify the author or where received out of the relevant timescales.

Rights of parties:

At the hearing you may be assisted or represented by any person, whether or not that person is legally qualified. You will be able to:

- (a) to give further information in support of your application/representation/notice;
- (b) to question any other party; and
- (c) to address the Members of the Panel regarding your application/representation/notice.

Consequences if party does not attend:

If you give notice that you do not wish to attend or be represented at a hearing, the Sub Committee may proceed in your absence. If you fail to attend or be represented at the hearing without giving notice the sub committee may:-

- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date; or
- (b) hold the hearing in your absence, in which case the Sub Committee will consider, at the hearing the application and any documents submitted by you.

In considering any representations made by a party the authority may take into account documentary or other information produced by a party in support of their application/representation (as applicable) either before the hearing or, with the consent of all other parties, at the hearing.

Witness Statements

Where a statement from a proposed witness is served on the licensing authority and all other relevant parties at least 10 days prior to the date notified for the hearing of the review, that witness statement will be taken as fact **UNLESS** written notice requiring the attendance of that witness is given to the party putting forward the witness and to the licensing authority at least five working days prior to the hearing.

Notice by you: Please contact us before 8th April 2016 :-

if you intend to attend the meeting; or
if you request that another person represents you at the hearing. (Please give name and address details including a contact telephone number or e-mail address.)

Finally, if you have any queries regarding this notice, please contact a member of the Licensing Team on 01295 753744.

Yours sincerely



Nicholas Sutcliffe - Licensing Manager

Copies to

- Relevant Applicant for review
- Relevant Premises Licence Holder (PLH)
- Relevant Agent/Solicitor of the PLH (if any)
- Relevant Responsible Authorities (if any)
- Relevant Interested Parties (if any)



DISTRICT COUNCIL
NORTH OXFORDSHIRE

Statement of Licensing Policy

Licensing Act 2003

January 2016

Adopted by Cherwell District Council at its Council meeting on the 14th of December 2015

Cherwell District Council Licensing Act 2003
Statement of Licensing Policy for
Regulated Entertainment, Late Night Refreshment and the Sale of Alcohol

CONTENTS

1.	Executive Summary	2
2.	Purpose and Scope of Licensing Policy	3
3.	Duplication	5
4.	Strategies	5
5.	Live Music	5
6.	Objectives	6
7.	The Licensing Authority as a Responsible Authority	8
8.	Health Authority as a Responsible Authority	8
9.	Responsible Authorities	9
10.	Planning	9
11.	Licensing Hours	9
12.	Temporary Event Notices	10
13.	Sexual Entertainment	10
14.	Cumulative Impact and Special Policies	10
15.	Early Morning Restriction Orders	12
16.	Children	13
17.	Conditions	14
18.	Reviews	14
19.	Minor Variations	16
20.	Enforcement	16
21.	Licensing Suspensions	17
22.	Administration, Exercise & Delegation of Functions	17
23.	Contact Details/Advice and Guidance	18
24.	Details of Appendices	18
25.	Equal Opportunities	18
26.	Review of Policy	18
27.	Late night levy	19
	<i>Appendix 1</i>	<i>20</i>
	<i>Appendix 2</i>	<i>21</i>
	<i>Appendix 3</i>	<i>22</i>
	<i>Appendix 4</i>	<i>24</i>

1. Executive Summary

- 1.1 The Licensing Act 2003 introduced a revised licensing system for alcohol, entertainment and late night refreshment.
- 1.2 Section 5 of the Licensing Act 2003 has imposed a statutory duty on the Licensing Authority to produce a statement of licensing policy for a five years period, beginning with such day as the Secretary of State may by order appoint.
- 1.3 This document sets out the Licensing Authority's policy, which will guide the Council when considering applications under the Act. The policy provides guidance on the general approach the Council, as the Licensing Authority within the meaning of the Act, will take in terms of licensing. However, each licence application will be considered separately on its individual merits.

- 1.4 The Licensing Authority in adopting this policy recognises both the needs of residents for a safe and healthy environment to live and work and the importance of safe and well run entertainment premises to the local economy and vibrancy of the area. However, the Council also recognises that balancing these interests will not always be straightforward and it will be guided by the four licensing objectives as set out in this policy.
- 1.5 This policy does not seek to undermine the right of any individual to apply under the Act for a variety of permissions and as stated above each application will be considered on its individual merits. Nor does the Policy seek to override the right of a person to make representations on an application or seek a review of a licence or certificate. However, this Council in adopting the policy is indicating that a wide range of considerations will be taken into account.
- 1.6 The Council will use its powers to promote best practice in relation to the operation of licensed premises and is committed to partnership working with responsible authorities, local businesses, licensed trade, residents and others to ensure that they have a clear understanding of the legislation.
- 1.7 The Licensing Authority has had regard to the guidance issued by the Secretary of State under Section 182 of the Act when developing this statement of Licensing Policy. This Council may deviate from the guidance but will demonstrate good reasons for doing so.
- 1.8 The scope of this policy covers new applications, renewal of personal licences, transfers and variations of licences and certificates including temporary event licences. This includes the review of licences and certificates which could lead to a range of sanctions including the revocation of a licence or a certificate.

2. Purpose and Scope of the Licensing Policy

- 2.1 The Licensing Act 2003 makes it a duty for the local authority to carry out its functions under the Act with a view to promoting the four licensing objectives:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance, and
 - The protection of children from harm
- 2.2 The purpose of this Policy is to detail how this Authority will comply with that duty.
- 2.3 In determining its statement of licensing policy, this Authority will have regard to the guidance issued by central government and other regulatory bodies to ensure that its actions are consistent with those nationally.
- 2.4 Licensing decisions will be made in accordance with the current legislation, case law, relevant guidance and in accordance with this policy.
- 2.5 No decision will be made which undermines the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.
- 2.6 Authorised persons, interested parties and responsible authorities, as defined in the Act, will have the right to make representations to the Licensing Authority on any application or seek a review of a licence or certificate where provision has been made for them to do so in the Act. This Authority recognises that in the absence of relevant representations it will grant licenses on the terms sought.
- 2.7 Licensing is about regulating the provision of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions will be focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

- 2.8 This authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. However this Council recognises that licensing legislation is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.
- 2.9 The Licensing Act 2003 is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the control of the licence holder. Nonetheless, it is a key aspect of such control and licensing laws will always be part of the holistic approach to the management of the evening and night-time economy.
- 2.10 The objective of the licensing process is to allow for the carrying on of retail sales of alcohol and the prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm. This Licensing Authority wishes to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 2.11 This Licensing Authority recognises that the provision of entertainment is a major contributor to the economy of the area attracting tourists and visitors, and is a source of employment.
- 2.12 This Licensing Authority will also have regard to wider considerations affecting the residential population and the amenity of any area. These include littering, fouling, noise and street crime.
- 2.13 In determining a licence application the overriding principle adopted by the Licensing Authority will be that each application will be determined on its merits. Only mandatory conditions and conditions offered or agreed with by the applicant will be imposed except where relevant representations against an application are received. Where relevant representations are received then further additional conditions to meet the licensing objectives may be added provided they are appropriate, proportionate and reasonable and deal with the issues raised. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public e.g. health and safety at work and fire safety legislation.
- 2.14 In considering licensing hours this Licensing Authority will place significant emphasis on the individual merits of an application. In addition, the views of the Police and other agencies will be important in this consideration.
- 2.15 Licensing hours will not inhibit the development of a thriving and safe evening and night-time local economy which is important for investment and employment locally and beneficial to tourism without compromising the ability to resource local services associated with the night-time economy. Providing consumers with greater choice and flexibility is an important consideration.
- 2.16 Shops and public houses will generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers will be encouraged to provide a range of entertainment during their operating hours and to promote live music, dancing and theatre for the wider cultural benefit of the community. Individual applicants should address the licensing objectives in their operating schedule within the context of the nature of the location, type of premises, entertainment to be provided, operational procedures and the needs of the local community.
- 2.17 The purpose of this policy document is to assist the Licensing Authority in reaching a decision on a particular application, setting out those matters which will normally be taken into account. In addition, this policy document seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the area with some measure of certainty.
- 2.18 Before determining its policy for any five-year period, this Authority will undertake full consultation as prescribed by the 2003 Act.
- 2.19 The views of all of those consulted will be given appropriate weight when the policy is determined together with those of any other persons or bodies which the Authority considers appropriate to consult with. When undertaking consultation exercises, this Authority will also have regard to cost and time.

3. Duplication

- 3.1 The enforcement of licensing legislation will at all times be distinct from other regulatory regimes such as fire safety and health and safety so far as is practicable.
- 3.2 Conditions will only be attached to premises licences and club premises certificates that are necessary for the promotion of the licensing objectives detailed in the introduction to this policy, be they mandatory conditions, conditions made against the operating schedule and/or following relevant representations. Under normal circumstances where matters are already provided for in other legislation they cannot be considered necessary in the context of licensing law.
- 3.3 To ensure clarity of enforcement roles appropriate liaison with other enforcing authorities will take place and, where considered appropriate, joint inspections by enforcement agencies will be arranged.

4. Strategies

- 4.1 Where relevant representations are received, this Licensing Authority will attach conditions to premises licences and club premises certificates where appropriate to reflect local crime prevention strategies, for example, the provision of closed circuit television cameras in certain premises. The need for such conditions will be considered specifically as part of the application consultation process with Northamptonshire Police and more generally through Crime and Disorder Partnerships.
- 4.2 The Licensing Committee will be advised of any relevant information received either reactively or proactively indicating that this policy is having a detrimental impact on live music and dancing and other regulated activities, to ensure that broader cultural activities and entertainment are not being affected. Where indications are that there is a negative effect on such events then this policy will be reviewed in order to identify how the issues may be remedied. Advice will be sought from other relevant bodies as appropriate where such issues are identified. Every care will be taken to ensure that only necessary, proportionate and reasonable licensing conditions are applied.

5. Live Music Act

- 5.1 The Live Music Act came into force on 1st October 2012 and is designed to encourage more performances of 'live' music.
- 5.2 Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review. When considering whether an activity constitutes 'the provision of regulated entertainment' each case will be treated on its own merits.

6. Objectives

6.1 Prevention of crime and disorder

The essential purpose of the licence or certificate is to regulate behaviour on premises and access to them where this relates to licensable activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and his staff or agents. They can however directly impact on the behaviour of those under the licensee's direction when on their premises or in the immediate vicinity of the premises as they seek entry or leave.

There are a number of offences both within the Licensing Act 2003 and other legislation that relate to crime and disorder that a licensee should be familiar with. These offences stand in their own right and will not be duplicated as conditions on any licence/certificate.

Various 'Pubwatch' schemes operate in the Cherwell District which aim to counter individuals who damage property; are violent and cause disorder; or use or deal in drugs through exclusions. This

Licensing Authority is supportive of such schemes and considers premises should join where it is appropriate to do so. However this authority does not consider it appropriate to make it a condition of licence to be a member of Pubwatch.

6.2 Public safety

The public safety objective is concerned with the physical safety, including fire safety, of the people using the relevant premises and not with public health, which is dealt with in other legislation. Public safety includes the safety of performers appearing at any premises. The Authority has noted that from 1st October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Responsibility for complying with the order rests with the 'responsible person' who has control of premises.

The Licensing Authority is familiar with the "Safer Clubbing Guide" and its application to nightclubs and dance events. The guide contains a number of suggestions and safeguards, which appropriate premises should consider and include within their operating schedules as necessary. There are a number of other key publications that relate to public safety at entertainment events, which the Licensing Authority would recommend to applicants.

6.3 The prevention of public nuisance

The public nuisance objective is designed to deal with the impacts of licensable activities at specific premises on persons living and working (including doing business) in the vicinity that is disproportionate and unreasonable. The main issues for concern will be noise nuisance, light pollution, noxious smells and litter.

The provision of welfare facilities such as toilets within licensed premises is relevant to the prevention of public nuisance. Adequate welfare provisions may prevent nuisance activities taking place within the street, such as urination. Licensees should therefore ensure that adequate facilities are provided within the premises and include these details within their operating schedule.

Public nuisance is not defined within the Act but is given a broad common law definition. The prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbances affecting the whole community. This may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined) in the vicinity of the licensed premises.

This Licensing Authority will have regard to the powers available within the Anti-Social Behaviour Crime and Policing Act 2014. This provides that if noise from licensed premises is causing a public nuisance the local authority has powers to issue a closure order for up to 24 hours. This compliments the police powers under Part 8 of the 2003 Act.

6.4 The protection of children from harm

The Act has tightened up on the controls relating to the sale and supply of alcohol to children with new and further principle offences contained within the Act itself. However the intention of the Act is to make licensed premises accessible to families and only limit access to children where it is necessary in order to prevent physical, moral or psychological harm to them. This would include the protection of children from too early an exposure to strong language, sexual expletives, violence or frightening images, for example, in the context of film exhibitions, or where adult entertainment is provided.

When deciding where restrictions should be imposed, this Licensing Authority will examine the individual merits of each application and only impose conditions where the circumstances justify them.

Aspects of an application that would be likely to raise concerns in relation to access by children would include:

- Where entertainment or services of an adult or sexual nature are commonly provided;

- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- With a known association with drug taking or dealing;
- Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

It is not possible to provide an exhaustive list of the entertainment or services that are of an adult or sexual nature, therefore a common sense approach will be taken to interpretation. However such entertainment or services would also include entertainment involving strong and offensive language.

Where conditions are required for the prevention of harm to children, a range of alternatives will be considered as methods for limiting access. These could include:

- Limitations on hours when children may be present;
- Limitations of the presence of children under certain ages when particular specified activities are taking place;
- Limitations on the parts of the premises to which children might be given access;
- Age limitations (below 18);
- Requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- Full exclusion of those people under 18 from the premises when any licensable activities are taking place.

This Licensing Authority, Oxfordshire County Council Trading Standards Service and Thames Valley Police take a very serious view of the persistent and illegal sale of alcohol and other age-restricted goods to children. Together with Trading Standards, this Licensing Authority will continue to seek to ensure that illegal sales of alcohol and other age-restricted goods are reduced and ultimately eradicated.

The sale of alcohol to minors (under 18 years of age) is a criminal offence and Trading Standards Service has over time, worked to advise the off-licence trade on how to set up systems to avoid sales taking place.

The Licensing Authority will maintain close contact with the police, young offender's team and Trading Standards officers regarding unlawful activities and share actions and intelligence where appropriate.

7. The Licensing Authority as a responsible authority

- 7.1 This Licensing Authority acknowledges that it is now included in the list of responsible authorities. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. Therefore, it is for this Licensing Authority to determine when it considers it appropriate to act in its capacity as a responsible authority.
- 7.2 This Licensing authority will not normally act as a responsible authority on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for this licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and this licensing authority is aware of relevant grounds to make a representation, a choice may be made to act in its capacity as responsible authority.
- 7.3 This Licensing Authority expects that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and

disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance.

- 7.4 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention and may do so where the authority consider it appropriate without having to wait for representations from other responsible authorities.
- 7.5 In cases where this Licensing Authority is also acting as responsible authority in relation to the same process, there will be a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub-committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 7.6 Accordingly, the officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) will be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority will not be involved in the licensing decision process and will not discuss the merits of the case with those involved in making the determination by the licensing authority. Communication between these officers in relation to the case will remain professional and consistent with communication with other responsible authorities.

8. Health as a responsible authority

- 8.0 Oxfordshire County Council Directors of Public Health (DPH) are now responsible authorities with all of the powers and responsibilities this brings.
- 8.1 This Licensing Authority acknowledges that DPH will be useful in providing evidence of alcohol-related health harms when there is a revision of policy particularly in relation to cumulative impact policies or early morning restriction orders.
- 8.2 This Licensing Authority envisages that DPH's will also be useful in providing evidence such as alcohol-related A & E admissions or ambulance service data that might be directly relevant to an application under the Act.

9. Responsible Authorities

- 9.1 Thames Valley Police
Licensing Department
Thames Valley Police
E Block HQ South
165 Oxford Road
KIDLINGTON
Oxfordshire OX5 2NX
TEL: 0845 8505505

Licensing@thamesvally.pnn.police.uk

- 9.2 Oxfordshire Fire and Rescue Service:

Oxfordshire Fire and Rescue Service Headquarters
Sterling Road
Kidlington
Oxfordshire OX2 2DU
TEL: 01865 897789
Fire.service@oxfordshire.gov.uk

9.3 Child Protection:
Oxfordshire Safeguarding Children Board Officer
3rd Floor County Hall
New Road
Oxford OX1 1ND
TEL: 01865 328993

9.4 Trading Standards:
Oxfordshire County Council
Trading Standards Service
Electric Avenue
Ferry Hinksey Road
Off Botley Road
Oxford OX2 0BY
TEL: 0845 0510845

Trading.standards@oxfordshire.gov.uk

9.5 Local Health Authority:
Equality and Access Officer
South East and South West Localities
Jubilee House
5510 John Smith Drive
Oxford OX4 2LH

9.6 The Planning Authority:
Planning and Development Services
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire OX15 4AA
TEL: 01295221883

planning@cherwell-dc.gov.uk

9.7 Anti-Social Behaviour Team:
Anti-Social Behaviour Team
Public Protection & Development Management
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire OX15 4AA
TEL: 01295252535

asb@cherwell-dc.gov.uk

9.8 Health and Safety/ Public Protection
Public Protection Team –
Safer Communities & Community Development
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire OX15 4AA
TEL: 01295252353

Public.protection@cherwell-dc.gov.uk

9.9 Licensing Authority contact details are detailed in Annex 2 of this statement.

10. Planning

- 10.1 This Licensing Authority acknowledges that there must be proper separation of the planning and licensing regimes to avoid duplication and inefficiency. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority Planning Committee or following appeals against decisions taken by that committee.
- 10.2 The Licensing Committee may provide reports to the Planning Committee on the situation regarding licensed premises in the area to ensure proper integration, including the general impact of alcohol related crime and disorder, to provide background information to any planning applications for potential licensed premises under consideration.
- 10.3 The planning authority also has a duty to consider matters of crime and disorder at this stage. This will enable the planning committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.
- 10.4 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority. There is no legal basis for this Licensing Authority to refuse a licence application because it does not have planning permission,
- 10.5 The strength of planning policies is that there is an obligation both on the council, as local planning authority, and the decision maker on any appeal to give considerable weight to them. This helps ensure consistency in the decision making process.

11. Licensing Hours

- 11.1 Consideration will always be given to the individual merits of an application in line with the four licensing objectives and any relevant representations. This Authority recognises that longer licensing hours with regard to the sale of alcohol need to be managed effectively to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which may lead to disorder and disturbance.
- 11.2 However, when issuing a licence with hours beyond 23.00 hours, higher standards may be expected to be included in Operating Schedules to address the Licensing Objectives especially premises which are situated near to residential properties.
- 11.3 In considering licence applications, where relevant representations are made, this Licensing Authority will consider the adequacy of measures proposed to deal with the potential for public nuisance and/or public disorder having regard to all the circumstances of the case.
- 11.4 Where relevant representations are made, this authority will demand stricter conditions with regard to noise control in areas that have denser residential accommodation, but this will not limit opening hours without regard for the individual merits of any application. This authority will consider each application and work with the parties concerned to ensure that adequate noise control measures are in place.
- 11.5 In general terms, this Authority supports the view that, with regard to shops, stores and supermarkets, they should be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours. For example, a limitation may be appropriate following police representations in the case of isolated shops known to be a focus of disorder and disturbance.

12. Temporary Event Notices

- 12.1 The most important aspect of the system of permitted temporary activities is that no permission as such is required for these events from the Council. The system involves the notification of an event to the Licensing Authority, Environmental Health and Thames Valley Police, subject to fulfilling certain conditions.
- 12.2 As many users giving TEN's will not have commercial backgrounds or ready access to legal advice, the Licensing Authority will ensure that guidance is clear and understandable and will aim to keep arrangements manageable and user friendly for these groups.
- 12.3 Cherwell District Council recommend that at least 28 days and no more than three months' notice be given to hold such events. This will allow it to help organisers plan their events safely. A longer period than this may mean that all relevant details are not available and any lesser time may mean that the planning may be rushed; this may increase the likelihood of Thames Valley Police objecting.
- 12.4 The Licensing Authority will also remind notice givers of relevant offences under licensing law, including:
- the sale of alcohol to minors,
 - the sale of alcohol to a person who is drunk,
- 12.5 The Licensing Authority will also advise notice givers of the police powers to close down an event with no notice on grounds of disorder or because of public nuisance caused by noise emanating from the premises. Where the application is not within the parameters described above, the Licensing Authority will issue a Counter Notice to the person giving the TEN.
- 12.6 The Licensing Authority would encourage event organisers not to rely on giving the minimum amount of notice given the possibility of police intervention. Event organisers are encouraged to contact local Thames Valley Police Licensing Officers as early as possible about their proposed event(s).

13. Sexual Entertainment

- 13.1 This Licensing Authority has adopted a policy in relation sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. With reference to this related policy standard conditions are attached to such licences and where there are similar conditions in the two regimes, the more onerous apply.
- 13.2 This Licensing Authority acknowledges there is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that allows premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly,

14. Cumulative Impact and Special Policies

- 14.1 Commercial demand for additional licensed premises is not a matter for this Licensing Authority or its statement of policy but a matter for planning committees and for the market. On the other hand, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Committee.
- 14.2 Conditions may only relate to matters that the licensee can be expected to control. These are likely to relate to the premises themselves and the immediate vicinity. Where the number, type and density of premises selling alcohol are unusual, serious problems of nuisance and disorder can sometimes arise or begin to arise outside or some distance from the licensed premises. This has been described as the cumulative effect of the increasing capacity of all premises taken together and is outside of the control of licence conditions. There may be circumstances where this Licensing Authority receives relevant representations from a responsible authority or interested party that the cumulative effect of new licences is leading to an area becoming saturated with premises, making it a focal point for large groups of people to gather and circulate, away from the licensed premises themselves. This might be creating exceptional problems of disorder and nuisance over and above the impact from the individual premises. In such circumstances this Licensing Authority may consider the question of whether the granting of any further premises licences or club premises certificates would undermine one of the licensing objectives. The Licensing Act 2003 allows for this, so long as cumulative impact is addressed in the context of the individual merits of any application.

- 14.3 However this Licensing Authority will not impose quotas that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas, either formally or informally.
- 14.4 However, it may be necessary for this Licensing Authority to adopt a special policy of refusing new licences because the area is already saturated with certain types of licensed premises. In such circumstances this policy is not absolute and will still allow for the circumstances of each application to be considered properly and for licences which are unlikely to add significantly to saturation to be approved provided all other requirements are met.
- 14.5 In deciding whether to adopt such a policy, the licensing authority will have regard to:
- a) Identification of serious and chronic concern about crime and disorder or public nuisance;
 - b) Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises and if so identify the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
 - c) Consultation with those persons and bodies identified in Section 5(3) of the 2003 Act.
- 14.6 Where this process identifies such a need, this Licensing Authority will consider adoption of a special policy relating to future licence applications from that area. Reference to any such special policy will be made in the Licensing Policy Statement and the special policy will be published as part of the statement of licensing policy.
- 14.7 A special policy cannot be used to set a terminal hour for premises in the identified area.
- 14.8 This Licensing Authority has duties under Section 17 of the Crime and Disorder Act 1998 to do all that it can to prevent crime and disorder in its locality and to promote the licensing objectives in the Licensing Act 2003.
- 14.9 In considering representations relating to a particular application, this Licensing Authority will have regard to the impact on the promotion of the licensing objectives in the area. In any representations, the onus will be on the objector to lay an evidentiary base for the assertion that the addition of the premises in question would produce the cumulative impact claimed. The impact can be expected to be different for premises with different styles and characteristics.
- 14.10 Any special policy adopted by this Licensing Authority will be reviewed regularly to assess whether it has had the effect intended, whether it is needed any longer or whether it needs extending.
- 14.11 A special policy on cumulative impact will not be used as grounds for removing a licence when representations are received about problems with an existing licensed premises. Nor can it justify rejecting variations to a licence except where those variations are directly relevant to the policy (as would be the case with an amendment significantly to increase the capacity limits of a premises).
- 14.12 This authority will not adopt quotas which pre-determine the individual merits of any application – even in respect of premises selling alcohol for consumption on those premises – as they have no regard to the individual characteristics of the premises concerned. Public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the differing impact they will have on the local community.
- 14.13 This authority recognises that once away from these premises, only a minority of consumers will behave badly and unlawfully. The licensing policy is part of a much wider strategy for addressing these problems. Other mechanisms which may be used to deal with such issues which fall outside of the scope of this licensing policy include:
- a) planning controls;
 - b) positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
 - c) the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;

- d) powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- e) police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;
- f) the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- g) the confiscation of alcohol from adults and children in designated areas;
- h) Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance;
- i) the power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

14.14 This Licensing Authority and Northamptonshire Police will continue to work closely together to ensure that these other mechanisms are used appropriately to deal with the issues of concern and where possible will supplement these with other local initiatives that similarly address these problems.

15. Early Morning Restriction Orders

15.1 The power for this licensing authority to introduce an EMRO is specified in sections 172A to 172E of the 2003 Act which was amended by Section 119 of the Police Reform and Social Responsibility Act 2011. Regulations prescribing the requirements in relation to the process for making an early morning restriction order (EMRO) were brought in force on 31st October 2012.

15.2 This Licensing Authority will have reference to the guidance that has been introduced which relates to:

- the EMRO process
- the evidence base
- introducing an EMRO
- advertising an EMRO
- dealing with representations
- hearings
- implementation
- limitations
- enforcement

15.3 The legislation provides this licensing authority with the discretion to restrict sales of alcohol by introducing an EMRO to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The order may be applied to the whole or part of this licensing authority's area and if relevant on specific days and at specific times. This licensing authority will be satisfied that such an order would be appropriate to promote the licensing objectives.

15.4 The only exemptions relating to EMROs are New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.

15.5 The decision to implement an EMRO will be evidence based and will be considered by Full Council.

16. Children

16.1 This Authority recognises that there will be a considerable variety of premises for which licences may be sought. These include theatres, cinemas, restaurants, concert halls, cafes, take-away food businesses and fast food outlets as well as public houses and nightclubs. In addition, subject to the licensee's discretion and any conditions included in a premises licence or club premises certificate, the Licensing Act 2003 does not prohibit unaccompanied children in licensed premises except in the circumstances defined in Section 145 of that legislation.

- 16.2 This Authority will not limit the access of children to such premises unless it is necessary for the prevention of harm to children. No statement of policy can properly anticipate every issue of concern that could arise in respect of children with regard to individual premises and so general rules have not been included. Consideration of the individual merits of each application remains the best mechanism for judging such matters.
- 16.3 However, notwithstanding the above, this authority considers that the following premises give rise to particular concern in respect of children:
- a) where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
 - b) with a known association with drug taking or dealing;
 - c) where there is a strong element of gambling on the premises;
 - d) where entertainment or services of an adult or sexual nature are commonly provided.
- 16.4 In these circumstances the Authority will consider the appropriate option for the prevention of harm to children where relevant representations are made. While complete bans on access to children are likely to be rare, there may be circumstances when no other option is considered appropriate. However, in the majority of cases where limiting the access of children to licensed premises is considered necessary, the options which will be considered are:
- a) Limitations on the hours when children may be present;
 - b) Age limitations (below 18);
 - c) Limitations on the exclusion of the presence of children under a certain age when particular specified activities are taking place;
 - d) Requirements for an accompanying adult;
 - e) Full exclusion of people under 18 from the premises when any licensable activities are taking place
- 16.5 This authority will not impose conditions requiring that children must be admitted to any premises. Where the above restrictions are not considered necessary, access to licensed premises by children will remain a matter for the discretion of the individual licence holder or club. Where the licence holder volunteers prohibitions and restrictions and no other relevant representations are made, the volunteered prohibitions and restrictions will be made into conditions and no other conditions in relation to the presence of children will be applied.
- 16.6 Thames Valley Police and Oxfordshire County Council Trading Standards Service are jointly responsible for the enforcement of ss146, 147, 147(a) and 147(b) of the Licensing Act 2003 (The sale of, and allowing the sale of alcohol to children). Trading Standards are mainly responsible for 'off licence' premises and the Police have the main responsibility for 'on licence' premises.
- 16.7 With regard to children in premises giving film exhibitions, this authority will impose conditions requiring that arrangements must be in place for restricting children from viewing age-restricted films or videos classified according to the recommendations of the British Board of Film Classification or the local authority itself.
- 16.8 The Portman Group operates a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks on behalf of the alcohol industry. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. A copy of the Code can be found at www.portman-group.org.uk.
- 16.9 In the case of premises giving film exhibitions, this Licensing Authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-

restricted films classified according to the recommendations of the British Board of Film Classification or the licensing authority itself. The 2003 Act also provides that it is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to be restricted in accordance with the recommendations given to films either by a body designated under section 4 of the Video Recordings Act 1984 (the British Board of Film Classification is the only body which has been so designated) or by the licensing authority itself. This Licensing Authority will expect Licensees to demonstrate the controls they have in place for the showing of recordings which have no age classification.

17. Conditions

17.1 A key concept underscoring the Licensing Act 2003 is for conditions to be attached to licences and certificates that are tailored to the individual style and characteristics of the premises and events concerned. Conditions may only be applied following the receipt of relevant representations where they have been agreed by all parties concerned or have been applied by the Licensing Committee. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.

17.2 This Licensing Authority agrees that any condition imposed must be:

- clear;
- enforceable;
- evidenced;
- proportionate;
- relevant; and be expressed in plain language capable of being understood

17.3 This authority will therefore avoid the general application of standardised conditions to licences and certificates.

17.4 However to ensure consistency, when it is necessary to apply conditions, this authority will draw from pools of model conditions where available, from which appropriate and proportionate conditions may be drawn in particular circumstances to suit individual cases. The model conditions will cover the following:-

- Crime and disorder
- Public safety
- Public nuisance
- Protection of children from harm

18. Reviews

18.1 The Licensing Act 2003 makes provision for the Review of premises licenses where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring.

18.2 At any stage following the grant of a premises licence or club premises certificate, a responsible authority or an interested party (such as a resident living in the vicinity of the premises), may request this Licensing Authority review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

18.3 A review of a premises licence will follow any action by Thames Valley Police exercising powers to close licensed premises under Sec 161 licensing Act 2003 on grounds of disorder or noise nuisance as a result of a Magistrates' Courts' determination sent to the Licensing Authority.

18.4 In all cases, the representation must relate to a particular premises for which a licence is in force and must be relevant to the promotion of the licensing objectives.

- 18.5 Representations must be made in writing and may be amplified at the subsequent review or may stand in their own right. Additional representations, which do not amount to an amplification of the original representation, may not be heard at the hearing.
- 18.6 Where the request for a review originates from an interested party e.g. a local resident or residents' association, this Licensing Authority will first to consider whether the complaint made is relevant, vexatious, frivolous or repetitious.
- 18.7 A repetitious complaint is one that is identical or substantially similar to:
- a) a ground for review made in respect of the same premises licence which has already been determined; or
 - b) representations considered by the Licensing Authority when the premises licence was granted; or
 - c) representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and
 - d) in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of a licence.
- 18.8 This Licensing Authority recognises the need to prevent attempts to review licences, following the failure of representations on earlier occasions. The Licensing Authority will judge what is to be regarded as a reasonable interval in these circumstances. This Licensing Authority has regard to the recommendation in the guidance that more than one review originating from an interested party should not be permitted within a period of 12 months on similar grounds except in compelling circumstances or where it arises following a Closure Order.
- 18.9 This Licensing Authority also recognises that the promotion of the licensing objectives relies heavily on a partnership approach. The Council would encourage authorised persons and responsible authorities to give licence holders warning of their concerns about problems identified at premises and of the need for improvement. This Licensing Authority will advise licence holders that a failure to respond to such a warning may lead to a responsible authority requesting a Review.
- 18.10 This Licensing Authority will hold a hearing following a request for a Review from a responsible authority, interested party or after closure procedures described earlier. This Licensing Authority will make the licence holder fully aware of the representations received together with supporting evidence in order for the licence holder or his legal representatives to be able to prepare a response.
- 18.11 In determining a Review, this authority has a range of powers it may exercise where it considers them necessary for the promotion of the licensing objectives:
- a) no action necessary as no steps required to promote the licensing objectives;
 - b) issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. This Licensing Authority regards such warnings as important mechanisms for ensuring that the licensing objectives are effectively promoted and any warning issued will be in writing to the licence holder.
 - c) to modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
 - d) excluding a licensable activity from the licence;
 - e) remove the designated premises supervisor,
 - f) suspend the licence for a period of three months;
 - g) to revoke the licence.
- 18.12 This Licensing Authority in determining what action to take will seek to establish the causes of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be necessary and proportionate.

19. Minor Variations

- 19.1 The purpose of the minor variation process is to save time, money and regulatory resources by allowing small variations that could not impair the promotion of the licensing objectives to be made

to premises licences and club premises certificates through a simplified and less costly procedure. Under this process, the applicant is not required to advertise the variation in a newspaper or copy it to Responsible Authorities. However, they must display it on a white notice at the premises. The notice must be displayed for a period of 10 working days starting on the working day after the minor variation application was given to the Licensing Authority.

- 19.2 The holder of a premises licence or a club premises certificate can apply to the licensing authority for a minor variation to the licence or the certificate using the prescribed form. In determining an application this licensing authority will consult such of the Responsible Authorities as it considers appropriate.
- 19.3 This Licensing Authority will take into account any relevant representations made concerning the application by Responsible Authorities or by an interested party, Relevant representations must be about the **likely effect** of the grant of the application on the promotion of the licensing objectives. This Licensing Authority will grant an application only if it considers that none of the variations proposed in the application could have an adverse effect on the promotion of any of the licensing objectives. In any other case the authority must reject the application. There is no right to a hearing in this process.
- 19.4 An application may not be made under the minor variation provision if the effect of the variations proposed in it would be to:
- extend the period for which a premises licence has effect;
 - to vary substantially the premises to which a premises licence/club premises certificate relates;
 - to specify (in a premises licence) an individual as the Designated Premises Supervisor (DPS);
 - to authorise the sale or supply of alcohol or to authorise the sale by retail or supply of alcohol at any time between 11pm and 7am or increase in the amount of time on any day during which alcohol may be sold by retail or otherwise supplied; or
 - to disapply the mandatory conditions concerning the supervision of alcohol sales by a personal licence holder and the need for a Designated Premises Supervisor who holds a personal licence at a community premises.
- 19.5 If an application is refused, the Authority must notify the applicant in writing, giving its reasons for the refusal. The Authority is required to reach its determination within a period of fifteen (15) working days starting on the first working day after the authority receives the application, otherwise the application is rejected and the Authority must return the application fee.
- 19.6 Minor variations will generally fall into four categories:
- minor changes to the structure or layout of a premises;
 - small adjustments to licensing hours;
 - the removal of out of date, irrelevant or unenforceable conditions or volunteered conditions;
 - the addition of certain licensable activities.

20. Enforcement

- 20.1 This Licensing Authority will establish protocols and have regular liaison with the local police, fire & rescue service, trading standards, other County local authorities and other agencies on enforcement issues. This will provide for a more efficient deployment of local authority staff and police officers who are commonly engaged in enforcing licensing law and the inspection of licensed premises. There will also be regular liaison with other enforcement authorities.
- 20.2 In particular, these protocols will provide for the targeting of agreed problem and high risk premises which require greater attention, while providing a lighter touch in respect of low risk premises which are well run. The limited validity of public entertainment, theatre, cinema and late night refreshment house licences has in the past led to a culture of annual inspections regardless of whether such inspections are necessary.

- 20.3 The Licensing Act 2003 does not require inspections to take place save at the discretion of those charged with this role. The principle of risk assessment and targeting will prevail and inspections will not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are more effectively concentrated on problem premises.

21. Licence Suspensions

- 21.1 This is a power brought as part of the amendments brought about by the Police Reform and Social Responsibility Act 2011. This Licensing Authority must suspend premises licences and club premises certificates on the non-payment of annual fees. This Licensing Authority will follow the relevant guidance in issuing suspensions for non-payment.

22. Administration, Exercise and Delegation of Functions

- 22.1 The Powers of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more Officers acting under delegated authority.
- 22.2 Many of the licensing procedures will be largely administrative with no perceived areas of contention. In the interests of efficiency and effectiveness officers will generally carry out these duties.
- 22.3 On applications where there are relevant representations these will be dealt with by a Committee or sub committee of the Licensing Authority, as will any application for review of a licence.
- 22.4 This Licensing Authority will expect applicants to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- 22.5 Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their Operating Schedule.
- 22.6 The 2003 Act provides that decisions and functions may be taken or carried out by licensing committees or delegated to sub-committees or in appropriate cases, to officials supporting the Licensing Authority. In the interests of speed, efficiency and cost-effectiveness, as many of the decisions and functions will be purely administrative in nature, functions will be delegated to the appropriate level within the organisation where possible. See Annex 1.
- 22.7 Where applications are non-contentious, for example, no representations to the grant of a premises licence are received, applications will be delegated to officers in order to speed matters through the system. Any such matters passed in this way will then be listed for comment at the next Committee meeting. The Committee will not have the opportunity to reverse officers' decisions

23. Advice and Guidance

- 23.1 Advice can be obtained by contacting Licensing at Cherwell District Council. We will advise on the types of licence needed and can be contacted in the following ways:-

Website <http://www.cherwell.gov.uk/licensing.htm>

Email: licensing@cherwell-dc.gov.uk

Phone: 01295 753744

In person or writing to:Licensing Team,
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire OX15 4AA

24. Appendices

- Annex 1. Delegation of functions – page 20
Annex 2. Oxfordshire Licensing Authority contact details – page 21
Annex 3. Other policies, legislation and guidance sources – page 22
Annex 4. Useful references – page 23

25. Equal Opportunities

- 25.1 Over the last four decades, discrimination legislation has played an important role in helping to make Britain a more equal society. However, the legislation was complex and, despite the progress that has been made, inequality and discrimination persist and progress on some issues has been stubbornly slow.
- 25.2 [The Equality Act 2010](#) provides a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.
- 25.3 In implementing the Licensing Act 2003, associated legislation and guidance, this Licensing Authority is committed to ensuring that the obligations and duties within this legislation are met.

26. Review of the Policy

- 26.1 This licensing policy will be formally reviewed and published every five years (section 5 Licensing Act 2003). This review of the policy will be subject to the consultation process. Section 5(4) of the Act provides that the licensing authority must keep its policy under review **during** each five year period and make appropriate revisions. Again, any revisions must be subject to consultation.
- 26.2 Where a special policy relating to cumulative impact or early morning restriction orders is being adopted this will be reviewed regularly at least every five years, to assess whether it is needed any longer, or indeed needs expanding. Any cumulative impact policy will also be reviewed to ensure that it has had the intended effect. There will be on-going dialogue and consultation with local residents to consider whether any area is nearing the point where the concentration of premises has a cumulative impact.
- 26.3 This Licensing Authority will consider the most appropriate time to refresh policies, with a view to balancing businesses' need to be kept advised of changes with the additional burden that responding to frequent consultations can bring.

27. Late night levy

- 27.1 The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in Sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31st October 2012.
- 27.2 Regulations have been brought into force setting out the way in which the levy must be applied and administered, and arrangements for expenses, exemptions and reductions.

Guidance has also been introduced in relation to:

- implementing the levy and the consultation process
- the design of the levy
- exemptions from the levy
- reductions in levy charges
- how revenue raised from the levy may be spent
- the levy charges
- the levy collection process

- 27.3 With regard to exemptions, this licensing authority retains discretion whether to exempt certain premises or not but only for those types of premises set out in paragraphs 1.24 to 1.31 of the guidance on the Late Night Levy.
- 27.4 This Licensing Authority also has the discretion whether to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes.
- 27.5 Any revenue from a levy will be split between this licensing authority and Thames Valley Police, with at least 70% of the 'net' levy (after expenses) paid to the Police. A formal service level agreement will be established to ensure that this licensing authority and Northamptonshire Police are aware of responsibilities and undertakings, and to ensure that the use of levy funds can be clearly communicated to those businesses contributing to it.
- 27.6 These new powers enable licensing authorities to charge a levy in relation to persons who are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy. Any decision to introduce, vary or cease the requirement for a levy will be made by the full council. Other decisions in relation to how the levy is administered may be subject to delegation.

Annex 1 - Delegation of functions

Matter to be dealt with	Full Committee	Sub Committee or Panel	Officers
Application for personal Licence	-	If a police objection made	If no objection made
Application for personal licence with unspent convictions	-	All cases	-
Application for premises licence/club premises certificate	-	If a relevant representation made	If no relevant representation made
Application for provisional statement	-	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	-	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	-	If a police objection	All other cases
Request to be removed as designated premises supervisor	-	-	All cases
Application for transfer of premises licence	-	If a police objection	All other cases
Applications for interim Authorities	-	If a police objection	All other cases
Application to review premises licence/club premises certificate	-	All cases	-
Decision on whether a complaint is irrelevant frivolous vexatious etc	-	-	All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	-	All cases	-
Determination of a police objection to a temporary event notice	-	All cases	-

Annex 2 – Cherwell District Council Licensing Authority Contacts

<p>Nicholas Sutcliffe Interim Licensing Manager Cherwell District Council Bodicote House Bodicote BANBURY Oxfordshire OX15 4AA</p> <p>Tel: 01295 753744</p> <p>Email: nicholas.sutcliffe@southnorthants.gov.uk</p>	<p>Jackie Fitzsimons Public Protection Manager Cherwell District Council Bodicote House Bodicote BANBURY Oxfordshire OX15 4AA</p> <p>Tel: 01295 753744</p> <p>Email: jackie.fitzsimons@southnorthants.gov.uk</p>

Annex 3 Other policies, legislation, and guidance sources

There are a number of other local and national policies, strategies, responsibilities, and guidance documents which should be taken into account in order to complement this authority's licensing policy. In particular the policy should provide a clear indication of how the licensing authority will secure the proper integration of the licensing policy and other local policies such as the local crime prevention, planning, transport, tourism, cultural strategies and the local alcohol policy.

(i) Legislation

- Policing and Crime Act 2009
- Crime and Disorder Act 1998
- Crime and Security Act 2010
- Human Rights Act 1998
- Criminal Justice and Police Act 2001
- Private Security Industry Act 2001
- Equalities Act 2010
- Anti-Social Behaviour Crime and Policing Act 2014
- Violent Crime Reduction Act 2006
- The Health Act 2006
- The Clean Neighbourhoods and Environment Act 2005
- Live Music Act 2012

Note: These and other relevant pieces of legislation can be found at www.opsi.gov.uk

(ii) Strategies and Policies

- Alcohol Strategy
- Alcohol Harm Reduction Strategy for Northamptonshire
- Best Bar None
- British Beer and Pub Association Partnerships Initiative
- Community Alcohol Strategy
- Community Safety Strategy
- Compliance Code
- Crime & Disorder Reduction Strategy
- Council's Enforcement Policy
- Cultural and Tourism Strategies including promotion of live music and community events
- Home Office: Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries
- Local Development Framework
- Local Transport Plan
- National and local PubWatch schemes
- [Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks](#).
- Purple Flag (ATCM)
- Safer Socialising

(iii) Guidance Documents

- [Home Office 'Practical Guide for Preventing and Dealing with Alcohol Related Problems](#)
- [Home Office Safer Clubbing Guide](#)
- [Home Office Designated Public Place Order \(DPPO\) Guidance](#)
- [Home Office s182 Guidance](#)

- LACORS/TSI Code of Practice on Test Purchasing
- The Event Safety Guide
- Licensing large scale events (music festivals etc)
- Managing Crowds Safely
- 5 Steps to Risk Assessment
- The Guide to Safety at Sports Grounds
- Safety Guidance for Street Arts, Carnivals, Processions and Large-scale Performances
- UK BIDS: Business Improvement Districts(national BIDS advisory service)
- BIS Code of Practice on Consultation
- The Plain English Campaign

(iv) Relevant case law regarding policy statements

- Limits of licensing policy:
BBPA & Others v Canterbury City Council [2005] EWHC 1318 (Admin)
- “Strict” licensing policies and exceptions to policy:
R (Westminster City Council) v Middlesex Crown Court and Chorion plc [2002] LLR 538
- Cumulative impact policies and hours
R (JD Wetherspoon plc) v Guildford Borough Council [2006] EWHC 815 (Admin)
- Duplication and conditions:
R (on the application of Bristol Council) v Bristol Magistrates’ Court [2009] EWHC 625 (Admin)
- Extra-statutory notification by the licensing authority:
R (on the application of Albert Court Residents Association and others) v Westminster City Council [2010] EWHC 393 (Admin)
- The prevention of crime and disorder: ambit of the objective
Blackpool Council, R (on the application of) v Howitt [2008]
- Crime and disorder: sanctions on review: deterrence
Bassetlaw District Council, R (on the application of) v Workshop Magistrates Court [2008]

Note: This list is not exhaustive

Annex 4 Useful References (organisations)

Local Government Association:

<http://www.local.gov.uk/regulatory-services-and-licensing>

Association of Convenience Stores (ACS)

<http://www.acs.org.uk/>

Association of Licensed Multiple Retailers (ALMR)

Now incorporating Bar, Entertainment and Dance Association (BEDA)

<http://www.almr.org.uk/>

Association of Town Centre Managers (ACTM and Purple Flag)

<http://www.atcm.org/>

Better Regulation Delivery Office (BRDO)

<http://www.bis.gov.uk/brdo>

British Beer and Pub Association (BBPA)

<http://www.beerandpub.com/>

British Board of Film Classification (BBFC)

<http://www.bbfc.co.uk/>

British Institute of Innkeeping (BII)

<http://www.bii.org/home>

British Retail Consortium (BRC)

http://www.brc.org.uk/brc_home.asp

Cinema Exhibitors' Association (CEA)

<http://www.cinemark.org.uk/>

Department for Culture, Media and Sport

www.culture.gov.uk

Home Office

www.homeoffice.gov.uk

Institute of Licensing (IoL)

<http://www.instituteoflicensing.org/>

Licensed Victuallers Associations (LVAs)

<http://www.flva.co.uk/>

National Association of Licensing and Enforcement Officers (NALEO)

<http://www.naleo.org.uk/>

The Portman Group

<http://www.portmangroup.org.uk/>



Licensing Office
Thames Valley Police
E Block TVP HQ South
Oxford Rd
Kidlington
OX5 2NX

David Mather & George Smith
Sent via email

REF: G's Bicester PRM0661

On the 17th October 2015 an incident occurred at the premise in which the officers required a copy of the CCTV.

On the 23rd October I called George in order to provide him with the details of the offender and he stated that the CCTV was at the premise waiting to be collected.

On the 11th November I received an email from the officer in the case stating that they had attended the premise 6 times and the CCTV still had not been provided.

George stated when I spoke to him that he had done it but the USB must have been lost. He stated on the 13th November that he would provide another copy so I attended the premise to ensure that this was done as it was 27 days after the incident.

The premise licence has a condition stating:

- CCTV images shall be retained for a period of no less than 28 days.
- Recordings of incidents at the premises must be made secure for inspection by the police and provided on lawful request. This means that a member of staff shall be available within 24 hours who is capable of operating the CCTV system and providing recordings.

When I attended the premise at 15.00 on the 13th November George went to burn the CCTV and it was not available. We then looked at when the last image was available and discovered that the CCTV is only kept for 15 days. This is a breach of the above licensing conditions.

It has been decided that we will give you the opportunity to rectify this condition by the 27th November 2015 when I will attend the premise at 14.30 to ensure this has been done. Should this have not been rectified by this date I will have no option but to look at a prosecution and or a review of the licence as this is not the first time a breach of licensing conditions has occurred.

This letter has been issued as a tier 2 warning to the premise should this issue not be rectified by the agreed date then you could face a prosecution and or the premise could be facing a review of its licence.

If you have any questions or for advice and information please feel free to contact the licensing department or your local neighbourhood team.

Yours sincerely

Laura Morris
Licensing Officer
Thames Valley Police



Licensing Office
Thames Valley Police
E Block TVP HQ South
Oxford Rd
Kidlington
OX5 2NX

George Smith
G's
Deans Court
Market Square
Bicester
OX26 6AA

REF: G's Wine Bar PRM0661

On the 19th & 23rd February 2015 meetings were held at G's to discuss reports received stating that the premise was trading without the correct numbers of doorstaff, breaching the conditions on the premises licence.

On the 14th February a report was received where by officers arrived at the venue and no doorstaff were seen on the door. 5 persons then entered after the last entry time breaching this condition on the licence as well. A member of doorstaff then appeared and ejected one of the late comers. This doorman then stated he had popped to the bar to hand in the clicker, later he told officers he had popped to the toilet and George stated he had told him he was clearing away glasses from the front area. George stated he should have still been on the door and has now requested that this doorman is not used at this venue in the future.

This doorman then decided to argue with officers about producing his SIA number for the report and was subsequently issued with an SIA warning for failure to produce his licence to a relevant authority. When asked how many doorstaff were working that evening the doorman stated two. When George was asked how many doorstaff were working and looking at the doorstaff logs it showed that 2 of the doorstaff were sent home at 2.15am on Friday and Saturday this weekend.

George stated that he knew his licensing condition stated four doorstaff after midnight but that he only had 32 customers in and could not afford to pay the doorstaff so at 2.15am he made the call to send two of them home. Advice was given that all conditions of the licence must be complied with at all times stated on the licence. That if he wanted to change his licence then this would have to be done officially through the correct channels. If he felt that the business was not viable to be open then he should have closed rather than breach his licensing conditions. Copies of the doorstaff log were taken.

Another meeting was held on the 23rd February as another report was received that on Saturday 21st February there was only two doorstaff again at the premises. At 23.00 George received a call from the venue stating that 2 doorstaff had rung saying they were having car trouble. I saw Text messages to this effect and also messages to other doorstaff to see if they were able to cover. Eventually one extra doorstaff turned up at 1am but still caused the premise to breach its licence. Again George was advised that he must comply with his licence and if unable to comply should have closed the premise until he was able to.

Due to the above a voluntary interview has been requested. The below dates were suggested at the meeting:

9th March 08.00 – 16.00

18th March 08.00 – 17.00

19th March 08.00 – 17.00

As discussed please could you let me know as soon as possible which of the following you are able to attend the interview should take approximately and hour.

This letter has been issued a Tier 2 warning to the premise and any further incidents of this nature could result in the premise facing a review of its licence. If you have any questions or for advice and information please feel free to contact the licensing department or your local neighbourhood team.

Yours sincerely

Laura Morris
Licensing Officer
Thames Valley Police

This page is intentionally left blank

Morris Laura

From: [REDACTED]
Sent: 16 February 2016 09:59
To: Morris Laura
Subject: Re: Fwd: Record settings.
Attachments: image003.jpg

Sent from my Samsung device

From: [REDACTED]
Date: 15/02/2016 16:53 (GMT+00:00)
To: George G's Wine Bar <
Subject: Fwd: Record settings.

Hi George

Following our telephone call please see enclosed the settings and recording capacity set up by DVS technical department today.

Kind Regards

Richard Sutton
Scorpion Group Security (Gloucester)
Access Control - CCTV Cameras - Intruder Alarms

T:
M:
E:
W:

Sent from my iPhone

Begin forwarded message:

From: Simon Coggins
Date: 15 February 2016 at 16:50:35 GMT
To: "
Subject: Record settings.

Hi Richard,

You can see the settings as they have been copied to all cameras.

Video Settings

Channel No.	Analog Camera1	▼
Stream Type	Main Stream(Normal)	▼
<hr/>		
Video Type	Video Stream	▼
Resolution	352*288	▼
Bitrate Type	Variable	▼
Video Quality	Medium	▼
Frame Rate	10	▼
Max. Bitrate	364	Kbps
Video Encoding	H.264	▼

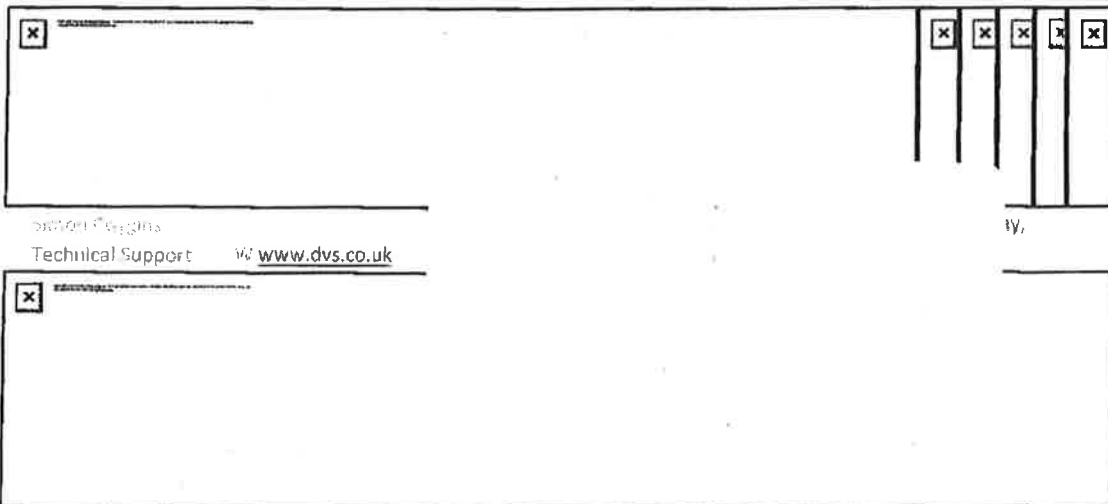
Copy to Camera

Select All

A1 A2 A3 A4 A5 A6 A7 A8 A9 A10 A11 A12 A13

Save

● Save succeeded.



This email and any files transmitted with it are private and confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender and delete immediately from your system. If you are not the intended recipient(s) please note that any form of distribution, copying or use of this communication or the information in it is strictly prohibited and may be unlawful.

DVS Ltd has taken reasonable precautions to ensure that any attachment to this email has been checked for viruses, but you are strongly recommended to carry out your own virus check before opening any attachment. DVS Ltd cannot accept any liability for any damage sustained as a result of software virus infection.

I Disk Calculation

Clear

Channel(1)

X

Disk Space Given

Number : 16

Constant Bitrate : 364 kbps

Number of Frame : 16 Frames

Resolution : CIF(352x288)

Encoding : H.264

Disk Space:

2

• TB GB

Recording Time/day:

_____ 24

Recording Time:

By Day

30

DAVISI

Video Settings

Channel No. Analog Camera1 ▼

Stream Type Main Stream(Normal) ▼

Video Type Video Stream ▼

Resolution 352*288 ▼

Bitrate Type Variable ▼

Video Quality Medium ▼

Frame Rate 10 ▼

Max. Bitrate 364 Kbps

Video Encoding H.264 ▼

Copy to Camera

Select All

A1 A2 A3 A4 A5 A6 A7 A8 A9 A10 A11 A12 A13 A14 A15 A16

Save succeeded.

And the info as copied form the disk calculator;

Date: 04/03/16
Our Ref: 609/036/001

**Oxfordshire County Council
Fire and Rescue Service**
West Cherwell Area Office
Cope Road
Banbury
Oxon OX16 2EY

G's Wine Bar
Deans Court
market Square
Bicester
OX26 6AA
Sent by Email

**Dave Luke
Fire Safety Inspector
Cherwell – West Cherwell**

Dear Laura

**Licensing Act 2003
No adverse comments from Fire Authority**

Name of Applicant	Laura Morris
Premises / Location	G's Wine Bar Deans Court market Square Bicester OX26 6AA
Type of Licence	Premises

Based upon the information you have provided in connection with your application for a premises licence review for the above named premises, it is confirmed that the Oxfordshire Fire and Rescue Service have no adverse comments to make.

Should you wish to discuss this matter, please do not hesitate to contact the Officer indicated.

Dave Luke
for the Premises Risk & Business Manager

Direct Line:
Email:

Cc Licensing

This page is intentionally left blank

From: [Chris Pegler](#)
To: [Matt Marsh](#)
Cc: [Charlotte Johnson](#)
Subject: FW: Application to review PRM 0661
Date: 07 March 2016 09:10:26

FYI

-----Original Message-----

From: David Mather !
Sent: 04 March 2016 16:06
To: Morris Laura
Subject: Re: Application to review PRM 0661

Dear Laura

I have recently received your email informing me that the licence for G's Wine Bar is being reviewed and wanted to let you know that the owner of the bar, George Smith, will be taking legal advice and attending court about this matter on my behalf.

I would like to point out the your prosecution last year was deemed to be a simple error of judgement by George and was dealt with by the magistrate as a 'minor offence' and the prosecution that you bought against me was dropped by The Crown Prosecution Service because of a precedent in law that I bought to their attention and they apologised for wasting my time in attending an adjourned court case.

With regards to the matters that you have raised about CC TV footage,

George has made every effort to assist the local police with this matter and he cannot possibly be held responsible for the equipment being faulty especially when he has done everything he can and paid for the service that the local authority demands.

As you were aware, George insisted during a telephone call that you were also listening to on speaker phone, that the system be reset to the scheme that he is paying for and I believe that it was as big a shock for him to find out that something was amiss as it was disappointing to the police officers involved.

I know that you are aware that George has the property up for sale at the moment and a prospective buyer is in the pipeline so is this review really necessary?

I feel that you, as the representative of the local authority and the local police are putting an extreme amount of undue added pressure onto a man who has worked hard to sustain a business in increasingly difficult circumstances.

I also feel that this review is unwarranted as well as it is unnecessary and I hope that you can reconsider your decision to take this matter to court.

With regards
David Mather

> On 1 Mar 2016, at 09:05, Morris Laura

>

> <Image.pdf>

Thames Valley Police Currently use the Microsoft Office 2007 suite of applications. Please be aware of this if you intend to include an attachment with your email. This communication contains information which is confidential and may also be privileged. Any views or opinions expressed are those of the originator and not necessarily those of Thames Valley Police. It is for the exclusive use of the addressee(s). If you are not the

This page is intentionally left blank

G's, Deans Court, Market Square, Bicester. OX26 6AA

Door Supervisor Policy

Prior to being engaged in employment at G's, whether directly or indirectly, paid or unpaid, all door supervisors to be trained in the below.

All door supervisors, whether directly or indirectly, paid or unpaid, to receive refresher training in respect of the below every 6 months.

1. Door supervisors are to be shown a copy of the current premises so that they understand **ALL** conditions attached to the premises.

2. Particular attention shall be given in respect of:

- a. Numbers of door supervisors those are required at certain times on certain days.

On Thursday, Friday and Saturday a minimum of **ONE** door supervisor **MUST** be on duty from 2200hrs.

On Thursday from 2300hrs an additional one door supervisor is to be on duty making a total of **TWO** door supervisors being on duty from 2300hrs on Thursday.

On Friday and Saturday from 2300hrs an additional two door supervisors are to be on duty making a minimum total of **THREE** door supervisors being on duty from 2300hrs on Friday and Saturday.

On Friday and Saturday night an additional one door supervisor to be on duty from midnight making a minimum total of **FOUR** door supervisors on duty on a Friday and Saturday from midnight.

When any adult entertainment takes place at G's as defined on the premises licence the additional condition requiring a minimum of **TWO** door supervisors has effect.

- b. Completing an entry in the log book before each shift. In particular each door supervisor shall ensure the log contains:

- i. The door supervisor's name;
- ii. His/Her Security Industry Authority Licence Number
- iii. The time and date he/she commenced and concluded their duty
- iv. Agency details
- v. Full details of any incidents that may occur at the premises whilst open for business
- vi. The door supervisors shall sign each entry

- c. Checking fire exits are clear, unobstructed and unlocked before each shift.
- d. Completing the log book for any incident that may occur at the premises.
- e. No entry or re-entry to the premises whatsoever on Friday, Saturday and Sunday after 0215hrs.

Door supervisors are to monitor closely any queues that may form from 0145hrs and if a queue is still in place at 0200hrs, dependant on persons leaving the premises, advise potential customers who are not in the queue of the restriction of entry after 0215hrs and **NOT** permit them to join the queue if they feel at that point any persons joining the queue shall still be in the queue after 0215hrs.

Door supervisors are to advise any customers who wish to leave the premises after 0215hrs of the restriction of entry and advise them if they leave the premises they shall not be permitted to re-enter the premises that evening.

- f. No under 18's being permitted entry to, or remaining on, the premises after 1800hrs until close.

Should a door supervisor be on duty at 1800hrs they are to conduct a check of the premises and if they suspect anyone to be under the age of 18 conduct an ID check. If the door supervisor is not satisfied the individual is aged 18 or over they are to advise the individual of the restriction of no under 18's being permitted on the premises after 1800hrs and ask them politely to leave the premises.

- g. Ensuring all external doors remain closed after 2300hrs until close when regulated entertainment is taking place at the premises.

Door supervisors are to ensure that when regulated entertainment is taking place from 2300hrs until close that any external windows in areas where live or recorded music is taking place shall be kept closed until when the regulated entertainment is no longer taking place and any door(s) leading from the areas where the regulated entertainment is taking place to outside be closed for the same period save for entry and exit to the premises.

- h. Checking IDs and what to accept.

Door supervisors are to use Challenge 21 for checking IDs in that when customer appears to be aged 21 or under they must be asked to provide proof of their age.

The only forms of identification to be accepted are ones with a photograph and from the following list:

- i. A valid photo drivers licence
- ii. A valid passport

iii. A recognised valid proof of age scheme card bearing the PASS hologram logo.

i. Ensuring that customers disperse quickly and quietly from the premises and that High Visibility clothing must be worn if on duty outside the premises.

3. Smoking Area – When an area is being used as a defined smoking area a door supervisor shall be assigned the responsibility of monitoring the area. The door supervisor shall monitor the area so as to prevent any disorder occurring. Attention should be paid to ensure that no entry is permitted to the premises via the smoking area to persons from outside the boundaries of the area in preference to the main entry point to the premises. Non customers shall be encouraged not to loiter at, or near the boundary of the smoking area.

G's General Door Supervisor Policy

All door supervisors MUST be licensed with the Security Industry Authority (SIA) as a Front Line Door Supervisor.

Managers must:

- Complete door supervisor check sheets for each and every door supervisor employed and retain the check sheet for no less than 12 months.
- Check door supervisors badge numbers on the SIA website at regular intervals.
- Adopt a 'No badge No work' policy in respect of door supervisors.
- Record SIA badge numbers at the start of each shift.
- Ensure all door supervisors are familiar with the premises.
- Ensure door supervisors are made aware of previous incidents and pub watched customers .

Door Supervisors must:

- When on duty wear their SIA badge in a clearly visible position.
- Complete the log book in full at the start and finish of each and every shift.
- Ensure they are familiar with the premises.
- Ensure they are familiar with all company policies and procedures in respect of security, fire and terrorism.
- Take charge of a town/city link radio if one is available at the premises.
- Perform checks at the start of each shift in respect of premises security.
- At the end of the shift ensure the premises are closing to ensure the premises are clear of all members of the public and the premises are secure.

- Assist in any evacuation of the premises.

Dispersal Policy

Procedure for dispersing crowd & patrons from the end of evening.

- 1 Door supervisors shall employ good queue management techniques at all times, both from the point of view of common decency, customer relations and that of safety. Crushing, which can lead to injury, and queue jumping, which can arouse hostility and violence, must be prevented. Door supervisors should promote a smooth throughput of people, minimising a build-up of people immediately inside the venue.
- 2 Door supervisor work clearly involves a degree of supervisory responsibility. They shall patrol a venue regularly and be easily located in case of an emergency.
- 3 Door supervisors must co-operate and communicate effectively with those responsible for first aid and any other workers or volunteers present to give advice and information.
- 4 Towards the end of the evening the lights will be gradually raised and the music gradually lowered to make customers aware the venue is preparing to close.
- 5 A presence of security shall be deployed to the main areas to encourage customers to leave calmly and quietly, the ethos of the team will be a unobtrusive approach providing customer service and satisfaction, whilst encouraging customers to leave. Door supervisors will identify any possible friction or incidents and proactively address them. Any fractious groups or individuals will be separated and removed by alternative exits, where possible. An announcement may be made by a member of security or management requesting customers to keep noise to a minimum and to make their way home safely.
- 6 As customers disperse outside door supervisors are to be redeployed to the front doors to increase a high profile presence and encourage customers to depart quietly and safely.
- 7 Whilst monitoring and dispersing crowds in a public area security need to be aware of any incidents arising ensuring that they pro actively intervene where possible and is safe to do so, customers need to be forewarned that any disorderly behaviour will effect possible re admission in the future and/or possible action from Pubwatch and/or law enforcement agencies.
- 8 Should an incident arise that is unmanageable then the door supervisors will contact the police and monitor from a safe distance whilst ensuring innocent members of public safely depart from the premises, the senior door supervisor will ensure ail team members are deployed to the necessary areas.
- 9 Security will ensure that any incidents are addressed early and immediately to ensure no further escalation of the incident.

- 10 Should any customer require first aid then staff will ensure this is provided where possible, should this not be possible an ambulance will be called to assist the customer.
- 11 All incidents will be logged in the venues incident log book and if appropriate statements will be provided to the police to ensure a prompt and effective investigation.
- 12 Door supervisors will work in partnership with local police, always cooperating promptly with any reasonable request.

Procedure for licensed door staff on action taken with incidents outside the licensed venue premises

- 1 All staff will take pro active measures to ensure the right type of client visit the premises; this will include Identity checks, level of intoxication, judgement on character and prior behaviour as well as dynamic assessment on the person(s) suitability to visit the venue.
- 2 Door supervisors will ensure pro active measures inside the premises are deployed and any behaviour that breaches licensing regulations, guidelines or in house policy is addressed and defused immediately.
- 3 Door Supervisors are empowered under the Licensing Act 2003 and SIA guidelines to enforce any such regulation whilst acting on behalf of the premises.
- 4 In the event that an incident arises outside of the venue the following procedure should be followed. It should be fully understood that door supervisor's authority under the Licensing Act is not valid in public areas outside of the licensed premises.
- 5 Door Supervisors should only address such issues under their own personal preference or choice, such action can be taken under Common Law. Section 3 of The Criminal Law Act 1967 states:
 - Staff should demonstrate a reasonable relationship of proportionality between the means employed and the aim pursued. Action taken is unlikely to be regarded as proportionate where less Injurious, but equally effective alternatives exists.
 - A person may use such force as is reasonable in the circumstances in the prevention of a crime, or in the effecting or assisting in the lawful arrest of offenders or suspected offenders unlawfully at large.
 - Common law has always recognised a person's right to act in defence of themselves or another, also to prevent crime and if necessary arrest offenders. If the force used to prevent such crime or repel an attacker is both necessary and proportionate to the threat or danger faced it can be deemed reasonable in the circumstance. The test to be applied for self defence is that a person acted reasonably in the circumstances as they honestly believed them to be at the material time.

Procedure to follow upon identifying and incident outside the premises

- 1 Identify incident outside of the premises.
- 2 Observe incident, inform local CCTV, where possible, of the incident.
- 3 Phone police if necessary (Door Supervisors have limited authority outside of premises)
- 4 Door Supervisors cannot be instructed to deal with an incident outside of the venue jurisdiction.
- 5 Door Supervisors can only intervene if they wish to do so under the above legislation.
- 6 If the situation is safe to do so then staff to assist with basic first aid, if they are suitably trained and where possible staff to contact emergency services If their services are required.
- 7 The safety of door supervisors this is paramount and can only be determined by the door supervisor themselves, should an incident be deemed too risky then door supervisors should work in partnership with local police to address any incident.

G's Individual Door Supervisor Log

Surname:	
First Name:	
Home Address:	
Post Code:	
Mobile Number:	
Home Number:	
Date of Birth:	
SIA Badge Number:	
SIA Expiry Date:	
Start Date:	
Agency Contact Name:	
Agency Name and Address	

Agency Contact Number:	
Door supervisor signature to confirm reading & understanding the duties expected by G's	
Dates of refresher training in procedures & signature of door supervisor	

The manager is required to complete this form in full before any door supervisor is employed. They must also take a copy of the SIA badge and attach a copy to this form.

Signed

Full name: _____ Date: _____

This page is intentionally left blank

Alcohol & Children **Policy**

Premises Name:

G's Bar

Address:

**Deans Court, Market Square
Bicester. OX26 6AA**

Designated Premises Supervisor:

George Smith

Issue Date: April 2014

All members of staff are required to read and sign this Policy document.

This Policy document is to be retained at the premises with the Premises Licence and made available for inspection if requested by the Police, Licensing Authority or any other Responsible Authority

For further information and assistance please contact Kurnia Licensing Consultants at www.kurnia.co.uk - 01507 477481- licensing@kurnia.co.uk

Alcohol and Children Policy - Licensing Act 2003

This document sets out the policy of these premises in regard to alcohol and children.

All employees (paid and unpaid) are expected to adhere to this policy.

All employees (paid and unpaid) will face disciplinary action should they not adhere to the contents of this document.

The Law States

1. It is an offence to sell alcohol to anyone under 18 years old at any time. There are no exceptions.
2. It is an offence to knowingly allow the sale of alcohol to anyone under 18 years old. This means if you permit a colleague to sell alcohol to someone you know is under 18 you also commit an offence.
3. It is an offence for a person under 18 to purchase or attempt to purchase alcohol. *(The exception to this is when an under 18 year is empowered by the police or trading standards to attempt to purchase or purchase alcohol during a 'Test Purchase' operation.)*
4. It is an offence for anyone to attempt to purchase alcohol for a person under 18. *(The exception to this is that a person aged 18 or over may purchase beer, wine or cider for a person aged 16 or 17 to consume whilst the person aged 16 or 17 is having a table meal provided the person aged 18 or over purchases the beer, wine or cider and is also having a table meal.)*
5. It is an offence for an under 18 to consume alcohol on licensed premises *(other than stated in 4)*
6. It is an offence for a member of staff to knowingly permit an under 18 to consume alcohol on licensed premises *(other than in 4)*
7. It is an offence for an unaccompanied person under the age of 16 to be present on premises primarily or exclusively used for the sale of alcohol for consumption on the premises whilst they are open and being used for the supply of alcohol. For a person under the age of 16 to be present they must be accompanied by an adult.
8. It is an offence for an unaccompanied person under the age of 16 to be present on any premises licensed for the sale of alcohol for consumption on the premises whilst they are open and being used for the supply of alcohol between the hours of midnight and 5am. For a person under the age of 16 to be present they must be accompanied by an adult.

Company Policy

1. Points 1 to 8 under the heading 'The Law States' must be adhered to at all times
2. When a customer appears to be aged 21 or under they must be asked to provide proof of their age.
3. The only forms of identification to be accepted are ones with a photograph and from the following list:
 - a. A valid photo drivers licence
 - b. A valid passport
 - c. A recognised valid proof of age scheme card bearing the PASS hologram logo.
4. Any identity documents provided should be checked for the following:
 - a. Photo matches the holder
 - b. Date of birth makes the holders age 18 or over
 - c. It is current and valid
 - d. It has not been tampered with
 - e. It is not a fake
5. If you still have any doubts after examining a form of identification you should still refuse to serve the customer.
6. If caught selling alcohol to an under 18 or committing an offence such as listed in points 1 to 8 under the heading 'The Law States' you may be issued with a fixed penalty fine by the police of £90. In such circumstances it the responsibility for payment of such fine will be that of the person the fine was issued to. Alternatively you could face a fine of up to £5,000 (Level 5).
7. In cases where an employee is issued with a fixed penalty or where an employee does not adhere to points 1 to 8 under the heading 'The Law States' they will face a disciplinary hearing which may result in dismissal from the company.
8. If you refuse service for any reason an entry should be made in the refusals register.

Using the 5 Step Checking Process for PASS ID Cards:

Step 1 Check the PASS Hologram

- Look for the 3D effect in the background of the hologram.
- Look for the small PASS text in the background.
- The PASS hologram must be flush with the plastic of the card - NOT stuck on top of the plastic.
- If in doubt, compare it with a sample card.



Step 2 Check the Photograph

- Ensure that the photograph is of the person presenting the card – if necessary, politely ask the person to remove their hood, hat or sunglasses to be sure.
- The photograph must be printed directly on to the plastic of the card – NOT stuck on top of the plastic.

Step 3 Check the Date of Birth

- Calculate the age of the person from the date of birth.
- Make sure they are old enough to buy the goods or services requested.
- The date of birth must be printed on to the plastic – NOT stuck on top of the plastic.

Step 4 Check the Card

- Ensure that the card has not been tampered with or altered.
- Feel the card – it should be completely smooth – NO ridges or anything stuck on to the card.

Step 5 Check the Person

- If you are still unsure about a person's age, your legal responsibility is to refuse to sell.
- If you refuse to sell items because you believe that the person is too young, once the person has left, report the incident to your supervisor or manager, and record.

Intoxication guidelines

These guidelines are designed to assist you to determine whether or not a person is intoxicated.

You must always have due regard to the licensing objectives of the Licensing Act 2003:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

What is the law?

A person commits an offence if he knowingly sells or attempts to sell alcohol to a person who is drunk, or allows alcohol to be sold to such a person. A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding £1,000.

A person commits an offence if he knowingly obtains, or attempts to obtain, alcohol for consumption on licensed premises by a person who is drunk. A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding £1,000.

All staff must ensure that customers do not become intoxicated. Intoxicated persons are to be removed from the premises immediately or refused entry onto the licensed premises.

What are the noticeable signs of intoxication?

These symptoms or signs are not exhaustive, and not necessarily conclusive of intoxication:

Speech	<ul style="list-style-type: none">- Slurring words- Rambling or unintelligible conversation- Incoherent or muddled speech- Loss of train of thought- Not understanding normal conversation- Difficulty in paying attention
Balance	<ul style="list-style-type: none">- Unsteady on feet- Swaying uncontrollably- Staggering- Difficulty walking straight- Cannot stand or falling down- Stumbling- Bumping into or knocking over furniture and people
Co-ordination	<ul style="list-style-type: none">- Lack of coordination- Spilling drinks- Dropping drinks- Fumbling change- Difficulty counting money or paying- Difficulty opening or closing doors- Inability to find one's mouth with a glass

Behaviour	<ul style="list-style-type: none"> - Rudeness - Aggression - Belligerent - Argumentative - Offensive - Bad tempered - Physically violent - Loud /boisterous - Confused - Disorderly - Exuberance - Using offensive language - Annoying / pestering others - Overly friendly - Loss of inhibition - Inappropriate sexual advances - Drowsiness or sleeping at a bar or table - Vomiting - Drinking rapidly
-----------	--

The following are guidelines of the different levels of intoxication:

Level 1 Euphoria	<ul style="list-style-type: none"> - Lowered Inhibitions - More talkative - Mild euphoria - Increased self-confidence - Diminished attention, judgment and control
Level 2 Excitement	<ul style="list-style-type: none"> - Dulled senses (impaired perception, judgement, memory and comprehension) - Poor co-ordination - Slow reaction time - Impaired balance - Slightly slurred speech - Drowsiness
Level 3 Confusion	<ul style="list-style-type: none"> - Disorientation - Exaggerated emotions (fear, rage, grief etc.) - Staggering gait - Slurred speech - Increased pain threshold - Impaired vision
Level 4 Stupor	<ul style="list-style-type: none"> - Inability to stand, walk or communicate - Vomiting - Loss of bladder/bowel control - Decreased response to stimuli - General inertia/apathy - Impaired consciousness

Level 5 Coma	<ul style="list-style-type: none"> - Complete unconsciousness - Shallow breathing - Slow pulse - Low body temperature - Unresponsive
-----------------	---

Anyone, including staff and other customers, can be prosecuted if they are found supplying alcohol to an intoxicated person.

Fines of up to £1,000 apply.

How else to determine if someone is intoxicated

Make observations:

- Does the person smell of alcohol?
- How long has the person been drinking?
- When did the person enter the premises?
- Was the person affected by alcohol when they arrived?
- What type of alcohol has been consumed?
- How much alcohol have you seen the person drink?

Your observations will help you form a reasonable belief as to whether the person is intoxicated as a result of alcohol consumption.

Talk to the person and their friends to help determine whether the person is intoxicated or becoming intoxicated.

Reasonable grounds for a belief that a person is intoxicated are what a reasonable person would believe in the circumstances, taking into account the relevant knowledge and facts presented.

You should be sure of your reasons for refusal of service and these reasons should not be discriminatory, for example race, sex, disability.

Are there conditions that exhibit similar symptoms/signs to intoxication?

Some medical conditions, disabilities or the use of drugs may cause similar behaviours without the person being intoxicated as a result of alcohol consumption.

Prior to refusing service on the basis that a person is intoxicated, you should endeavour to determine whether the person has a medical condition or disability which may cause signs or symptoms similar to intoxication.

If the person has a medical condition or disability, it is likely that their friends will be able to tell you. Be sensitive to a person's right to privacy.

Examples only:

- Acute infections
- Acquired Brain Injury
- Brain trauma /tumours
- Delirium
- Diabetes/ hypoglycaemia
- Epilepsy
- Head injuries
- Pneumonia
- Seizures and post seizure states
- Stroke.

Even though a person has a pre-existing condition, if you have observed the person consuming alcohol and the person has been drinking for some time, then it would be reasonable to form a belief that the person is intoxicated as a result of alcohol consumption.

How to prevent intoxication

It is your responsibility to prevent patrons from becoming intoxicated. There are things you can do including:

- Talk to your customer and get to know their drinking patterns and intentions.
- Alert other staff.
- Serve free water and keep water available.
- Promote low or mid-strength alcoholic drinks, non-alcoholic drinks and food.
- Provide free snack food.
- Slow service down for the patron.
- Wait for the customer to re-order, don't automatically top up drinks.
- Do not conduct an activity or promotion that will result in customers engaging in irresponsible, rapid or excessive consumption of liquor or unsafe activities.

What to do if someone is intoxicated

If you have reasonable grounds for the belief that someone is intoxicated as a result of alcohol consumption you must refuse service to that person.

When refusing service to a person:

- Introduce yourself to the person and tell them your name and your role, and ask their name.
- Approach the person in a friendly and respectful manner. Patronising or authoritarian attitudes can often evoke anger and make the person aggressive – this is a common response to threats to one's dignity and self-respect. Try not to speak to the person in front of others.
- When talking to the person: use their name; use slow, distinct speech; use short, simple sentences; avoid emotion and involved discussions; use appropriate eye contact and adjust speaking pace to match the customers.
- Give a clear, concrete statement that by law they cannot be served another drink.
- Notify the manager/licensee/supervisor or security. Also notify other bar staff that you have refused service to the person. If a shift change is nearing, notify the new staff.

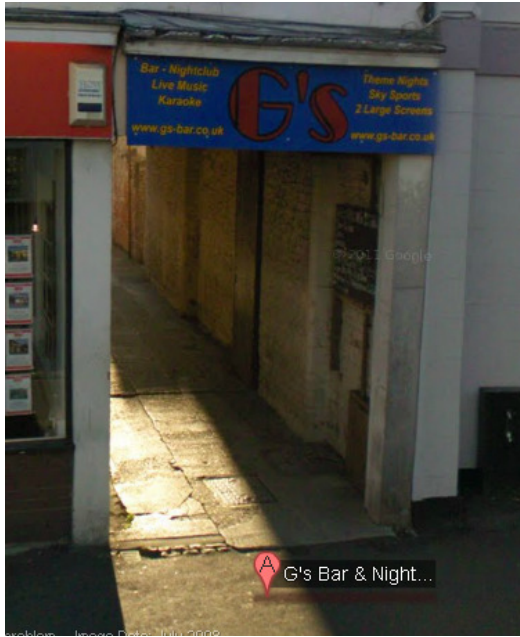
Supplying alcohol to an intoxicated person can be very expensive. The licensee or staff can be fined up to £1,000 or be issued with an on-the-spot fine by way of a penalty notice. It is also an offence for other customers to supply alcohol to an intoxicated person, with a maximum fine of £1,000 applying.

All staff must ensure that customers do not become intoxicated. Intoxicated persons are to be removed from the premises immediately or refused entry onto the licensed premises.

By signing the below you acknowledge that you have read and understand the contents of this Policy and that you agree to abide by its contents.

Employee Name	Date of Birth	Signature	Date

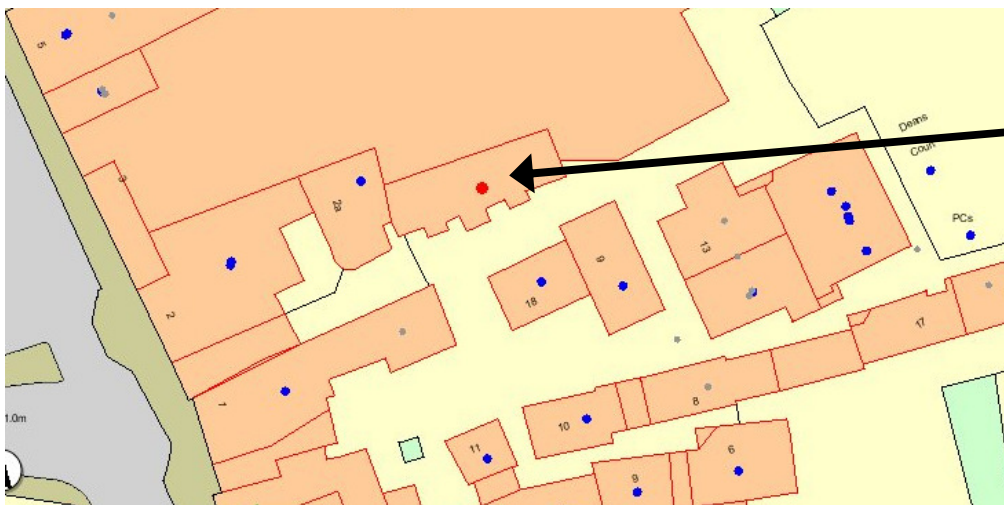
Location plans for G's, Deans Court, Bicester



Main entrance to premises from Market Hill



Aerial view of premises



Location plan of premises

This page is intentionally left blank

Agenda Item 5

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank