

**Committee:**           **Licensing Sub Committee**  
**Date:**               **Monday 20 November 2017**  
**Time:**               **10.00 am**  
**Venue**               **Bodicote House, Bodicote, Banbury, OX15 4AA**

**Membership**

**Councillor Douglas Webb           Councillor Bryn Williams**  
**Councillor Colin Clarke**

**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 (Pages 1 - 104)**

Report of Shared Public Protection Manager

#### **Purpose of report**

To consider a request from Oxfordshire Trading Standards for a review of the premises licence relating to: Wisla Supermarket, 12 The Parade, Kidlington, Oxfordshire, OX5 1EE.

#### **Recommendations**

- 1.1 There are no recommendations, 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.

**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](mailto:democracy@cherwellandsouthnorthants.gov.uk) or 01295 227956 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 Aaron Hetherington, Democratic and Elections  
[aaron.hetherington@cherwellandsouthnorthants.gov.uk](mailto:aaron.hetherington@cherwellandsouthnorthants.gov.uk), 01295 227956

**Yvonne Rees**  
**Chief Executive**

Published on Friday 10 November 2017

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## Cherwell District Council

### Licensing Sub-Committee

20 November 2017

<b>Premises Licence Review Hearing</b>
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### Report of Shared Public Protection Manager

This report is public

#### **Purpose of report**

To consider a request from Oxfordshire Trading Standards for a review of the premises licence relating to:  
Wisla Supermarket, 12 The Parade, Kidlington, Oxfordshire, OX5 1EE.

#### **1.0 Recommendations**

- 1.1 There are no recommendations, 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 Oxfordshire Trading Standards.

#### **3.0 Report Details**

- 3.1 The supermarket at 12 The Parade, Kidlington is a small convenience store, in a residential area, on the outskirts of the village centre. The store currently benefits from a premises licence issued in accordance with the Licensing Act 2003, covering the off sale of alcohol by retail.

- 3.2 A premises licence is granted once the applicant has satisfied the licensing Authority that their proposed business will meet all of the licensing Objectives, as prescribed in the Licensing Act 2003.

The objectives include mandatory conditions on a premises licence, and premises may also add conditions to their licence which demonstrate their ability for their business to meet the requirements under the Licensing Act.

A copy of the Premises licence for Wisla Supermarket, listing the licensing conditions, are attached to this report as appendix 1

- 3.3 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
- 3.4 On the 9<sup>th</sup> October 2017 Cherwell District Council Licensing Department received an application from Oxfordshire Trading Standards requesting a review of this premises licence.  
A copy of licence review application is attached to this report as appendix 2, the details of which will be presented to the committee by the review applicants.

## **4.0 Consultation**

- 4.1 When an application to review a premises licence is received the licensing authority must display a notice at or near the relevant premises, at the council offices and on the council's website. The consultation period runs for 28 days from the day after the application is received. This gives interested parties and responsible authorities the opportunity to make representations in relation to the application.
- 4.2 Representations have been received from Thames Valley Police, details of which are attached to this report as appendix 3.
- 4.3 One representation has been received from Mr Richard Samuelson, member of public, in support of the premises being allowed to sell alcohol. These can be found as appendix 4
- 4.4 All information and evidence from the License holder, interested parties, and responsible Authorities will be presented to the committee by the respective representative present.
- 4.5 Propose conditions were sent to Trading Standards by the Licence holder's representatives. Cherwell District Council received these proposed conditions on the 7<sup>th</sup> November. The proposed conditions can be found in appendix 9

## **5.0 Conclusion and Reasons for Recommendations**

- 5.1 There is no recommendation

## **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:

- to modify the conditions of the licence;
- to exclude a licensable activity from the licence
- to suspend the licence for a period not exceeding 3 months;
- to revoke the licence.

## **7.0 Implications**

### **Financial and Resource Implications**

7.1 There are no financial implications arising directly from this report.

Comments to be checked by Kelly Wheeler Principal Accountant, 01327 332230,  
[kelly.wheeler@cherwellandsouthnorthants.gov.uk](mailto:kelly.wheeler@cherwellandsouthnorthants.gov.uk)

### **7.2 Legal Implications**

The decision must comply with relevant legislation and Council Policy.  
All parties have a right of appeal to the Magistrates Court against any decision made by the Sub-Committee.

Comments checked by Matt Marsh, Solicitor, 01295 221691,  
[matt.marsh@cherwellandsouthnorthants.gov.uk](mailto:matt.marsh@cherwellandsouthnorthants.gov.uk)

## 8.0 Decision Information

### Wards Affected

Kidlington East

### Links to Corporate Plan and Policy Framework

Not applicable

### Lead Councillor

Not applicable

### Document Information

Appendix No	Title
1	Wisla Supermarket premise licence PRM0595
2	Copy of application to review a premises licence issued by Oxfordshire Trading Standards, dated 09/10/2017
3	Copy of representations from Thames Valley Police.
4	Copy of representation from Mr Richard Samuelson
5	Copy of application to vary premises licence to the current premise licence holders dated 20/02/2017, & 13/01/2016.
6	Copy of Licence premises plans, and maps displaying the vicinity of the licensed premises.
7	Copy Notice of Hearing.
8	Copy of Cherwell District Council Statement of Licensing Policy
9	Proposed Conditions
<b>Report Author</b>	Chris Pegler, Lead Licensing Enforcement Officer
<b>Contact Information</b>	01295 753744 <a href="mailto:licensing@cherwell-dc.gov.uk">licensing@cherwell-dc.gov.uk</a>



# LICENSING ACT 2003

## PREMISES LICENCE

## PART A – Part 1

<b>Wisla Supermarket</b> <b>12 The Parade</b> <b>Oxford Road</b> <b>Kidlington</b> <b>OX5 1EE</b>	<b>Licence Ref:</b>	PRM0595
	<b>Date Granted:</b>	02.03.2017
	<b>Valid from:</b> <b>Valid to:</b>	Not Time Limited
	<b>Issue date:</b>	02.03.2017
	<b>Tel No.:</b>	

<b>Premises Licence Holder</b>	<b>Soran Mohammed Salih</b> <b>Wisla Supermarket</b> <b>12 The Parade</b> <b>Oxford Road</b> <b>Kidlington</b> <b>OX5 1EE</b>
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## PART A - Part 2

## Licensable Activities - Alcohol Sales

Activity	Days of Week	Open	Close
<b>Sale of Alcohol</b> <b>Alcohol is supplied for consumption off the</b> <b>Premises</b>	Sunday	06:00	22:30
	Monday to Saturday	06:00	23:00

## Opening Hours

Days of Week	Open	Close
Monday to Saturday	06:00	23:00
Sunday	06:00	22:30

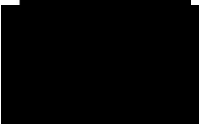
## Registered number of holder, for example company number, charity number

## Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Monika Baranowska Wisla Supermarket 12 The Parade Oxford Road Kidlington OX5 1EE
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## 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 Number: KUHPA2082 Licensing Authority: Hull City Council
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 Nicholas Sutcliffe  
 Licensing Manager  
 2 March 2017

# Annex 1 – Mandatory

## Mandatory Conditions

### All Premises Licence authorising supply of alcohol

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence -
  - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
  - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
    - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
    - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
    - (a) a holographic mark or
    - (b) an ultraviolet feature.

6. 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: 1-2 pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### **Minimum Drinks Pricing**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula -  $P = D + (D \times V)$   
Where -

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

## **Annex 2 – Conditions consistent with the operating schedule**

### **General - all four licensing objectives**

Ongoing staff training, internal & external CCTV.

Staff training on licensing issues as indicated.

Effective and responsible management of premises on all aspects of licensing objectives.

### **The prevention of crime and disorder**

Provisions of effective CCTV in and around the premises.

Age restrictions on licensing product; accepting only accredited 'Proof of Age' cards, i.e. passport, driving licence or official identity card issued by HM forces or other accredited body (EU) country bearing photographic and date of birth bearer.

The premises shall implement and adhere to a Think 21 Policy.

### **Public Safety**

Provisions of emergency lighting and first aid.

Visible access: Design and layout of the premises.

The use and ease of access to fire extinguishers in the event of a fire.

All public safety notices clearly and visibly placed in the premises.

Licensable hours of operation visibly displayed.

### **The prevention of public nuisance**

Effective and responsible management of premises.

Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance.

Install effective ventilation systems to create an odour free environment.

Keeping doors & windows closed while the licence is being used.

### **The protection of children from harm**

'Proof of Age' cards: Policies, notices clearly displayed for licensable activities.

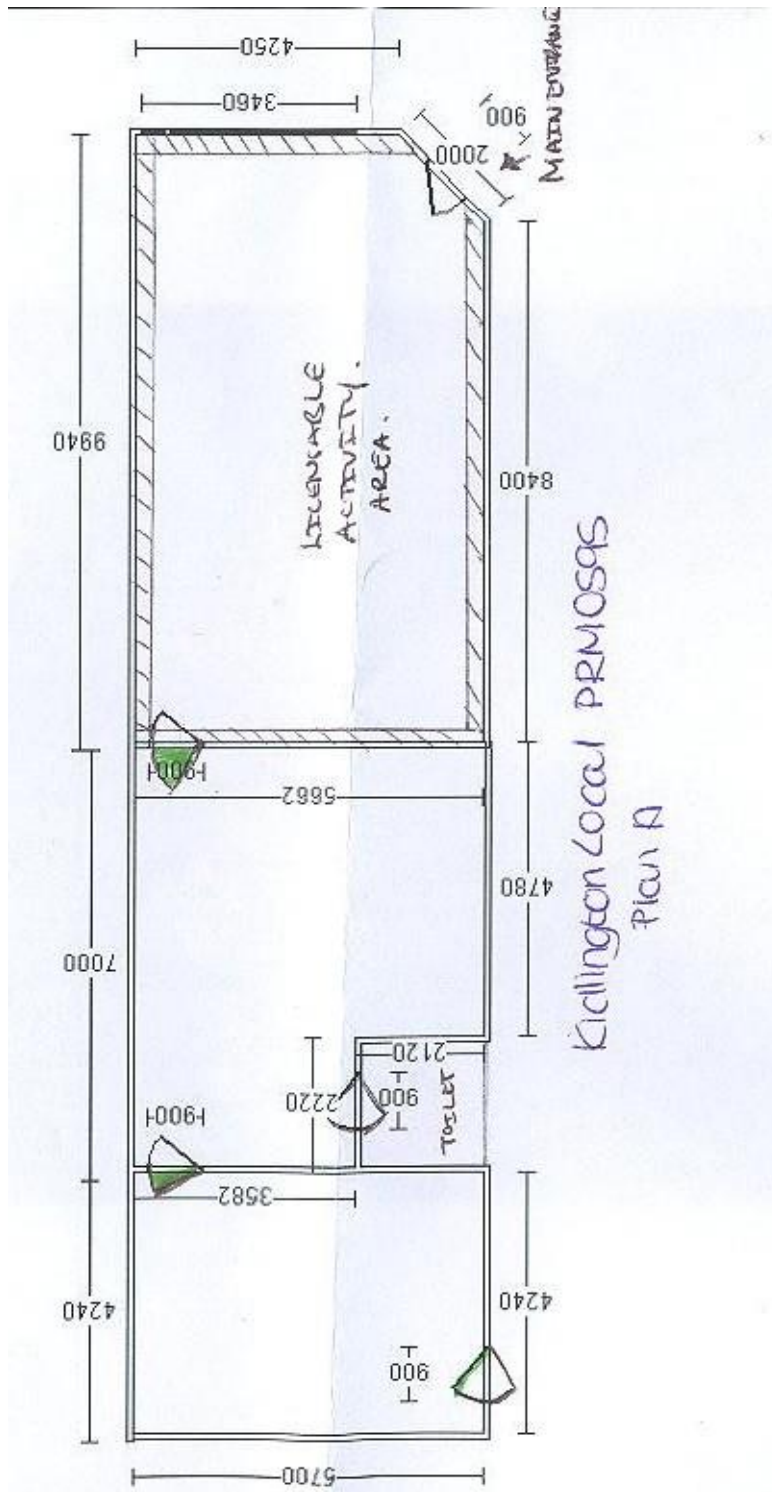
Acceptance of accredited 'Proof of Age' cards.

- Passport
- Driver licence
- official identity cards issues by HM forces.
- EU country bearing photograph and date of birth of bearer.

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

**Conditions Required by Committee**

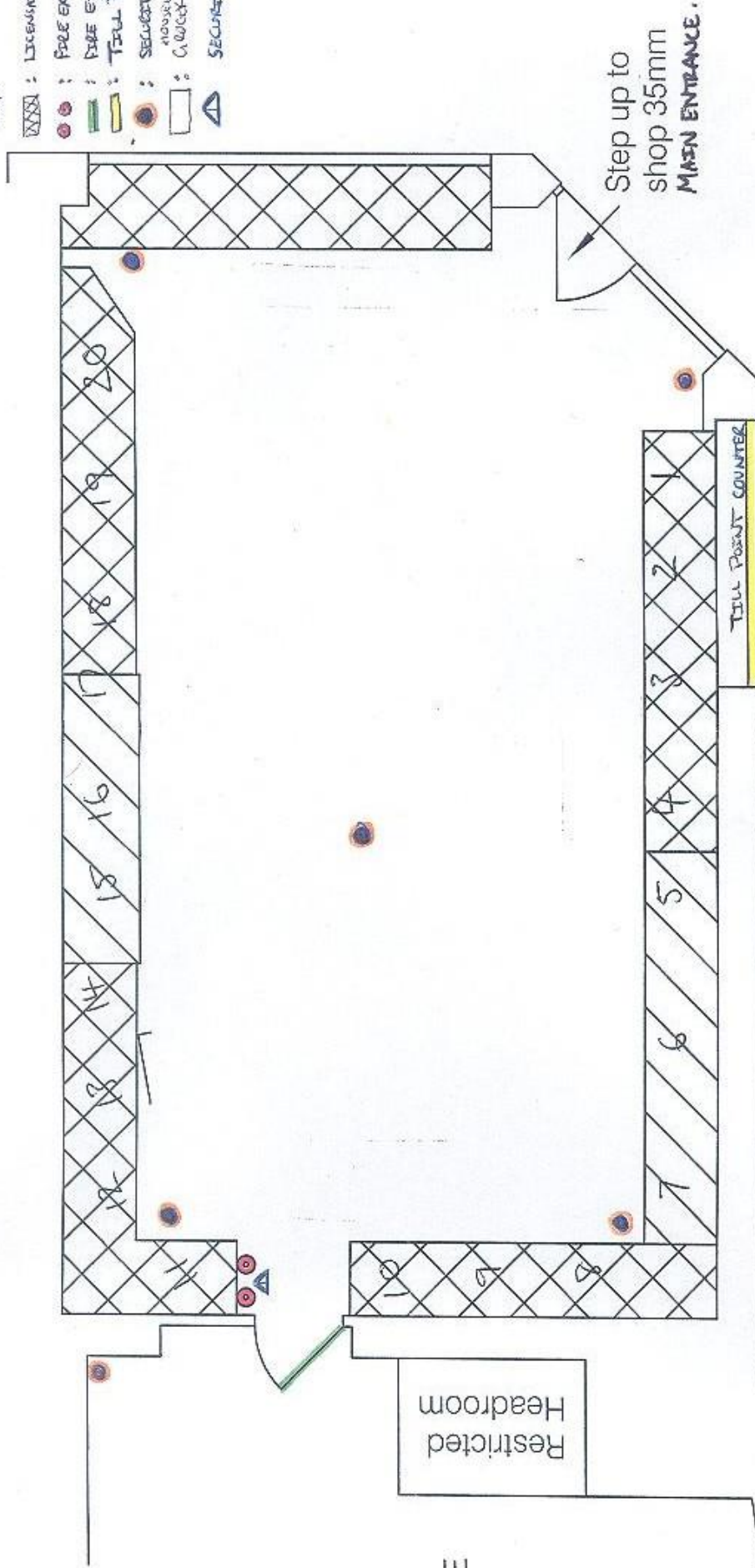
# Annex 4 – Plans



NUMBER 7  
 ADDRESS : 12 THE PARADE  
 WEDDINGTON  
 ORS 1EE.  
 1:100 SCALE

KEY:

-  : LICENSEABLE ACTIVITY
-  : FIRE EXTINGUISHER
-  : FIRE EXIT
-  : TELL POINT
-  : SECURITY CAMERA
-  : MONITORED CLOSURE POINT
-  : SECURITY ALARM



KIDLINGTON LOCAL PREMISES  
 Plan B

Access to  
 Residential

# LICENSING ACT 2003

## PREMISES LICENCE

**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

### PART B

<b>Wisla Supermarket</b> <b>12 The Parade</b> <b>Oxford Road</b> <b>Kidlington</b> <b>OX5 1EE</b>	<b>Licence Ref:</b>	PRM0595
	<b>Date Granted:</b>	02.03.2017
	<b>Valid to:</b>	Not Time Limited
	<b>Issue date:</b>	02.03.2017
	<b>Tel No.:</b>	

<b>Premises Licence Holder</b>	<b>Soran Mohammed Salih</b> <b>Wisla Supermarket</b> <b>12 The Parade</b> <b>Oxford Road</b> <b>Kidlington</b> <b>OX5 1EE</b>
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### Licensable Activities - Alcohol Sales

<b>Activity</b>	<b>Days of Week</b>	<b>Open</b>	<b>Close</b>
<b>Sale of Alcohol</b> <b>Alcohol is supplied for consumption off the</b> <b>Premises</b>	Sunday	06:00	22:30
<b>Sale of Alcohol</b> <b>Alcohol is supplied for consumption off the</b> <b>Premises</b>	Monday to Saturday	06:00	23:00

### Opening Hours

<b>Days of Week</b>	<b>Open</b>	<b>Close</b>
Monday to Saturday	06:00	23:00
Sunday	06:00	22:30

**Registered number of holder, for example company number, charity number**

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Monika Baranowska

**State whether access to the premises by children is restricted or prohibited**

Restricted



Nicholas Sutcliffe  
Licensing Manager  
2 March 2017





Trading Standards Service  
Graham Hill House  
Electric Avenue  
Ferry Hinksey Road  
Oxford OX2 0BY

The Licensing Department  
Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
OX15 4AA

Richard Webb  
Head of Community Protection Services

9<sup>th</sup> October 2017

Dear Sir / Madam

**Licensing Act 2003: Application for the review of a premises licence**

I write in reference to the licensed premises at 12 The Parade, Kidlington.

As a designated Responsible Authority under the Licensing Act 2003, the Trading Standards Service are applying for a review of the premises licence.

I would be most grateful if, prior to the date of any hearing being set, my availability could be sought.

Yours faithfully

Tobacco Control Officer

@oxfordshire.gov.uk

**[www.oxfordshire.gov.uk/tradingstandards](http://www.oxfordshire.gov.uk/tradingstandards)**



**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 Russell Sharland

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Wisla Supermarket 12 The Parade Oxford Road	
<b>Post town</b> Kidlington	<b>Post code (if known)</b> OX5 1EE

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Soran Mohammed Salih
--

<b>Number of premises licence or club premises certificate (if known)</b> PRM0595
--

**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  Russell Sharland Tobacco Control Officer Oxfordshire County Council Graham Hill House Electric Avenue Ferry Hinksey Road Oxford OX2 0BY
Telephone number (if any) [REDACTED]
E-mail address (optional) russell.sharland@oxfordshire.gov.uk

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

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/>            |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

The grounds for review are as follows:

1. On 17<sup>th</sup> February 2017, Thames Valley Police undertook a test purchase operation which resulted in 4 cans of lager (4.8% abv) being sold to a 15 year old. Proof of age was not requested. The person who made the underage sale was the premises licence holder.
2. On 6<sup>th</sup> April 2017, Oxfordshire County Council Trading Standards conducted an advice visit to the premises and provided verbal and written advice regarding age-restricted sales to the shop manager.
3. On 10<sup>th</sup> April 2017, Oxfordshire County Council Trading Standards undertook a test purchase operation which resulted in a packet of Berkeley Blue cigarettes being sold to a 17 year old. Proof of age was not requested. The person who made the underage sale was the shop manager.

**Please provide as much information as possible to support the application**

(please read guidance note 2)

1. On 17<sup>th</sup> February 2017, a test purchase operation was conducted by Thames Valley Police in the Kidlington area. As part of this operation, a 15 year old male entered the premises known as Wisla Supermarket, 12 The Parade, Kidlington OX5 1EE.

2. The 15 year old selected 4 cans of Budweiser (4.8% abv) and approached the till area. The alcohol was served to the young male without any proof of age being requested. The underage sale was made by the premises licence holder, Soran Mohammed Salih. Mr Salih was issued with a £90 fixed penalty notice in respect of this matter.

3. Laura Warner, Thames Valley Police Licensing Officer conducted checks on the premises immediately following the underage sale. Officer Warner established that, whilst the premises had a till prompt reminding staff about Challenge 25, there were not any equivalent posters or signage on display within the store. She also advised that all staff working on the premises should be trained in Challenge 25 and that a written record of such training should be kept and signed by all staff.

4. It was also noted by Officer Warner, that the Designated Premises Supervisor (DPS), Caroline Vinatzer, no longer worked or had any association with the premises and therefore was not contactable.

5. In addition, it was noted that the premises had changed its name from Kidlington Local to Wisla Supermarket but a notification had not been received to this effect. Mr Salih also gave a different address in respect of the fixed penalty notice to that which had been given on the premises licence. He was advised to rectify the issues that were out of date.

6. On 21<sup>st</sup> February 2017, Officer Warner wrote to Mr Salih summarising the issues arising from the underage sale on 17<sup>th</sup> February and reiterating the advice previously provided verbally. Within the letter it states:

"As this is the first occasion that the premises have failed a test purchase, it can now be seen that this is an initial warning and that any future failures will be met with a more robust response. This will be in the form of an application to review the license and/or a prosecution under the Licensing Act 2003".

7. On 3<sup>rd</sup> March 2017, Thames Valley Police received the DPS change to Monika Baranowska, change of premises name to Wisla Supermarket and change of premises licence holder address to 12 The Parade, Kidlington.

8. On 5<sup>th</sup> April 2017, Paula Bonham-Samuels, Principal Trading Standards Officer, Oxfordshire County Council, visited Wisla Supermarket and spoke with a man who identified himself as Erfan Gharib who described himself as the shop manager.

9. Mr Gharib confirmed the owner of the business to be Soran Salih. Officer Bonham-Samuels discussed the systems in place in the store to prevent underage sales. Mr Gharib explained that he always asked for proof of age if customers looked young and under 25. He stated that he also asked customers if he was suspicious that they were buying on behalf of underage persons outside the shop. He added that he was trained and understood the law. Officer Bonham-Samuels re-iterated that it was a criminal offence to sell alcohol or tobacco to an underage person and that Trading Standards routinely undertook test purchasing operations to check compliance with the law. A "business companion" leaflet giving advice on the law

and how to comply with it, was left with Mr Gharib. Within the leaflet is a section called "Keeping within the law" which includes advice on age-verification checks, challenge 21 & 25 policies, refusals books and signage.

10. On the 10<sup>th</sup> April 2017, Officer Bonham-Samuels was part of a test-purchasing operation using a volunteer aged 17 years and 4 days. At 10:29am, the volunteer entered the shop premises known as Wisla Supermarket, 12 The Parade, Kidlington. The young person approached the till point and asked for cigarettes. A specific brand name was not requested. The person behind the till point, Erfan Gharib, responded by asking "which ones?" and the young person replied "the cheapest". It is submitted that, aside from the appearance of the young person, the nature of this conversation in itself should have necessitated Mr Gharib to request proof of age.

11. Mr Gharib then opened up the cigarette gantry, selected a packet of 20 Berkeley Blue cigarettes and completed the transaction of £7.10. At no point did he ask the young person their age or for proof of age.

12. Officer Bonham-Samuels subsequently entered the premises and confirmed that Mr Gharib was the person that had made the underage sale. Mr Gharib stated that the shop owner, Mr Salih, was out of the country. Mr Gharib was upset and tearful.

13. Mr Gharib was interviewed under caution on 4<sup>th</sup> May 2017 via a translator. He stated that on the day of the underage sale he had been busy preparing the shop for the business day. He said he didn't know the young person and never thought that the young person would do something they shouldn't, like buying cigarettes underage. He admitted that maybe he had to be more careful about her age.

14. Mr Gharib went on to say that the sale wasn't done intentionally. He knew the law and hopes his apology is accepted. He was aware of the underage sale of alcohol in February. He reminds himself every day to be more aware and careful. He had worked in the shop for a few months, full-time. He hadn't had any formal training like going on a course but had been told verbally by the owner what to do, what not to do and to be careful.

15. The owner of the business, Mr Soran Mohammed Salih, was interviewed under caution on 22<sup>nd</sup> June 2017 via interpreter. He initially misunderstood the reason for the interview, believing it to be in connection with the underage sale of alcohol in February and began answering accordingly.

16. He went on to explain that he had been on holiday between 19<sup>th</sup> March to 19<sup>th</sup> May. He is a sole trader and had owned the business for about 1 year and 6 months. He had 3 staff. He did not have any training records for his staff but had verbally trained Mr Gharib 10 times at least. He did not follow the advice contained in Officer Laura Warner's letter of 21<sup>st</sup> February in that he did not re-train staff and keep a record.

Trading Standards recommend the following suggested conditions are considered to strengthen the existing operating schedule or to be added to the premises licence:

1. CCTV to be in operation during trading hours and available for inspection by any duly authorised officer of trading standards or licensing (including Police licensing) at any reasonable hour.

2. The premises shall operate in accordance with the "Challenge 25" scheme. This scheme operates on the basis that whilst alcohol may be sold to persons aged 18 years and over, anyone who appears under 25 years of age will be asked for proof of age. Notices to this effect shall be displayed in a clear and prominent position at the

entrance to the premises and at the point of sale.

3. A refusals book shall be kept at the premises in which must be recorded forthwith the date, time and circumstances under which any attempted purchase of alcohol by a customer has been refused. This book must be made available for inspection by any duly authorised officer of trading standards or licensing (including Police licensing) upon request.

4. All staff working at the premises (whether paid or unpaid) who sell alcohol shall receive training in the responsible retail of alcohol and this training will be repeated on at least an annual basis. The premises licence holder will consult with trading standards and the Police regarding the nature of that training. Such training shall be recorded and these records shall be made available upon the request of a duly authorised officer of trading standards or licensing (including Police licensing).



**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

--	--	--	--	--	--	--	--

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

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 of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

[Redacted Signature]

Date

9th October 2017

Capacity

Tobacco Control Officer

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)  
See section C above

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)** russell.sharland@oxfordshire.gov.uk

**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.



Laura Warner  
Licensing Officer  
Thames Valley Police  
HQ South  
Kidlington  
OX5 2NX

Tel:



[laura.warner@thamesvalley.pnn.police.uk](mailto:laura.warner@thamesvalley.pnn.police.uk)

LW/11

19) 25871

Soran Salih  
Wisla International Store  
12 The Parade  
Kidlington  
OX5 1EE

21<sup>st</sup> February 2017

Dear Sir/ Madam,

**Wisla International, The Parade, Kidlington Premises Licence Number 0595**

On the evening of 17<sup>th</sup> February 2017, a Test Purchasing Operation was carried out by Thames Valley Police, in Kidlington.

Unfortunately your premises failed the test, and alcohol was served to a male, aged fifteen years old. 4 cans of Budweiser (4.8% vol) were sold by a member of staff.

It is an offence under the Licensing Act 2003, sections 146 – 147, to sell or allow the sale of alcohol to anyone under the age of eighteen years. The penalty for this can be up to £5000 fine.

The offence committed on the evening of 17<sup>th</sup> February was dealt with via a Fixed Penalty notice of £90 to the person who made the sale. At this time, the Police will not seek a prosecution against the Designated Premises Supervisor (DPS), Caroline Vinatzer. However, the Licensing Authority at Cherwell District Council will be informed of the offence.

As this is the first occasion that the premises have failed a Test Purchase, it can now be seen that this is an initial warning, and that any future failures will be met with a more robust response. This will in the form of an Application to Review the License and/or a prosecution under the Licensing Act 2003.

It was suggested on the night that a challenge 25 policy is put into place this includes posters. That all staff are retrained and that this training is recorded and signed by each member of staff. Whilst at the premise it was noted that the DPS was incorrect and that this had not been updated. That the premise licence holder had changed address without informing the council of this and that the name had not been changed on the licence.

If you have any questions or comments about the Operation, please contact the Thames Valley Police Licensing Office.

Yours sincerely

Laura Warner  
Licensing Officer  
Oxfordshire BCU  
Thames Valley Police



PBS/11

KA  
C21

Trading Standards Service  
Graham Hill House, Electric Avenue  
Ferry Hinksey Road, Oxford, OX2 0BY  
Trading.standards@oxfordshire.gov.uk  
Tel: 01865 815000 Option 2



### INSPECTION & ACTION REPORT

Date: 5 <sup>th</sup> April 2017	Business Owner: SORAN SALIH
Trading Name: WISLA SUPERMARKET 12 The Parade OX5 1EE Kidlington	Address, Telephone & Email:

OXFORDSHIRE COUNTY COUNCIL  
 Trading Standards Service  
 Exhibit: PBS/11  
 Dated: 10<sup>th</sup> April 2017  
 Signed: [Redacted]

TSD/LEG/02: Issue 3

This intervention was carried out under the legislation ticked below:

Children and Young Persons (Protection from Tobacco) Act	<input checked="" type="checkbox"/>	Consumer Protection Act	<input type="checkbox"/>	Prices Act	<input type="checkbox"/>
Consumer Protection from Unfair Trading Regulations	<input type="checkbox"/>	Companies Act	<input type="checkbox"/>	Weights & Measures Act	<input type="checkbox"/>
Animal Health Act	<input type="checkbox"/>	Food Safety Act	<input type="checkbox"/>	Other	<input type="checkbox"/>
Agriculture Act	<input type="checkbox"/>	Licensing Act	<input type="checkbox"/>		<input type="checkbox"/>

Areas examined/Issues discussed/Matters requiring action	Legal Requirement	Best Practice
<p>Routine business advice visit to discuss sales of cigarettes &amp; e-cigarettes.</p> <p>Discussion procedures in place to prevent sales to people under 18 years old.</p> <p>Systems in place - under 25 policy applicable for ID always checked at suspicion sales buying for someone else sign displayed discussed staff training</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
ERFAN GHARIB - spoke with Manager		
Business Companion advice booklet left - Tobacco & nicotine inhaling products.		
This service carries out test purchasing exercises working with young people under the age of 18.		
This service prosecutes offenders who sell to under 18 year olds.		
Timescale for rectifying matters above:		18 year olds.

This report covers the specific areas inspected at the time of the inspection. It does not indicate compliance with any legal provisions, nor does it give general approval to your business.

Inspecting Officer Name: PAULA GUNHAM SANDOZ	Recipient Name: ERFAN GHARIB
Signature: [Redacted]	Signature: [Redacted]
Job Title: PRINCIPAL TRADING STANDARDS OFFICER	Job Title: Job Manager



PBS/2

# businesscompanion

## trading standards law explained

### Tobacco & nicotine inhaling products

#### In the guide

[What is meant by tobacco, tobacco products & nicotine inhaling products?](#)

[Age restriction on the sale of tobacco products](#)

[Age restriction on the sale of nicotine inhaling products](#)

[Persistent sales to under 18s](#)

[Proxy purchase of tobacco & nicotine inhaling products](#)

[Is it legal to sell single cigarettes?](#)

[Can tobacco be sold from vending machines?](#)

[Display & price marking of tobacco products](#)

[Cigarette lighter refills](#)

[Matches & lighters](#)

[Keeping within the law](#)

[Age verification checks](#)

[Operate a 'challenge 21' or 'challenge 25' policy](#)

[Staff training](#)

[Maintain a refusals log](#)

[Till prompts](#)

[Signage](#)

[Closed circuit television \(CCTV\)](#)


[Penalties](#)

[Key legislation](#)

OXFORDSHIRE COUNTY COUNCIL  
Trading Standards Service

Exhibit: PBS 2

Dated: 10th April 2017

Signed: 

TSD/LEG/32: Issue 3

#### This guidance is for England

Certain products cannot be sold to persons below a legal minimum age; for tobacco and nicotine inhaling products this legal minimum age is 18.

Cigarettes must only be sold in quantities of 10 or more in their original packaging. A notice must be displayed stating 'It is illegal to sell tobacco products to anyone under the age of 18'.

Tobacco products must not be on display in-store and there are also restrictions on how prices and price lists are displayed.

Young people should always be asked for proof of their age.

## What is meant by tobacco, tobacco products & nicotine inhaling products?

'Tobacco' is defined as including cigarettes, any product containing tobacco for oral or nasal use (for example, snuff), and smoking mixtures used as a substitute for tobacco (for example, herbal cigarettes).

'Cigarettes' include cut tobacco rolled up in paper, tobacco leaf and other material in a form that is capable of being immediately used for smoking.

A 'tobacco product' is defined as *'a product consisting wholly or partly of tobacco and intended to be smoked, sniffed, sucked or chewed'*.

A 'nicotine inhaling product' means a nicotine inhaling device (used to inhale nicotine through a mouth piece), nicotine cartridge (contains nicotine and forms part of a nicotine inhaling device) or nicotine refill substance (generally known as e-liquid). Nicotine inhaling devices are commonly referred to as 'e-cigarettes' and the law covers both disposable and rechargeable types.

## Age restriction on the sale of tobacco products

The law states that it is an offence for **any person** to sell any tobacco products (including cigarette papers) to a person under the age of 18 whether or not it was for their own use. This is a strict liability offence, which means the owner of the business can be held responsible as well as the member of staff who made the sale. If you are charged with this offence, you have a legal defence available in that you took all reasonable precautions and exercised all due diligence to avoid committing the offence. This is commonly known as the 'due diligence' defence. The '**Keeping within the law**' section of this guide includes steps that can be taken to provide a 'due diligence' defence.

You must display a notice that states:

**IT IS ILLEGAL TO SELL  
TOBACCO PRODUCTS  
TO ANYONE UNDER  
THE AGE OF 18**

The notice must be displayed in a prominent position and be easily visible at the point of sale. The notice must be no less than 297mm x 420mm (A3) and the characters must be no less than 36mm in height. Your local trading standards service or your tobacco supplier may be able to provide a notice for you to use. It is an offence if you do not have the required notice on display, although the 'due diligence' defence is available to you.

If you employ children in your business, it is not illegal for them to sell tobacco products, provided of course that the customer is not under 18. However, leaving unsupervised children selling tobacco is not recommended as they may find it difficult to refuse customers in their own age group.

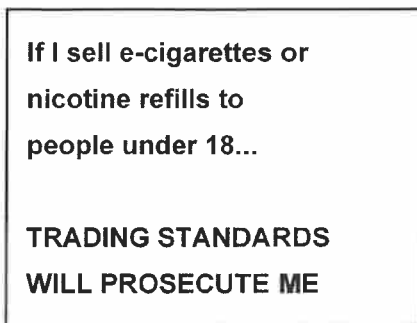


## Age restriction on the sale of nicotine inhaling products

A person who sells a nicotine inhaling product to someone under the age of 18 commits an offence. This is a strict liability offence; the owner of the business can be held responsible as well as the member of staff who made the sale.

There is an exception for nicotine inhaling products that are licensed as medicines or medical devices. This exemption only applies to the extent to which the product is authorised.

If you sell e-cigarettes and associated devices you might want to display a poster advising customers that you will not sell to under 18s:



**Note:** unlike the tobacco poster, this is NOT a legal requirement and is simply suggested wording.

Additional [guidance for pharmacies](#) (and other retailers that have not traditionally sold age-restricted products) has been produced by the Department of Health, the Medicines Healthcare products Agency and the Chartered Trading Standards Institute.

## Persistent sales to under 18s

If you are convicted of selling tobacco or nicotine inhaling products to persons under the age of 18 and at least two other offences occurred in the preceding two years relating to the same premises, trading standards can make an application to a Magistrates' Court for a restricted premises order and/or a restricted sales order.

A restricted premises order prohibits the sale from the premises of any tobacco, cigarette papers or nicotine inhaling products to any person, by you or any of your staff for a period of up to one year. You are entitled to make representations to the court as to why they should not grant the order.

A restricted sales order prohibits a specified person who has been convicted of a tobacco or nicotine offence from selling any tobacco, cigarette papers or nicotine inhaling products to any person and from having any management function related to the sale of tobacco, cigarette papers or nicotine inhaling products for a period of up to one year.

Offences are committed if a person sells tobacco, cigarette papers or nicotine inhaling products when a restricted premises order is in place or if a person fails to comply with a restricted sales order.

## Proxy purchase of tobacco & nicotine inhaling products

An adult who buys or attempts to buy tobacco, cigarette papers or nicotine inhaling products on behalf of someone under the age of 18 commits an offence. This is called 'proxy purchasing'.

It is the buyer and not the trader who commits an offence under these circumstances. However, be aware of young people loitering outside your premises; they may ask adult customers to buy tobacco, cigarette papers or nicotine inhaling products for them. You may wish to refuse such sales.

## Is it legal to sell single cigarettes?

No. You must only sell cigarettes to any person in prepacked quantities of 10 or more in their original packaging. It is an offence to split a pack and to sell in lesser quantities.

## Can tobacco be sold from vending machines?

No. Under the Protection from Tobacco (Sales from Vending Machines) (England) Regulations 2010, the sale of tobacco from an automatic vending machine is prohibited. If a sale takes place, the person who controls, or is concerned with the management of the premises where the automatic vending machine is located, commits the offence.

Any machines still on the premises can only be used for storage where the public do not have access to them (such as behind the bar) and must not display any advertising material.

## Display & price marking of tobacco products

Under the Tobacco Advertising and Promotion (Display) (England) Regulations 2010, you are required to cover your display of tobacco products. It is an offence to display tobacco products unless a specific request to purchase tobacco has been made to you by a person over the age of 18. It is NOT an offence to display tobacco-related accessories such as cigarette papers.

If you are charged with an offence where a requested display was to a person under the age of 18, you have a defence available in that you believed the person was aged 18 or over **and** you had taken all reasonable steps to establish their age or from their appearance no-one could reasonably have suspected that the person was under 18. Taking 'all reasonable steps' means asking the person for evidence of their age and the evidence would convince a reasonable person. If you are charged with an offence of causing the display of a tobacco product, you have a defence available in that you exercised all due diligence to avoid committing the offence.

There are also strict requirements relating to the manner in which tobacco products are price-marked set out in the Tobacco Advertising and Promotion (Display of Prices) (England) Regulations 2010; there are only three forms of lists and labels that are allowed (see paragraphs 49-62 of the detailed guidance linked to below).

There are specific rules for bulk and specialist tobacconists (see paragraphs 38-39 and 60-62 of the detailed guidance).

There is a range of guidance available to assist you in compliance:

Brief guidance has been produced by the Association of Convenience Stores and is available on its website.

More detailed guidance has been produced by the Department of Health and the Chartered Trading Standards Institute.

A Q&A document from DH and CTSI is also available.

## Cigarette lighter refills

Under the Cigarette Lighter Refill (Safety) Regulations 1999 it is an offence to supply any cigarette lighter refill canisters containing butane to anyone under the age of 18. This is because of the potential for abuse by 'sniffing' the gas, which can be extremely dangerous. See 'Cigarette lighter refills & solvents' for further details.

## Matches & lighters

It is not illegal to sell matches or lighters to children. However, it is recommended that you do not sell these items to children, who are unlikely to have a legitimate use for them.

## Keeping within the law

If you are charged with any of the offences detailed above you have a legal defence that is often referred to as the 'due diligence' defence. You must prove that you took 'all reasonable precautions' and exercised 'all due diligence' to avoid committing the offence. For age-restricted products such as tobacco this generally means that you believed the person was aged 18 or over and you had taken all reasonable steps to establish their age or that from their appearance no-one could reasonably have suspected that the person was under 18. Taking 'all reasonable steps' means asking the person for evidence of their age and that the evidence would convince a reasonable person.

In order to keep within the law and therefore satisfy the legal defences, you should introduce an age verification policy and have effective systems to prevent sales and display to persons under 18 years of

age. These systems should be regularly monitored and updated as necessary to identify and put right any problems or weaknesses, and to keep pace with any advances in technology.

Key best practice features of an effective system include:

### **Age verification checks**

Always ask young people to produce proof of their age. The Chartered Trading Standards Institute, the Home Office and the Association of Chief Police Officers support the UK's national Proof of Age Standards Scheme (PASS), which includes a number of card issuers. You can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age. A passport or UK photocard driving licence is also acceptable but make sure the card matches the person using it and that the date of birth shows they are over 18. Military identification cards can be used as proof of age but, as with other forms of identification, make sure the photo matches the person presenting the card and check the date of birth. Be aware that military identification cards can be held by 16 and 17 year-old service people.

Some young people may present false identification cards so it is advisable to also check the look and feel of a card. For example, the PASS hologram should be an integral part of a PASS card and not an add-on.

If the person cannot prove they are over 18 or if you are in any doubt, then the sale should be refused.

Please see the Home Office False ID guidance for more information.

### **Operate a 'challenge 21' or 'challenge 25' policy**

This means that if the person appears to be under the age of 21 or 25, they will be asked to verify that they are over 18 by showing valid proof of age.

### **Staff training**

Make sure your staff are properly trained. They should know which products are age restricted, what the age restriction is and the action they must take if they believe a person under 18 is attempting to buy. It is important that you can prove that your staff have understood what is required of them under the legislation. This can be done by keeping a record of the training and asking the member of staff to sign to say that they have understood it. These records should then be checked and signed on a regular basis by management or the owner.

### **Maintain a refusals log**

All refusals of tobacco and tobacco products should be recorded (date, time, incident, description of potential buyer). Some tills have a refusals system built in. Maintaining a refusals log will help to demonstrate that you actively refuse sales and have an effective system in place. Logs should be checked by the manager / owner to ensure that all members of staff are using them. If using a till-based system, you should ensure that refusals can be retrieved at a later date. You should also be aware that some refusals are made before a product is scanned.

A specimen [refusals log](#) is attached.

### **Till prompts**

If you possess an EPoS system then it may be possible to use it to remind staff of age restrictions via a prompt. Alternatively, stickers can be used over certain product barcodes.

You should note that till prompts will not help you prevent offences under the Tobacco Advertising and Promotion (Display) (England) Regulations 2010 as the scan and prompt takes place after the display has been made.

### **Signage**

You must display the legally required tobacco notice (see above). This should deter potential purchasers and act as a reminder to staff.

### **Closed circuit television (CCTV)**

A CCTV system may act as a deterrent and reduce the number of incidents of underage sales.

### **Penalties**

If you sell tobacco products or cigarette papers to a person under the age of 18 the maximum penalty on conviction is a fine of £2,500.

If you sell nicotine inhaling products to a person under the age of 18 the maximum penalty on conviction is a fine of £2,500.

If you sell cigarettes to any person, other than in prepacked quantities of 10 or more in their original package, the maximum penalty on conviction is a fine of £1,000.

If you fail to display the required tobacco notice the maximum penalty on conviction is a fine of £1,000.

If you break a restricted premises order or a restricted sales order the maximum penalty on conviction is a fine.

If you sell tobacco from a vending machine the maximum penalty on conviction is a fine of £2,500.

If you display tobacco products or cause tobacco products to be displayed to an individual under the age of 18 or in any manner other than the limited circumstances set out in the law (see '**Display & price marking of tobacco products**' above) the maximum penalty on conviction is a fine and two years' imprisonment.

If you fail to display prices of tobacco products, or if you do display prices or cause them to be displayed in any format except those set out in the law (see '**Display & price marking of tobacco products**' above), the maximum penalty on conviction is a fine and two years' imprisonment.

If you supply any cigarette lighter refill canister containing butane to any person under the age of 18 the maximum penalty on conviction is a fine and six months' imprisonment.

## Key legislation

[Children and Young Persons Act 1933](#)

[Children and Young Persons \(Protection from Tobacco\) Act 1991](#)

[Cigarette Lighter Refill \(Safety\) Regulations 1999](#)

[Tobacco Advertising and Promotion Act 2002](#)

[Protection from Tobacco \(Sales from Vending Machines\) \(England\) Regulations 2010](#)

[Tobacco Advertising and Promotion \(Display\) \(England\) Regulations 2010](#)

[Tobacco Advertising and Promotion \(Display of Prices\) \(England\) Regulations 2010](#)

[Children and Families Act 2014](#)

[Nicotine Inhaling Products \(Age of Sale and Proxy Purchasing\) Regulations 2015](#)

Last reviewed / updated: March 2017

## Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide.

Information on amendments to UK legislation can be found on each link's 'More Resources' tab; amendments to EU legislation are usually incorporated into the text.



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**Witness Statement**

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN:

--	--	--	--

**Statement of:** Laura Warner**Age if under 18 (if over insert "over 18"):** Over 18**Occupation:** Police Licensing Officer  
C0900

This statement (consisting of .....2..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

**Signature:** Laura Warner**Date:** 12/04/2017

The following statement details the Test Purchase operation conducted by Thames Valley Police on the 17<sup>th</sup> February 2017. Specifically in relation to one of the failures at WISLA SUPERMARKET (formerly known as Kidlington Local) 12 The Parade, Kidlington OX5 1EE.

I am Thames Valley Police Licensing Officer (shoulder number C0900), currently stationed at HEADQUARTERS SOUTH in KIDLINGTON. I have been employed in this capacity since 14<sup>th</sup> July 2008. Part of my responsibilities in my role include the enforcement of the Licensing Act 2003 and due to this I organise and conduct test purchase operations. Part of my remit is to cover the Cherwell District Council area. Included within this area is 12 The Parade, Kidlington. This premise is currently trading under the name WISLA SUPERMARKET but previously has been trading under another name which was KIDLINGTON LOCAL.

On the 17<sup>th</sup> February 2017 a Test Purchase operation was carried out in the Kidlington Area. As part of this operation an undercover officer enter the premise to witness the sale, followed by a 15 year old male. The 15 year old selected 4 cans of Budweiser (4.8% vol) and approached the till area. This alcohol was served to the young male without any form of ID being asked for. The youth exited with the alcohol and handed it to myself.

I then entered the premise with a local neighbourhood officer and an officer from Cherwell District Council. The undercover officer pointed out the person who made the sale and then exited the premise. The person who made the sale was the Premise Licence Holder Mr Soran SALIH. Due to Mr SALIH not being a personal licence holder it was deemed appropriate to issue a fixed penalty notice of £90.

Whilst conducting the checks on the premise to establish what provisions they put into place to prevent under 18's from purchasing alcohol we discovered the following which I advised them to correct in my letter dated 21<sup>st</sup> February 2017:

- The premise had a till prompt that reminded them about Challenge 25 but there were no Posters or signage on display within the store. I advised them to rectify this by obtaining posters and displaying them in appropriate places throughout the store.
- My advice on the night and in my letter was also that all staff working at the premise are re trained in Challenge 25 and that a written record of this training is kept and signed by all members of staff.
- It was also noted on the evening that the Designated Premise Supervisor (DPS) Caroline Vinatzer. No longer worked or had any association with the premise and therefore was not contactable. It was stressed to the premise that a DPS change should be received by Monday morning or the premise would be unable to sell alcohol until such a time that a DPS was in place.

**Signature:** Laura Warner**Signature Witnessed by:** N/A

# Witness Statement

Continuation of Statement of Laura Warner

- It was also noted that the premises had changed its name to which the Police and the Licensing authority had not been notified. Mr SALIH was informed this also had to be changed as soon as possible.
- During the issuing of the ticket it was also noted that Mr SALIH gave a different address for the fixed penalty notice to that which was on the licence. Again he was told that this needed to be rectified as soon as possible.

Thames Valley Police received the DPS change to Monika Baranowska, Change of premises name to Wisla supermarket and an update to Premise Licence Holder (PLH) address to 12 The Parade Kidlington on the 3<sup>rd</sup> March 2017.

LW1 – Letter after test purchase failure

LW2 – Copy of the premises licence

Signature: \_\_\_\_\_ Signature Witnessed by: N/A



**Laura Warner**  
Licensing Officer  
Thames Valley Police  
HQ South  
Kidlington  
OX5 2NX

Tel: [REDACTED]

[laura.warner@thamesvalley.pnn.police.uk](mailto:laura.warner@thamesvalley.pnn.police.uk)

Soran Salih  
Wisla International Store  
12 The Parade  
Kidlington  
OX5 1EE

21<sup>st</sup> February 2017

Dear Sir/ Madam,

**Wisla International, The Parade, Kidlington Premises Licence Number 0595**

On the evening of 17<sup>th</sup> February 2017, a Test Purchasing Operation was carried out by Thames Valley Police, in Kidlington.

Unfortunately your premises failed the test, and alcohol was served to a male, aged fifteen years old. 4 cans of Budweiser (4.8% vol) were sold by a member of staff.

It is an offence under the Licensing Act 2003, sections 146 – 147, to sell or allow the sale of alcohol to anyone under the age of eighteen years. The penalty for this can be up to £5000 fine.

The offence committed on the evening of 17<sup>th</sup> February was dealt with via a Fixed Penalty notice of £90 to the person who made the sale. At this time, the Police will not seek a prosecution against the Designated Premises Supervisor (DPS), Caroline Vinatzer. However, the Licensing Authority at Cherwell District Council will be informed of the offence.

As this is the first occasion that the premises have failed a Test Purchase, it can now be seen that this is an initial warning, and that any future failures will be met with a more robust response. This will in the form of an Application to Review the License and/or a prosecution under the Licensing Act 2003.

It was suggested on the night that a challenge 25 policy is put into place this includes posters. That all staff are retrained and that this training is recorded and signed by each member of staff. Whilst at the premise it was noted that the DPS was incorrect and that this had not been updated. That the premise licence holder had changed address without informing the council of this and that the name had not been changed on the licence.

If you have any questions or comments about the Operation, please contact the Thames Valley Police Licensing Office.

Yours sincerely

Laura Warner  
Licensing Officer  
Oxfordshire BCU  
Thames Valley Police

# THAMES VALLEY POLICE

Division/Station : Licensing Department, Hq South

From : Laura Warner  
Licensing Officer

To : Licensing Department  
Cherwell District Council

Ref : Application for review of Wisla Supermarket Date : 20 October 2017 Tel.No. 01865

541850

Subject :

## **Supporting evidence in review called by Trading Standards.**

I am writing to formally present Thames Valley Police's support for the calling of this review against WISLA Supermarket 12 The Parade, Kidlington, OX5 1EE.

On the 17<sup>th</sup> February 2017 a Test Purchase operation was conducted in the Kidlington area. This premises failed that test purchase and a number of inconsistencies were noted with the licence. These included the DPS no longer being employed by the premise, the PLH no longer lived at the address on the licence and had failed to notify the licensing authority, the premise had changed its name. Full details of the test purchase failure as well as advice that was given on the night are included in the MG11 attached to this document. Also included is the letter sent to the PLH and DPS after the test purchase failure.

On the 3<sup>rd</sup> March Thames Valley Police received notification of a change of premises name, a change of DPS and an update to the PLH address details.

A further test purchase was conducted on the 2<sup>nd</sup> June 2017 the premise passed this stating No ID No Sale but had still not put a refusal log in place.

Thames Valley Police fully support the conditions proposed by Trading Standards but would like to adapt the CCTV condition to state:

A CCTV system shall be installed or the existing system maintained which is fit for the purpose. The system will incorporate a camera covering each of the entrance doors and capable of providing an image which is regarded as 'identification standard.' The CCTV system shall incorporate a recording facility which shall be retained and stored in a suitable and secure manner for a minimum of 30 days. A system shall be in place to maintain the integrity of the recorded image and a complete audit trail maintained. The system will comply with the Data Protection Act 1998 and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. Any reasonable request by any relevant authority under the licensing act to view or provide a copy of CCTV will be complied with in a timely manner.

Regards  
Laura Warner  
Licensing Officer  
Thames Valley Police.

Q1 Please use the space below to make any comments around the review of the premises licence held in respect of Wisla Supermarket, 12 The Parade, Oxford Road, Kidlington. The consultation closes at midnight on 6th November 2017.

Answered: 1 Skipped: 0

#	RESPONSES	DATE
1	<p>Dear Sir /Madam, I am a loyal customer of Wisla Polish supermarket in Kidlington. Please may I use this opportunity to strongly support their application for a premises licence. This very special shop is a vital asset for the large Polish community in Kidlington and also for the wider population. (I am myself English.) The staff are incredibly hard working, friendly and scrupulously honest, providing Polish and other Continental specialities. Unfortunately the business may not be viable without the income generated through sales of alcohol, especially beer. I therefore urge you please, in the strongest possibly terms, to allow this licence application. Many thanks and yours faithfully.</p>	11/2/2017 7:04 PM

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**Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
 You may wish to keep a copy of the completed form for your records.

I/We SORAN...HOHAMMED SALHI..... being the premises licence holder, apply to (full name(s) of premises licence holder) vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

PRM0595

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description <u>KIDLINGTON ROAD</u> <u>12 THE PARADE</u>	
Post town <u>KIDLINGTON</u>	Post code <u>OX5 1EE</u>

Description of premises (please read guidance note 1)

OFF

C:\Documents and Settings\annetustian\Local Settings\Temporary Internet Files\OLK27\Vari\_DPS\_App\_Form\_\_guidance.doc

**Part 2**

**Full name of proposed designated premises supervisor**

MONIKA BARANOWSKA

**Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)**

**Full name of existing designated premises supervisor (if any)**

Please tick ✓ yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence, or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it



**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)**

MONIKA BARANOWSKA

**Post town**

KIDLINGTON

**Post code**

OX5 1EE

**Telephone number (if any)**

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

Please tick ✓ yes

- I have made or enclosed payment of the fee £23.00
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or the relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- 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 2)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 3). **If signing on behalf of the applicant please state in what capacity**

Signature ..... *[Handwritten Signature]* .....

Date ..... *20/02/17* .....

Capacity .....

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity**

Signature .....

Date .....

Capacity .....

**Consent of individual to being specified as Designated Premises Supervisor**

I [full name of prospective premises supervisor] MONIKA BARANOWSKA

of [home address of prospective premises supervisor] \_\_\_\_\_

\_\_\_\_\_ N

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for [type of application]

by [name of applicant] \_\_\_\_\_

relating to a premises licence [number of existing licence, if any]

for [name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by [name of applicant]

concerning the supply of alcohol at [name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number [insert personal licence number, if any] \_\_\_\_\_

Personal licence issuing authority [insert name and address and telephone number of personal licence issuing authority, if any]

\_\_\_\_\_ Full city council

Signed.....Monika Baranowska.....

Name (please print) MONIKA BARANOWSKA.....

Dated 20/02/2017.....

**Guidance Notes**

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

**The fee for this application is £23**

<b>Send the application with fee payment of £23.00 (cheques payable to Cherwell District Council) to;</b>	<b>Send 1 copy of the application to;</b>
Licensing Authority Cherwell District Council Bodicote House Bodicote Banbury Oxon OX15 4AA	Licensing Department Thames Valley Police E Block HQ South 165 Oxford Road Kidlington Oxfordshire OX5 2NX

**Application to transfer premises licence to be granted under the  
 Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form  
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure  
 that your answers are inside the boxes and written in black ink. Use additional sheets if  
 necessary.

You may wish to keep a copy of the completed form for your records.

I/We SALIM... MOHAMMED... SALIH apply to transfer the premises licence described  
 (Insert name of applicant)  
 below under section 42 of the Licensing Act 2003 for the premises described in  
 Part 1 below

Premises licence number

CHERWELL PRM 0595

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description	
12 THE PARADE KIDLINGTON OXON	
Post town	KIDLINGTON
Post code	OX51EE
Telephone number at premises (if any)	

Please give a brief description of the premises

CONVENIENCE STORE · OFF LICENSE

Name of current premises licence holder

RECEIVED  
 Cherwell  
 Original Return  
 not destroyed

**Part 2 - Applicant details**

In what capacity are you applying for the premises licence to be transferred to you?

Please tick ✓ yes

- |     |  |                                     |                             |
|-----|--|-------------------------------------|-----------------------------|
| a)  | an individual or individuals*  | <input checked="" type="checkbox"/> | please complete section (A) |
| b)  | a person other than an individual*   |                                     |                             |
|     | i. as a limited company  | <input type="checkbox"/>            | please complete section (B) |
|     | ii. as a partnership   | <input type="checkbox"/>            | please complete section (B) |
|     | iii. as an unincorporated association or   | <input type="checkbox"/>            | please complete section (B) |
|     | iv. other (for example a statutory corporation)  | <input type="checkbox"/>            | please complete section (B) |
| c)  | a recognised club  | <input type="checkbox"/>            | please complete section (B) |
| d)  | a charity  | <input type="checkbox"/>            | please complete section (B) |
| e)  | the proprietor of an educational establishment   | <input type="checkbox"/>            | please complete section (B) |
| f)  | a health service body  | <input type="checkbox"/>            | please complete section (B) |
| g)  | a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital   | <input type="checkbox"/>            | please complete section (B) |
| ga) | a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning that part) in an independent hospital in England | <input type="checkbox"/>            |                             |
| h)  | the chief officer of police of a police force in England and Wales   | <input type="checkbox"/>            | please complete section (B) |

\*If you are applying as a person described in (a) or (b) please confirm:

Please tick ✓ yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

• I am making the application pursuant to a

○ statutory function or

○ a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr

Mrs

Miss

Ms

Other title (for example, Rev)

**Surname**

SALIH

**First Names**

SORAN MOHAMMED

I am 18 years old or over

Please tick ✓ yes

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

**Post Town**

**Postcode**

**Daytime contact telephone number**

**E-mail address (optional)**

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr

Mrs

Miss

Ms

Other title (for example, Rev)

**Surname**

**First Names**

I am 18 years old or over

Please tick ✓ yes

**Part 3**

Please tick ✓ yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day	Month	Year
13	01	2016

Please tick ✓ yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick ✓ yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick ✓ yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.



Please tick ✓ yes

- I have enclosed the fee of £23.00
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- 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 4 – Signatures** (please read guidance note 2)

**Signature of applicant or applicant’s solicitor or other duly authorised agent.** (See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**

Signature .....

Date ..... 13/1/2016 .....

Capacity ..... OWNER .....

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature .....

Date .....

Capacity .....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number</b> <b>e-mail address (optional)</b>	

**Consent of premises licence holder to transfer**

I/~~we~~ [full name of premises licence holder(s)] \_\_\_\_\_

the premises licence holder of premises licence number [insert premises licence number] \_\_\_\_\_

relating to [name and address of premises to which the application relates]

12 THE PARADE, KIDLINGTON LOCAL,  
OX5 1EE

hereby give my consent for the transfer of premises licence number

[insert premises licence number] CHERWELL PRM 0595

to [full name of transferee]. MR SORAN MOHAMMED SALIH

Signed.....

Name (please print).....

Dated..... 13/1/16.....

## Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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You may wish to keep a copy of the completed form for your records.

I/We SORAN...MOHAMMED SALIH..... being the premises licence holder, apply to (full name(s) of premises licence holder) vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

PRM0595

### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>KIDLINGTON ROAD</u> <u>12 THE PARADE</u>	
Post town <u>KIDLINGTON</u>	Post code <u>OX5 1EE</u>

Description of premises (please read guidance note 1)  <u>OFF</u>
---

**Part 2**

**Full name of proposed designated premises supervisor**

MONIKA BARANOWSKA

**Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)**

**Full name of existing designated premises supervisor (if any)**

Please tick ✓ yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence, or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)**

MONIKA BARANOWSKA

**Post town**

KIDLINGTON

**Post code**

OX5 1EE

**Telephone number (if any)**

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

Please tick ✓ yes

- I have made or enclosed payment of the fee £23.00
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or the relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

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**Part 3 – Signatures** (please read guidance note 2)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 3). **If signing on behalf of the applicant please state in what capacity**

Signature ..... *[Handwritten Signature]* .....

Date ..... *20/02/17* .....

Capacity .....

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity**

Signature .....

Date .....

Capacity .....

**Consent of individual to being specified as Designated Premises Supervisor**

I [full name of prospective premises supervisor] MONIKA BARANOWSKA

of [home address of prospective premises supervisor] \_\_\_\_\_

\_\_\_\_\_ N

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for [type of application]

by [name of applicant] \_\_\_\_\_

relating to a premises licence [number of existing licence, if any]

for [name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by [name of applicant]

concerning the supply of alcohol at [name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number [insert personal licence number, if any] \_\_\_\_\_

Personal licence issuing authority [insert name and address and telephone number of personal licence issuing authority, if any]

\_\_\_\_\_ twick city council

Signed \_\_\_\_\_

Name (please print) MONIKA BARANOWSKA

Dated 20/02/2017

**Guidance Notes**

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
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5. This is the address which we shall use to correspond with you about this application.

**The fee for this application is £23**

<b>Send the application with fee payment of £23.00 (cheques payable to Cherwell District Council) to;</b>	<b>Send 1 copy of the application to;</b>
Licensing Authority Cherwell District Council Bodicote House Bodicote Banbury Oxon OX15 4AA	Licensing Department Thames Valley Police E Block HQ South 165 Oxford Road Kidlington Oxfordshire OX5 2NX



## Application to transfer premises licence to be granted under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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that your answers are inside the boxes and written in black ink. Use additional sheets if  
necessary.  
You may wish to keep a copy of the completed form for your records.

I/We SUMAN MOHAMMED SALIH apply to transfer the premises licence described  
(Insert name of applicant)  
below under section 42 of the Licensing Act 2003 for the premises described in  
Part 1 below

Premises licence number CHERWELL PRM 0595

#### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
12 THE PARADE KIDLINGTON OXON	
Post town KIDLINGTON	Post code OX51EE
Telephone number at premises (if any)	

Please give a brief description of the premises

CONVENIENCE STORE OFF LICENSE

Name of current premises licence holder

RECEIVED  
Cherwell  
Original Returned  
not destroyed

**Part 2 - Applicant details**

In what capacity are you applying for the premises licence to be transferred to you?

Please tick ✓ yes

- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals*   | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual*  |                                     |                             |
| i. as a limited company  | <input type="checkbox"/>            | please complete section (B) |
| ii. as a partnership   | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or   | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation)  | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club   | <input type="checkbox"/>            | please complete section (B) |
| d) a charity   | <input type="checkbox"/>            | please complete section (B) |
| e) the proprietor of an educational establishment  | <input type="checkbox"/>            | please complete section (B) |
| f) a health service body   | <input type="checkbox"/>            | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  | <input type="checkbox"/>            | please complete section (B) |
| ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning that part) in an independent hospital in England | <input type="checkbox"/>            |                             |
| h) the chief officer of police of a police force in England and Wales  | <input type="checkbox"/>            | please complete section (B) |

\*If you are applying as a person described in (a) or (b) please confirm:

Please tick ✓ yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

• I am making the application pursuant to a

○ statutory function or

○ a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr

Mrs

Miss

Ms

Other title (for example, Rev)

**Surname**

SALIH

**First Names**

SORAN MOHAMMED

I am 18 years old or over

Please tick ✓ yes

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

**Post Town**

**Postcode**

**Daytime contact telephone number**

**E-mail address (optional)**

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr

Mrs

Miss

Ms

Other title (for example, Rev)

**Surname**

**First Names**

I am 18 years old or over

Please tick ✓ yes

**Part 3**

Please tick ✓ yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day	Month	Year
13	01	2016

Please tick ✓ yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick ✓ yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick ✓ yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

Please tick ✓ yes

- I have enclosed the fee of £23.00
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I understand that if I do not comply with the above requirements my application will be rejected

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**Part 4 – Signatures** (please read guidance note 2)

**Signature of applicant or applicant's solicitor or other duly authorised agent.** (See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**

Signature .....

Date ..... 13/1/2016 .....

Capacity ..... OWNER .....

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature .....

Date .....

Capacity .....

**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**  
**e-mail address (optional)**

## Consent of premises licence holder to transfer

I/We [full name of premises licence holder(s)] \_\_\_\_\_

the premises licence holder of premises licence number [insert premises licence number] \_\_\_\_\_

relating to [name and address of premises to which the application relates]

12 THE PARADE, KIDLINGTON LOCAL,  
OX5 1EE

hereby give my consent for the transfer of premises licence number

[insert premises licence number] CHERWELL PRM 0595

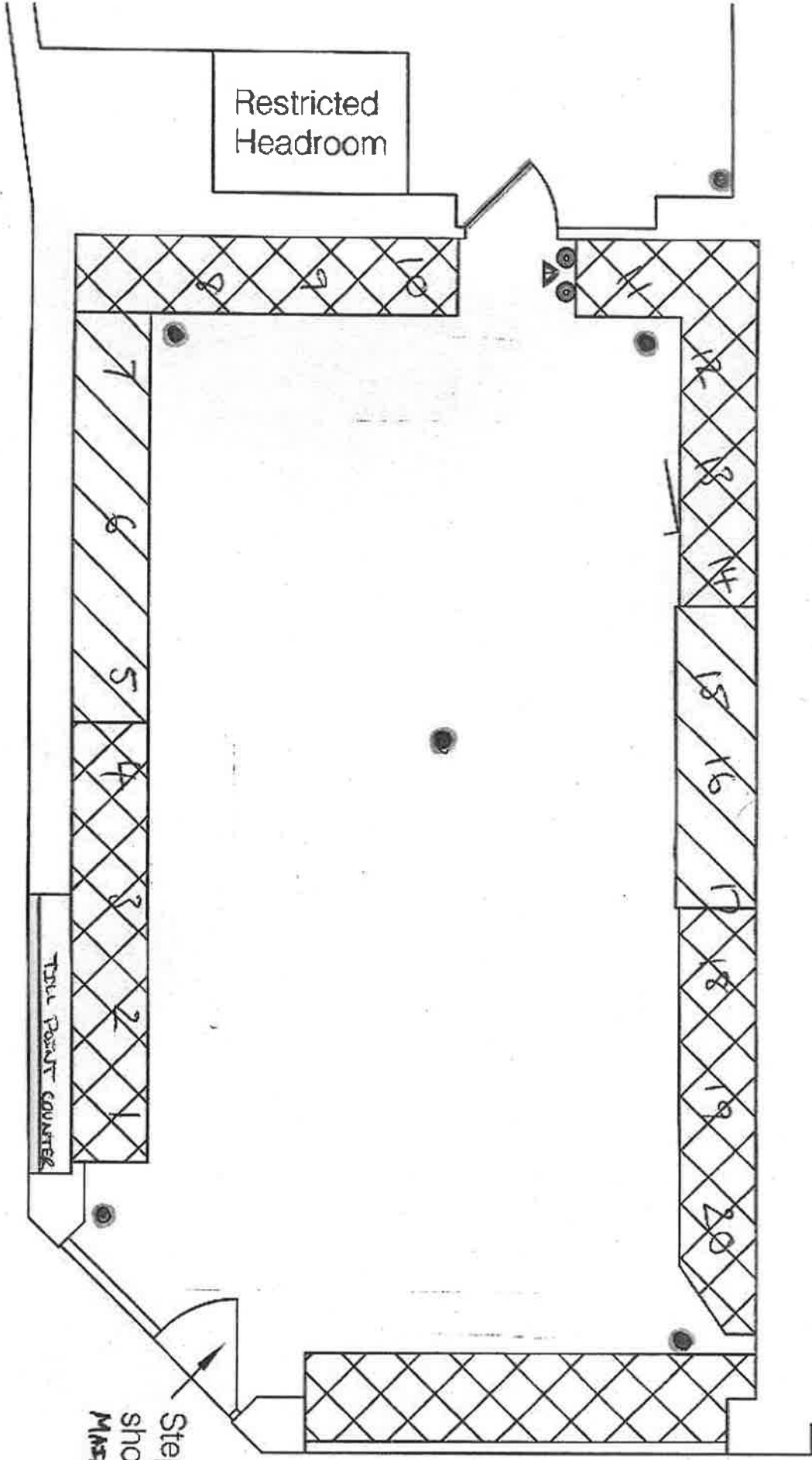
to [full name of transferee]. MR SORAN MOHAMMED SALIH

Signed.....

Name (please print).....

Dated..... 13/1/16.....

Access to Residential  
 Kildington Local Premises  
 Plan B

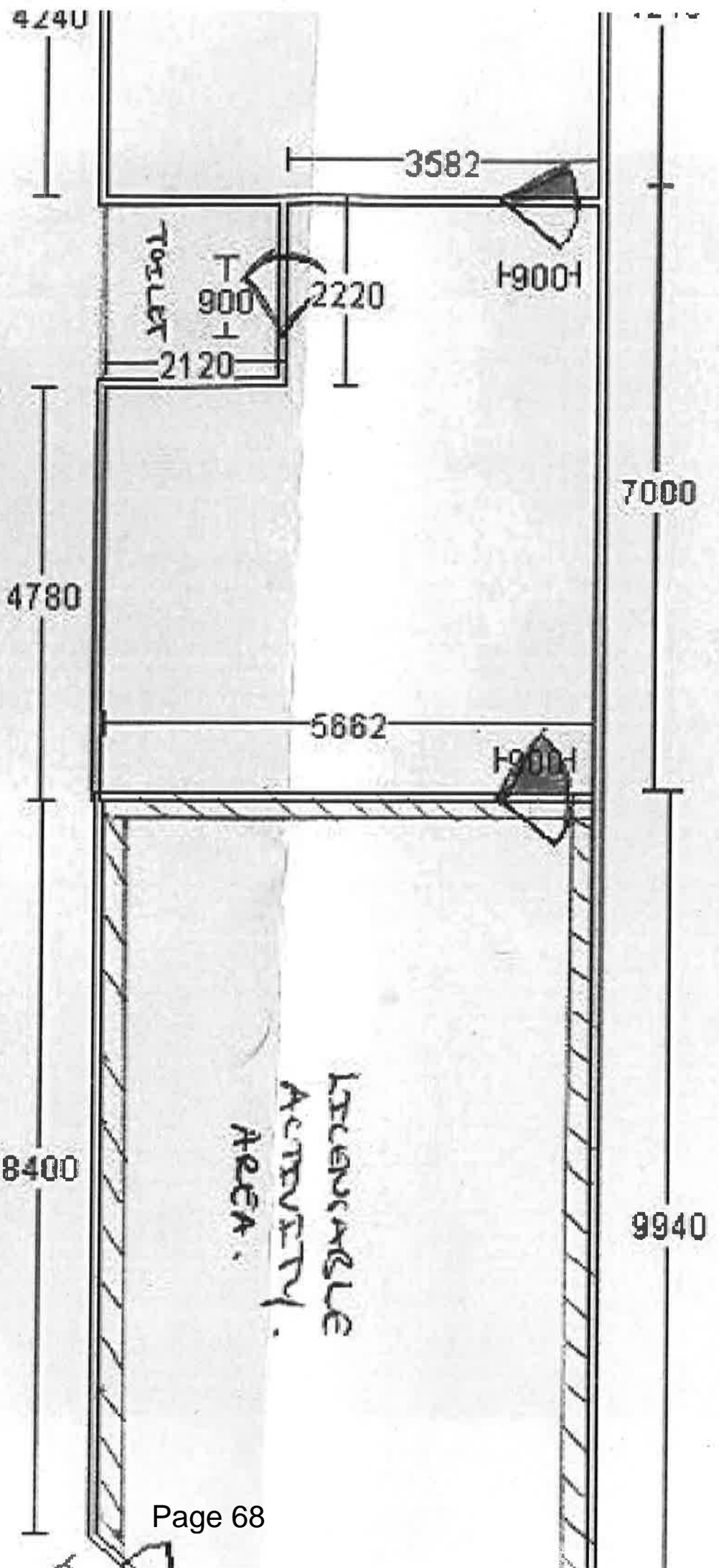


Step up to shop 35mm MAIN ENTRANCE.

- KEY:
- : UNREMOVABLE ACT
  - : FIRE EXTINGUISHER
  - : FIRE EXTINGUISHER
  - : TILL POINT
  - : SECURITY CAMERA
  - : SECURITY CAMERA
  - : SECURITY ALARM

UNIT 1 : KILDINGTON LOCAL PREMISES  
 ADDRESS : KILDINGTON  
 O/S 100  
 1:100 SCALE

Killington Local PRMOSQS  
Plan A





### Google recommends using Chrome

Try a fast, secure browser with updates built in.



**Wisla Polish Shop**

4.6 ★★★★★ - 9 reviews

Supermarket

Directions

SAVE NEARBY SEND TO YOUR PHONE SHARE

Mini-market chain, open every day for groceries, alcohol and newspapers; some have post offices.

Oxford Rd, Kidlington OX5 1EE

Open now: 9am - 10pm

Claim this business

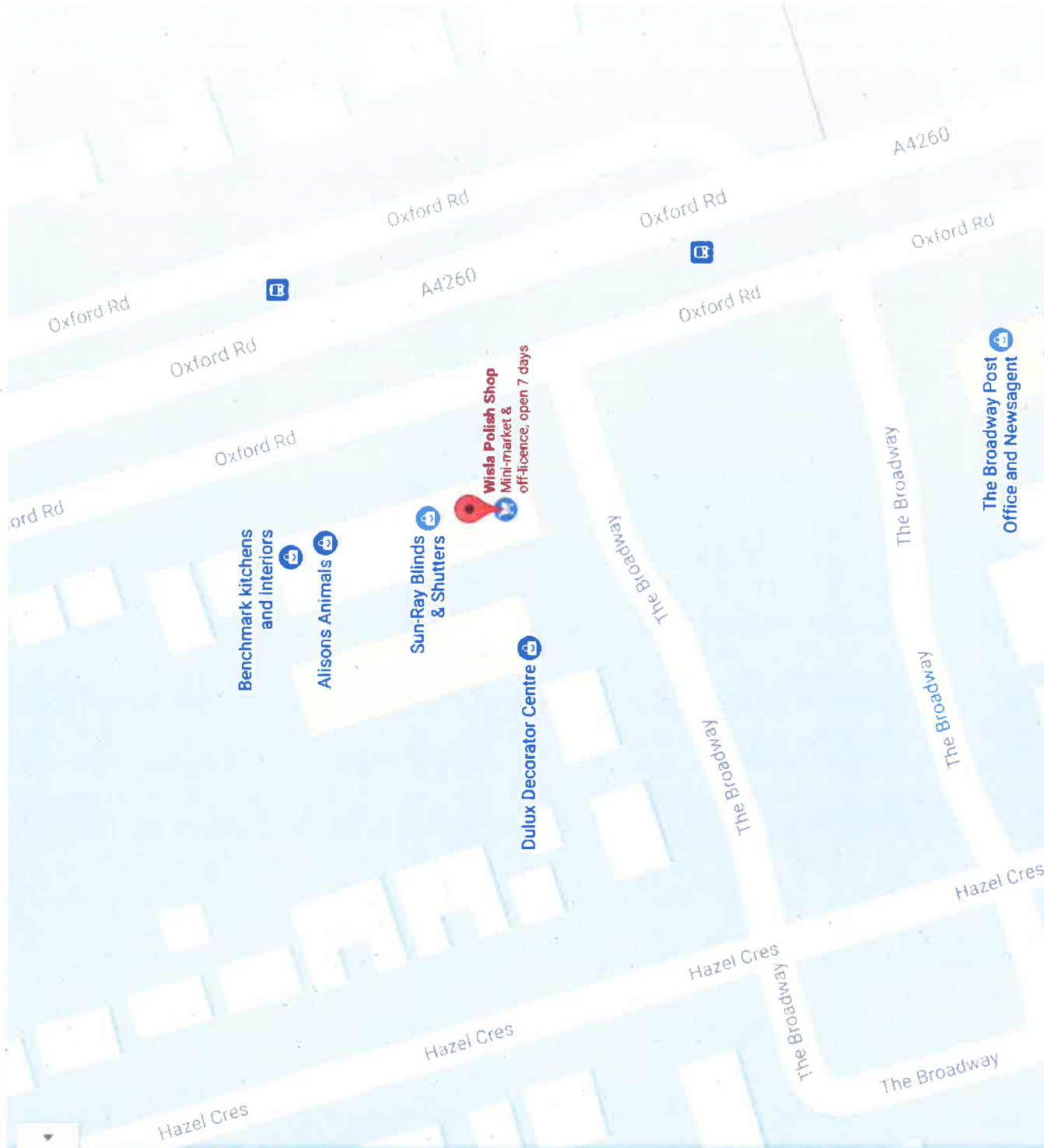
Suggest an edit

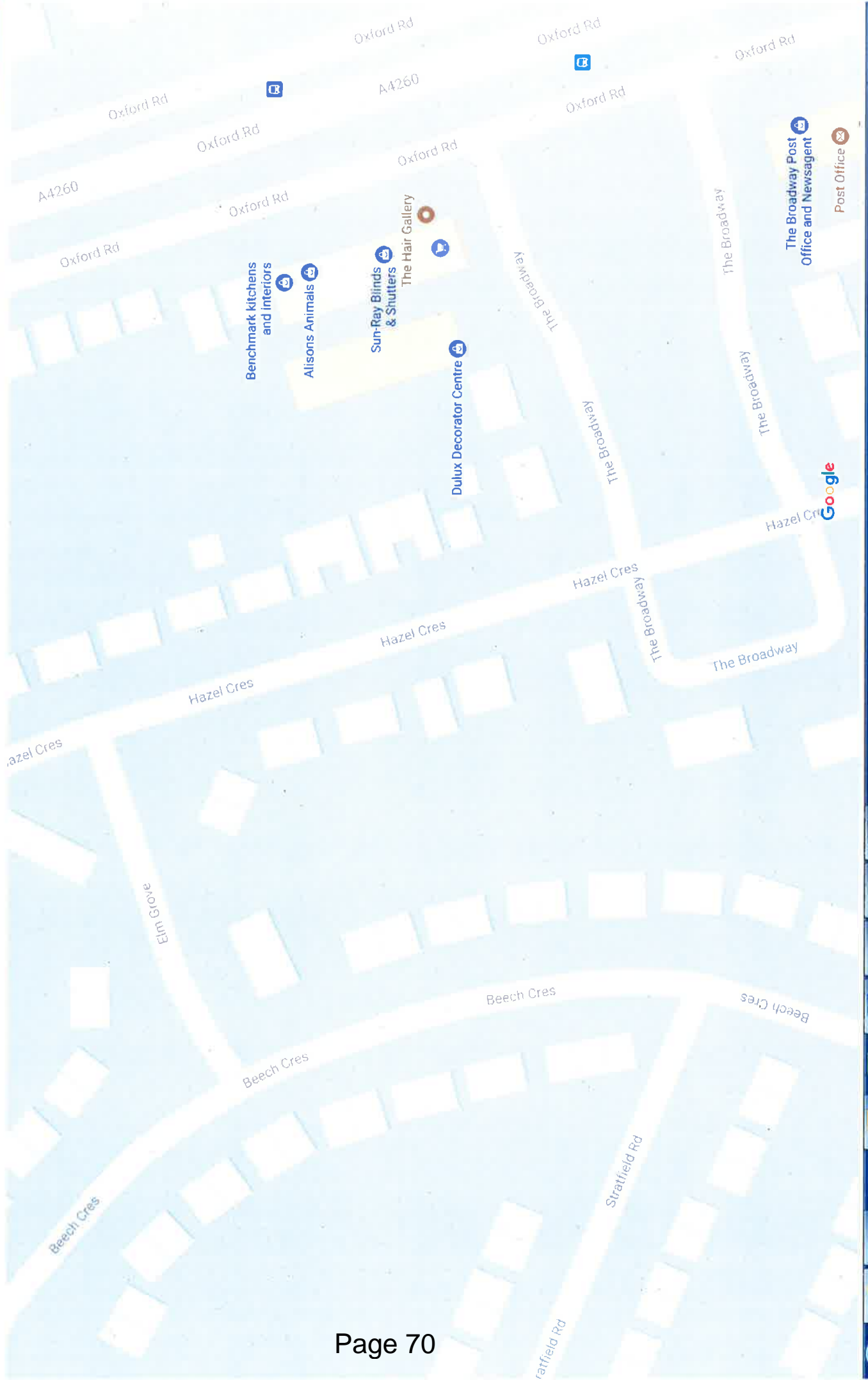
Add missing information

Add phone number

Add website

Popular times Thursdays







**Google recommends using Chrome**  
 Try a fast, secure browser with updates built in



**Wisla Polish Shop**  
 4.6 ★★★★★ · 9 reviews  
 Supermarket

Directions


SAVE NEARBY SEND TO YOUR PHONE SHARE

Supermarket chain, open every day for groceries, alcohol and newspapers; some have post offices.

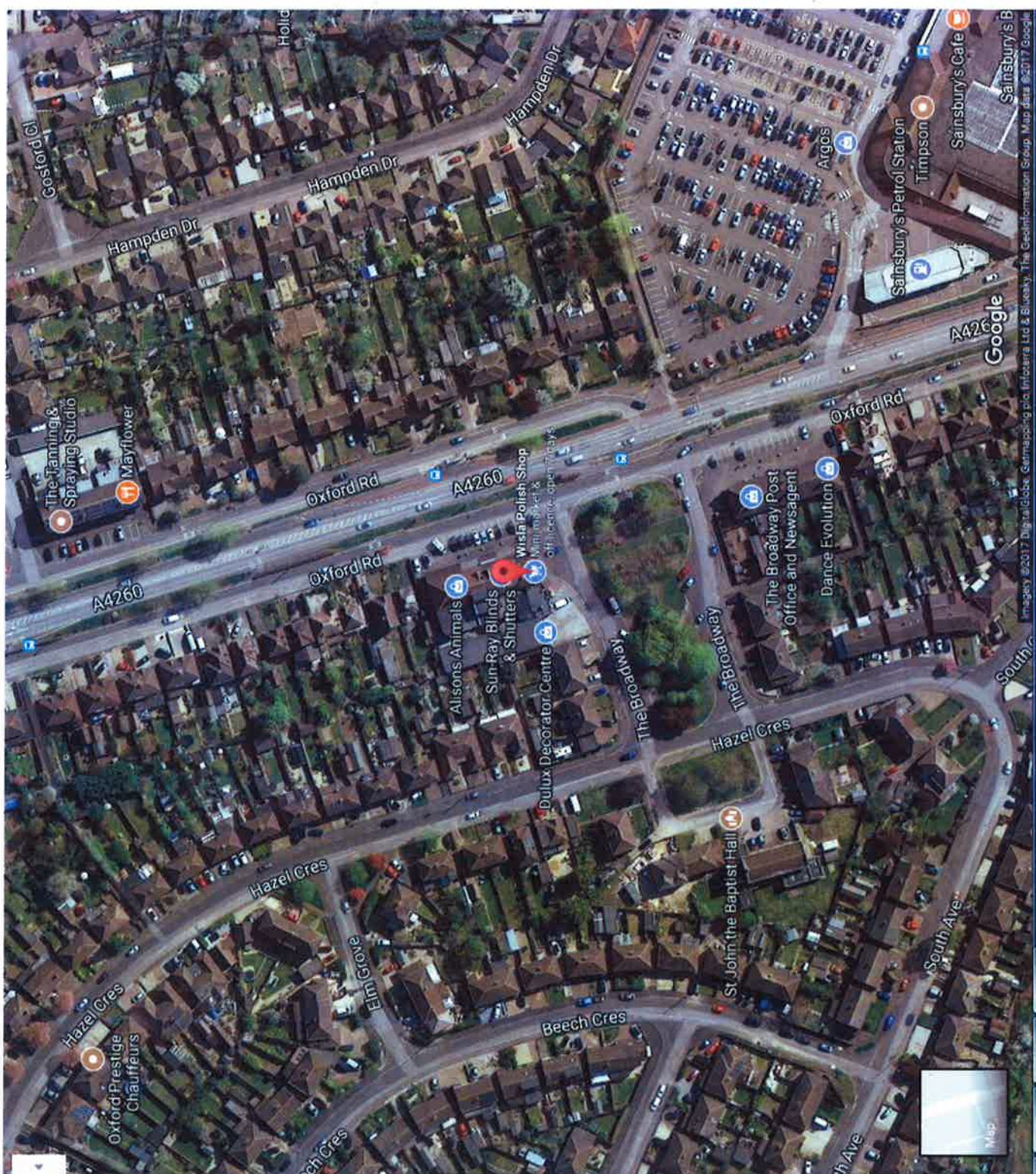
Oxford Rd, Kidlington OX5 1EE  
 Open now: 9am–10pm  
 Claim this business  
 Suggest an edit

Add missing information  
 Add phone number  
 Add website

Popular times **Thursdays**



Time	Popularity
6:00	10
6:30	15
7:00	25
7:30	40
8:00	55
8:30	70
9:00	85
9:30	95
10:00	90
10:30	80
11:00	70
11:30	60
12:00	50
12:30	40
1:00	30
1:30	20
2:00	15
2:30	10
3:00	10
3:30	10
4:00	10
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## Public Protection

Jackie Fitzsimons – Public Protection Manager



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

Mr Soran Mohammed Salih  
Wisla Supermarket  
12 The Parade  
Oxford Road  
Kidlington  
OX5 1EE

*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:	PRM0595

9 October 2017

Dear Mr Salih

### **Licensing Act 2003: Premises Licence review hearing PRM0595 - Wisla Supermarket 12 The Parade Oxford Road Kidlington**

In accordance with Section 51 of the Licensing Act 2003 a responsible Authority, namely Oxfordshire Trading Standards have requested a review of your premises licence. This review is based on evidence of your alleged failure to adhere to the Licensing Act 2003 licensing objectives, and in particular, the protection of children from harm objective.

As a result of this review request a statutory 28 day consultation period will commence from 10/10/2017, and will conclude on 06/11/2017.

Once the consultation period has been completed you will be notified on the date of hearing.

Enclosed with this notification, is a copy of the blue site notices. These notices must be displayed throughout the consultation period. One must be displayed on your premises, and clearly visible to the public. Two more will be displayed within the vicinity of your premises. If these notices are removed, please notify the Licensing Authority as soon as possible.

The licensing Authority would suggest that you seek legal advice, with regards to this matter.

If you have any further queries please don't hesitate to contact a member of the team on 01295 753744.

Yours sincerely

Nicholas Sutcliffe  
Licensing Manager

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# **Statement of Licensing Policy**

## **Licensing Act 2003**

January 2016

Adopted by Cherwell District Council at its Council meeting on the 14<sup>th</sup> of December 2015

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

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## **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 1<sup>st</sup> 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 1<sup>st</sup> 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](mailto: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](mailto:Fire.service@oxfordshire.gov.uk)

9.3 Child Protection:

Oxfordshire Safeguarding Children Board Officer  
3<sup>rd</sup> 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](mailto: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](mailto: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](mailto: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](mailto: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 31<sup>st</sup> 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](http://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](mailto: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 31<sup>st</sup> 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: <a href="mailto:nicholas.sutcliffe@southnorthants.gov.uk">nicholas.sutcliffe@southnorthants.gov.uk</a></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: <a href="mailto:jackie.fitzsimons@southnorthants.gov.uk">jackie.fitzsimons@southnorthants.gov.uk</a></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](http://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](http://www.brc.org.uk/brc_home.asp)

**Cinema Exhibitors' Association (CEA)**

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

**Department for Culture, Media and Sport**

[www.culture.gov.uk](http://www.culture.gov.uk)

**Home Office**

[www.homeoffice.gov.uk](http://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/>



**Charlotte Johnson**

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**Subject:** Wisla Polski Sklep, KIDLINGTON - Review Application

**From:** [Nick Semper](#)

**Sent:** 04 November 2017 11:38

**To:** [Davies, Kate - Trading Standards](#)

**Subject:** Wisla Polski Sklep, KIDLINGTON - Review Application

Good morning,

This is a follow up e-mail as a result of our telephone conversation on Friday 04 November 2017 with regards to the licensing review concerning the Wisla Polski Sklep.

I am aware you have had a previous telephone and e-mail exchange with a solicitor - Mr RYAT - concerning this matter and have made him know what the position of Trading Standards is with regards to the matter progressing to a hearing. As a result of this correspondence and contact from the appellant Mr SALIH (the premises licence holder), my company has been approached by him to deal with the licensing review matter alone. I am aware that there are outstanding criminal prosecutions and am also aware that the review process does not impact on this nor does any prosecution upon the review.

Briefly our company is made up of two retired police officers who have a wealth of knowledge and experience in licensing matters, both in the police acting as a responsible authority (working with other responsible authorities) and latterly as a partnership working on behalf of private clients.

I have looked at the series of events that have resulted in this review and have also reviewed the premises licence. Clearly my client and his staff have failed to comply with the conditions contained in the premises licence and therefore have undermined the licensing objectives. My view also is that the premises licence is inadequate or in need of substantial revision in order to best promote the licensing objectives. The current format, as you will know, can bring about uncertainty for all parties when applying and/or enforcing some of the conditions.

**Without prejudice** and in the event of this matter progressing to a regulatory committee hearing, my client will be offering the following conditions in order to address the Council's concerns and to further promote the licensing objectives. Whilst some of these matters are already contained in the premises licence as one line entries, we believe that the revised conditions offered below are proportionate, necessary and most importantly enforceable in order to promote the licensing objectives. For example, the current licence stipulates 'Think 21' - our new condition will be 'Challenge 25'. You will see that the training condition also includes a training requirement for age restricted goods above and beyond alcohol and tobacco, in order to cover other age restricted goods that could be sold at a convenience shop.

Specifically:

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational weekly log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings remedial actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '101' immediately.

2. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Trading Standards Officer or the Police, which must record the following:

- (a) all crimes (relevant to the licensing objectives) reported at/to the venue
- (b) any complaints (relevant to the licensing objectives) received
- (c) any faults in the CCTV system or searching equipment or scanning equipment
- (d) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service(s)

3. All staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Trading Standards.

All existing staff shall be trained within one month of the date this condition appears on this licence.

All new staff shall be trained within one month of taking up employment. All existing staff to be trained within three months of this condition appearing on this licence.

All staff shall be re-trained 12 (twelve) monthly thereafter.

The training shall include:

- Conflict resolution
- Selling to under age person
- Selling to drunks
- Selling age restricted goods

Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee(s).

These records shall be produced to the Police, an authorised Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

4. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Trading Standards Officer or the Police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any serving counter advertising the scheme operated. Proof of the attainment of 25 years of age will be required through production of a PASS card, full or provisional photo card driving licence, by a photo passport, or official identity card containing the holder's date of birth, or any other accredited body (EU) country bearing a photograph of the bearer and their date of birth prior to any alcohol sale taking place.
5. A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a weekly basis by the Designated Premises Supervisor and produced to the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer on demand.

My client and I believe that these are positive & robust steps to promote the licensing objectives and puts in place procedures which are clear and unambiguous to address the review and further promote the licensing objectives.

In light of the above matters, I would ask that you reconsider your decision to progress to a hearing as it is possible to deal with the disposal through a variation application.

I do however appreciate that you have already stated your intention to let this matter progress to a hearing, but do feel that our open dialogue during the consultation period and at any point up to the hearing may result in a smoother way of managing important Trading Standards Department and Licensing Regulatory Committee time.

Again, although this is a without prejudice communication, I think we can all assume that were the matter to proceed to a hearing, the above conditions would constitute our 'offer' as acceptable amendments to further promote the licensing objectives.

Thank you very much for speaking with me on Friday, and I very much look forward to your observations in due course.

Regards,

Jim MOONEY

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