

**Committee:**           **Licensing Sub Committee**  
**Date:**               **Friday 13 September 2019**  
**Time:**               **10.00 am**  
**Venue**               **Bodicote House, Bodicote, Banbury, OX15 4AA**

### **Membership**

Councillor Surinder Dhesi  
Councillor Douglas Webb

Councillor G A Reynolds

## **AGENDA**

- 1. Appointment of Chairman of the Sub-Committee**
- 2. Declarations of Interest**

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

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

- 3. Premises Licence Application Hearing (Pages 1 - 32)**

Report of Environmental Health & Licensing Manager

#### **Purpose of report**

To consider an application for a Licensing Act 2003 full variation of the Premises Licence for Tropic Bar, Pioneer Square, Bicester.

## **Recommendations**

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

**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@cherwell-dc.gov.uk](mailto:aaron.hetherington@cherwell-dc.gov.uk), 01295 227956

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

Published on Thursday 5 September 2019

## Cherwell District Council

### Licensing Sub-Committee

Friday 13 September 2019

<b>Premises Licence Application Hearing</b>
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### Report of Environmental Health & Licensing Manager

This report is public

#### Purpose of report

To consider an application for a Licensing Act 2003 full variation of the Premises Licence for Tropic Bar, Pioneer Square, Bicester.

#### 1.0 Recommendations

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

#### 2.0 Introduction

- 2.1 To consider an application for a Full Variation to the premises licence for Tropic Bar, Pioneer Square, Bicester submitted by Sarah Silva on behalf of the bar.

#### 3.0 Report Details

- 3.1 Tropic Bar is situated in Unit A/8 in Pioneer Square, Bicester. It is situated on the roadside and is approximately 872 square feet.
- 3.2 An application for a Licensing Act 2003 full variation to the premises licence was submitted to Cherwell District Council on 9 July 2019. The application was made to extend the hours for sale of alcohol and the premises opening hours. The proposed extension of hours for sale of alcohol is Monday to Thursday from midnight until 01:00, Friday and Saturday from 00:30 until 01:30 and Sunday from 23:00 until midnight. The variation also included increased hours for licensable activities within those opening hours which are specific in Appendix 1.
- 3.3 On 2 August 2019 Thames Valley Police objected to the proposed variation due to no additional measures being put in place to promote the licensing objective of prevention of crime and disorder (Appendix 4). An Officer from Thames Valley Police will present details of their objection.

## **4.0 Conclusion and Reasons for Recommendations**

4.1 There is no recommendation.

## **5.0 Consultation**

5.1 When an application for a full variation to a premises licence is submitted the applicant must display a blue notice at or near the relevant premises and advertise the application in a local publication no later than 10 days after submitting the application. 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.

5.2 The responses from responsible authorities were as follows:

- Police – Objection
- Fire Service – No response
- Child Protection – No response
- Trading Standards – No objection
- Health & Safety Executive – No response
- Environmental Protection – No objection
- Health Protection – No response
- Planning – No objection
- Parish Council – No objection

5.3 There have been no representations received from local residents.

5.4 The applicant and all interested parties submitting representations have been invited to attend this hearing.

## **6.0 Alternative Options and Reasons for Rejection**

6.1 At the end of the consultation period the licensing authority must hold a hearing if relevant representations are received. 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:

- issue the licence as applied for;
- issue the licence with amended hours or licensable activities
- reject the application if it is considered necessary in order to promote the licensing objectives

## 7.0 Implications

### Financial and Resource Implications

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

Comments checked by:

Kelly Wheeler, Principal Accountant, 01295 225170, [kelly.wheeler@cherwell-dc.gov.uk](mailto:kelly.wheeler@cherwell-dc.gov.uk)

### 7.2 Legal Implications

The decision must comply with the Licensing Act 2003, the statutory guidance issued pursuant to section 182 of the Licensing Act and the council's Statement of Licensing Policy.

The applicant or 'other persons' who have submitted relevant representations may appeal to the magistrates' court a decision of the Sub-Committee.

Comments checked by:

Sophie Phillips Solicitor, 01295 753701, [sophie.phillips@cherwell-dc.gov.uk](mailto:sophie.phillips@cherwell-dc.gov.uk)

## 8.0 Decision Information

### Wards Affected

Bicester East

### Links to Corporate Plan and Policy Framework

Not applicable

### Lead Councillor

Councillor Andrew McHugh, Lead Member for Health and Wellbeing

### Document Information

Appendix No	Title
Appendix 1	Full Application
Appendix 2	Map of Premises and Location
Appendix 3	Existing Premises Licence
Appendix 4	Thames Valley Police Objection
Background Papers	
None	
Report Author	Trevor Dixon, Environmental Health and Licensing Manager
Contact Information	01295 753744 <a href="mailto:licensing@cherwell-dc.gov.uk">licensing@cherwell-dc.gov.uk</a>

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## Application to vary a premises licence under the Licensing Act 2003

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

**I/We SARAH SILVA**

*(Insert name(s) of applicant)*

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

<b>Premises licence number</b> PRM0726
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
UNIT A8 MANORSFIELD ROAD			
Post town	BICESTER	Postcode	OX26 6EX

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

**Part 2 – Applicant details**

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

### Who can make a representation?

Any of the responsible authorities or other person can make a representation about your application, providing they are relevant to any of the four licensing objectives.

### What Happens if Representations are made?

The Council will initially try to mediate between parties. For example, the Police may object to the terminal hour for entertainment you have stated. This could be resolved by reducing that terminal hour to one deemed more suitable.

If mediation fails, the Council's Licensing Panel will determine your application. The Panel is comprised of three elected Members of the Council.

You will be invited to attend the meeting to give evidence, answer questions, and call any witnesses. The Panel will listen to evidence from both sides before deciding whether to grant the application. They may grant it as requested, grant with conditions (provided these are relevant to the licensing objectives) or refuse your application.

### Appeals

If you are dissatisfied with a decision made by the Council, you may appeal to the Magistrates Court for the petty sessions area in which the premises are situated, within 21 days of being notified of the Council's decision.

### PLEASE NOTE:

**This leaflet has been made as comprehensive as possible. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what you must do are in the legislation itself.**

**Laws can and do change. This information was accurate when produced, but may have changed since. We must advise that only the Courts can give an authoritative opinion on statute law.**

### CHECKLIST - Please use the following checklist before submitting your application.

**Your application and the following documents need to be sent to the authority in which your premises is situated:**

Licensing Team  
Cherwell District Council  
Bodicote House  
Bodicote  
OX15 4AA  
[licensing@cherwell-dc.gov.uk](mailto:licensing@cherwell-dc.gov.uk)  
01295 753744

- Completed application form
- The prescribed fee

Have you remembered to;

- Send copies to the appropriate Responsible Authorities?
- Advertise the application by way of notice outside the premises?
- Advertise the application by way of notice published in the local press?



**Part 3 - Variation**

Please tick as appropriate

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

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

DD	MM	YYYY

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

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

TO VARY THE PREMISES LICENCE TO EXTEND HOURS FOR SALE OF ALCOHOL AND THE OPENING HOURS OF THE PREMISES

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

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#### Part 4 Operating Schedule

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

**Provision of regulated entertainment (Please see guidance note 3)**

**Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	15:00	01:00	<u>Please give further details here</u> (please read guidance note 5)  Monday to Thursday we wish to change our opening hours from 15:00 until 01:00 Friday and Saturday open until 02:00 Sunday open until 00:00		
Tue	15:00	01:00			
Wed	15:00	01:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur	15:00	01:00			
Fri	15:00	02:00	<u>Non standard timings. Where you intend to use the premises</u> <u>for the playing of recorded music at different times to those</u> <u>listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	12:00	02:00			
Sun	12:00	00:00			

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day				Start	Finish
				Outdoors	<input type="checkbox"/>
Mon	15:00	01:00		Both	<input type="checkbox"/>
Tue	15:00	01:00		<b>Please give further details here</b> (please read guidance note 5)	
Wed	15:00	01:00		<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)	
Thur	15:00	01:00			
Fri	15:00	02:00		<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 7)	
Sat	12:00	02:00			
Sun	12:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	15:00	01:00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)	Both	<input type="checkbox"/>
Tue	15:00	01:00			
Wed	15:00	01:00			
Thur	15:00	01:00		<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7)	
Fri	15:00	01:30			
Sat	12:00	01:30			
Sun	12:00	00:00			

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	17:00	01:00	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 7)</p>
Tue	17:00	01:00	
Wed	17:00	01:00	
Thur	17:00	01:00	
Fri	16:00	02:00	
Sat	14:00	02:00	
Sun	16:00	00:00	



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

Please tick as appropriate

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

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

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

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

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

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

**c) Public safety**

**d) The prevention of public nuisance**

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

Checklist:

Please tick to indicate agreement

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

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

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

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

Signature	SARAH SILVA
Date	08/07/2019
Capacity	

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

Signature	
Date	
Capacity	

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

Sarah Silva



Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**Your application and supporting documents need to be sent to the authority in which your premises is situated:**

Licensing Team  
Cherwell District Council  
Bodicote House  
Bodicote  
OX15 4AA  
Licensing@cherwell-dc.gov.uk  
01295 753744

### **Notes for Guidance**

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

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



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**LICENSING ACT 2003  
PREMISES LICENCE**



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**PART A – Part 1**

<b>Tropic Bar Unit A8 Pioneer Square Manorsfield Road Bicester OX26 6EX</b>	<b>Licence Ref:</b>	PRM0726
	<b>Date Granted:</b>	25.09.2017
	<b>Valid from: Valid to:</b>	Not Time Limited
	<b>Issue date:</b>	25.09.2017
	<b>Tel No.:</b>	01869 243223

<b>Premises Licence Holder</b>	<b>Tropic Bar Ltd Tropic Bar Unit A8 Pioneer Square Manorsfield Road Bicester OX26 6EX</b>
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**PART A - Part 2**

**Licensable Activities - Alcohol Sales**

<b>Activity</b>	<b>Days of Week</b>	<b>Open</b>	<b>Close</b>
<b>Sale of Alcohol Alcohol is supplied for consumption on the Premises</b>	Sunday	10:00	23:00
<b>Sale of Alcohol Alcohol is supplied for consumption on the Premises</b>	Friday and Saturday	10:00	00:30
<b>Sale of Alcohol Alcohol is supplied for consumption on the Premises</b>	Monday to Thursday	10:00	00:00

**Licensable Activities - Other**

<b>Activity</b>	<b>Days of Week</b>	<b>Open</b>	<b>Close</b>
<b>Late Night Refreshment (Indoors)</b>	Sunday	10:00	23:00
<b>Late Night Refreshment (Indoors)</b>	Friday and Saturday	10:00	01:00
<b>Late Night Refreshment (Indoors)</b>	Monday to Thursday	10:00	00:00
<b>Playing of Recorded Music (Indoors)</b>	Sunday	10:00	23:00

<b>Playing of Recorded Music (Indoors)</b>	Friday and Saturday	10:00	00:45
<b>Playing of Recorded Music (Indoors)</b>	Monday to Thursday	10:00	00:00

**Opening Hours**

<b>Days of Week</b>	<b>Open</b>	<b>Close</b>
Friday and Saturday	07:00	01:00
Sunday to Thursday	07:00	23:00

**Non Standard Times**

N/A


**Seasonal Variations**

N/A

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

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

Miss Sarah Alexandra Goncalves Silva   
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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: 17/PSL 01886 Licensing Authority: Cherwell District Council
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Nicholas Sutcliffe  
Licensing Manager  
25 September 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 then 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
- 3.2 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.
- 5.2 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.
  
- 5.3 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 must ensure that -
  - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
    - i. beer or cider: ½ pint;
    - ii. gin, rum, vodka or whiskey: 25ml or 35ml; and
    - iii. still wine in a glass: 125ml; 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 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 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 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

4.2 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

As per mandatory conditions

### **The Prevention of Crime and Disorder**

CD1. All staff shall be suitably trained for their job function in the operating standards for the premise. The training shall be ongoing and under constant review.

CD2. All Personal Licence Holders supervising the sale of alcohol shall hold a nationally recognised licensing qualification.

CD5. No persons under 18 shall be admitted to, or allowed to remain on the premises between 21:00hrs and 06:00hrs.

CD9. No persons under 18 shall be admitted to, or allowed to remain on the premises between 21:00hrs and 06:00hrs.

CD11. All staff shall be suitably trained in the operating procedures for refusing service to any person who is drunk or is under age or appears to be under age.

CD28. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.

CD29. Prominent clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.

CD31. Prominent, clear notices shall be displayed outside every public entrance stating the actual operating hours of the premises.

### **Public Safety**

PS2. All escape routes and exits including external exits shall be maintained unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified in accordance with the approved arrangements.

PS3. All exit doors shall be available and easily openable without the use of a key, card, code or similar means. Only approved fastenings shall be used.

Note: Doors that are not in regular use should be opened in order to ensure they function satisfactorily before the admission of the public.

PS13. Curtains, hangings and temporary decorations shall be arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment.

PS17. The premises shall be provided with adequate facilities to monitor and control the number of people present.

PS19. The fire service shall be called at once to any outbreak or suspected outbreak of fire, however slight, and the details recorded in the Fire log-book.

PS22. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.

PS23. At least one suitably trained first-aider shall be on duty when the public are present. If more than one suitably trained first-aider is present, each person's responsibilities shall be clearly identified.

### **The Prevention of Public Nuisance**

PN1. The Designated Premises Supervisor/Duty Manager shall ensure that no nuisance is caused by noise emanating from the premises or by vibration transmitted through the structure of the premises.

PN2. The premises shall be arranged to minimise the risk of noise nuisance to nearby properties.

PN18. Entertainment is to be held internally only and no music or speakers shall be provided to external areas of the premises.

PN28. All queuing outside the premises shall be managed in such a way that prevents noisy or rowdy behaviour and therefore minimises disturbance or nuisance to neighbours.

PN31. The premises shall be effectively ventilated.

PN32. All vents and extraction systems shall be constructed and operated so as to prevent noxious smells from causing a nuisance to nearby properties.

PN34. Any air filters shall be periodically cleaned or replaced so as to maintain a satisfactory air supply.

### **The Protection of Children from Harm**

All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.

Children will only be present between 07.00hrs and 21.00hrs

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

### **Conditions Required by Committee**

CD21. No person shall be allowed to leave the premises whilst in the possession of any alcoholic beverage.



**LICENSING ACT 2003  
PREMISES LICENCE**

**PART B**

<b>Tropic Bar Unit A8 Pioneer Square Manorsfield Road Bicester OX26 6EX</b>	<b>Licence Ref:</b>	PRM0726
	<b>Date Granted:</b>	25.09.2017
	<b>Valid to:</b>	Not Time Limited
	<b>Issue date:</b>	25.09.2017
	<b>Tel No.:</b>	01869 243223

<b>Premises Licence Holder</b>	<b>Tropic Bar Ltd Tropic Bar Unit A8 Pioneer Square Manorsfield Road Bicester OX26 6EX</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 Alcohol is supplied for consumption on the Premises</b>	Sunday	10:00	23:00
<b>Sale of Alcohol Alcohol is supplied for consumption on the Premises</b>	Friday and Saturday	10:00	00:30
<b>Sale of Alcohol Alcohol is supplied for consumption on the Premises</b>	Monday to Thursday	10:00	00:00

**Licensable Activities - Other**

<b>Activity</b>	<b>Days of Week</b>	<b>Open</b>	<b>Close</b>
<b>Late Night Refreshment (Indoors)</b>	Sunday	10:00	23:00
<b>Late Night Refreshment (Indoors)</b>	Friday and Saturday	10:00	01:00
<b>Late Night Refreshment (Indoors)</b>	Monday to Thursday	10:00	00:00
<b>Playing of Recorded Music (Indoors)</b>	Sunday	10:00	23:00
<b>Playing of Recorded Music (Indoors)</b>	Friday and Saturday	10:00	00:45

<b>Playing of Recorded Music (Indoors)</b>	Monday to Thursday	10:00	00:00
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**Opening Hours**

<b>Days of Week</b>	<b>Open</b>	<b>Close</b>
Friday and Saturday	07:00	01:00
Sunday to Thursday	07:00	23:00

**Non Standard Times**

N/A

**Seasonal Variations**

N/A

**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**

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



Nicholas Sutcliffe  
Licensing Manager  
25 September 2017

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# THAMES VALLEY POLICE

Division/Station : Licensing Milton Keynes

From : Gemma McCormack  
Licensing Officer

To : Licensing  
Milton Keynes Council

Ref : Your Ref Tropic Bar Variation

Date : 2<sup>nd</sup> August 2019

Tel.No. 01865 541320

Subject :

## **Representation**

As licensing officer for Thames Valley Police, I am authorised to make representation in relation to applications made under the Licensing Act 2003 on behalf of the Chief Constable as a responsible authority.

In respect of the application for to vary the premises licence at Tropic Bar, Unit 8 Pioneer Square, Bicester, I have reviewed the application and wish to submit a representation in respect of the licensing objective of prevention of crime and disorder. I have attempted to phone the applicant to discuss but unfortunately have not been able to make contact with them.

The application requests to extend the vary the licensable hours of the premises so that licensable activities do not start until 09:00 (currently 07:00), and cease at midnight on a Sunday (currently 23:00), 01:00 on Mondays to Thursdays (currently 23:00) and 02:00 on Fridays and Saturdays (currently 23:30 for alcohol, 23:45 for recorded music and 00:00 for late night refreshment).

The applicant has not however added any suggestion of methods they will employ to ensure they adequately promote the licensing objective of prevention of crime and disorder.

Due to the late hour that the premises is applying to be open until it is recommended that they should employ door staff to ensure they will be able to deal with any incidents of disorder either from customers within the premises or from those who have left over premises and attempt to gain entry.

The premises itself has previously required police assistance in getting people to leave the premises when they were closed. On 14<sup>th</sup> October 2018 officers were called to remove a male who had pushed other customers and then refused to leave. Officers attended and were able to remove the male from the premises but had to separate him from others once they got outside. The male eventually left the area at 01:21, over an hour after the premises should have been closed.

I therefore request that consideration is given to the terminal hour for licensable activities and opening hours Monday to Thursday is reduced to 00:00 and the following condition is added to the licence:

*The premises licence holder shall employ door supervisors on duty to carry out security duties on Fridays and Saturdays from 22:00 and stay on duty until the premises is closed. The premises licence holder shall have a written risk assessment detailing the number of door supervisors, incorporating advice from Thames Valley Police when given.*

If it is not agreeable for the applicant to the reduction of hours and the addition of the above condition and the licence is granted as applied for then I request the following condition is added to the licence instead for to ensure the applicant is able to promote the licensing objective of prevention of crime and disorder.

*The premises licence holder shall employ door supervisors on duty to carry out security duties for any night where the premises is open later than midnight. Door supervisors shall be on duty from 22:00 on said night and stay on duty until the premises is closed. The premises licence holder*

*shall have a written risk assessment detailing the number of door supervisors, incorporating advice from Thames Valley Police when given.*

If you wish to discuss the above with me, please do not hesitate to contact me. If any further information is required in relation to what I have said, please let me know.

Kind regards  
Gemma McCormack