

Notice of Hearing



Listening Learning Leading

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Date: 25 October 2018

Website: <http://www.southoxon.gov.uk>

A meeting of the Licensing Panel will be held on Friday 9 November 2018 at 10.00 am in Meeting Room 1, 135 Eastern Avenue, Milton Park, Milton, Abingdon OX14 4SB

to consider the following matter:
the relevant representations received in connection with an application for a variation of the premises licence for Thame SF Connect, 50 Park Street, Thame, OX9 3HS:

under the Licensing Act 2003.

The report of the Head of Housing and Environment, information submitted by the licence holder, and copies of the relevant representations are attached to this notice and are available to view on the [council's website](#).

Any three members of the of the council's Licensing Acts Committee can form the Licensing Panel. The membership is expected to be:

Pat Dawe

Lorraine Hillier

David Nimmo-Smith

Alternative formats of this publication are available on request. These include large print, Braille, audio, email and easy read. For this or any other special requirements (such as access facilities) please contact the officer named on this agenda. Please give as much notice as possible before the meeting.

1 Declaration of interests

To receive any declarations of discloseable pecuniary interests in respect of items on the agenda for this meeting.

2 Procedure (Pages 3 - 8)

To note the procedure for the meeting (attached).

3 Application for a variation of the premises licence for Thame SF Connect, 50 Park Street, Thame OX9 3HS (Pages 9 - 34)

To consider the report of the head of housing and environment (attached).

MARGARET REED

Head of Legal and Democratic

SOUTH OXFORDSHIRE DISTRICT COUNCIL

LICENSING ACT 2003

LICENSING ACTS PANEL – PROTOCOL AND PROCEDURE

1.0 Introduction

- 1.1 This protocol and procedure has been adopted by the council's Licensing Acts Committee in order to ensure that all meetings are carried out in accordance with the law and all parties receive a fair hearing.
- 1.2 For the purposes of this protocol and procedure the following terms have the meanings assigned to them:-
- (a) "the Act" means the Licensing Act 2003.
 - (b) "the parties" means all persons to whom a notice of hearing has been given.
 - (c) "the regulations" means the Licensing Act 2003 (Hearings) Regulations 2005 as amended.
 - (d) "exempt information" means those categories of information set out in Schedule 12A to the Local Government Act 1972 as amended.
- 1.3 This document has been prepared having regard to the statutory provisions contained in the Act, the Regulations, the Guidance issued by the Secretary of State for Culture, Media and Sport (latest version issued June 2013) and the LACORS Guidance for Local Authorities dated March 2005.

2.0 The licensing objectives and statement of policy

- 2.1 The Act sets out four licensing objectives which are fundamental to the decision making of the panel. The licensing objectives are follows:-
- (a) The prevention of crime and disorder.
 - (b) Public safety.
 - (c) The prevention of public nuisance.
 - (d) The protection of children from harm.
- 2.2 Any application or licensing matter which comes before a panel will be treated on its own merits having regard to the following issues:-
- (a) The promotion of the four licensing objectives.
 - (b) The council's statement of licensing policy.
 - (c) The most recent guidance issued by the Secretary of State for Culture, Media and Sport.
 - (d) The merits of the application and the representations received from the parties.

3.0 Before the hearing

- 3.1 The council has a duty to hold a hearing within a timescale specified in the regulations. In most cases the timescale is 20 working days calculated from the end of the relevant representation period. However, there are other cases where the timescale is shorter ranging from between 5 and 10 working days depending on the nature of the case in question. The council will ensure adequate notice is given to the parties involved.
- 3.2 The council will send all parties a notice of hearing giving details of the date, time and venue for the panel meeting. This notice will normally be sent giving at least 10 working days' notice of the hearing, although in some cases a shorter notice period is required.
- 3.3 The council will use its reasonable endeavours to email the notice to any of the parties who consent to that approach but shall also send the notice and the accompanying documents by first class post in every case.
- 3.4 The notice of hearing will normally be accompanied by an agenda, together with a report from the licensing officer which shall set out the details of the case.
- 3.5 The sub-committee will take into account the party response forms when considering the procedure to be adopted at the hearing.

4.0 The panel

- 4.1 The membership of the panel has been determined as set out in the decision of the Licensing Acts Committee.
- 4.2 Members will only be permitted to take part in determining a case if they have been present throughout the whole hearing and have no conflict of interest in the matter.
- 4.3 The quorum is 3 members who shall determine any issue by a simple majority of votes. If the votes are tied the chairman of the panel will have a second or casting vote.

5.0 Hearing - general principles

- 5.1 The parties have the right to attend the hearing and to be assisted or represented by any person (whether legally qualified or not) such as a relative, friend, their solicitor or counsel.
- 5.2 The parties will be entitled to address the members of the panel at the hearing and question any other party if given permission to do so by the panel. They will also be able to provide further information in support of their case on any points upon which the council has sought further clarification or explanation.
- 5.3 Each party will have a maximum of 20 minutes to make their representations and present their evidence unless there are some exceptional reasons to justify a longer period.
- 5.4 There is a presumption that any hearing will take place in public so that the sub-committee's decisions can be made in an accountable and transparent way, but on occasions it may be necessary to exclude the public and members of the press if the

sub-committee considers that it is in the public interest to do so. Members will consider that matter having regard to any exempt information which may need to be disclosed by any of the parties during the hearing.

- 5.5 If any party does not attend or are not represented at the hearing then the panel may take the following action:
- (a) When a party informs the council that they do not intend to attend or be represented at the hearing the panel will proceed in their absence unless it is in the public interest to adjourn the hearing to a new date. For example, if the council is informed a person cannot attend due to unforeseen personal circumstances such as illness, then the panel may adjourn the hearing to a new date.
 - (b) If any party fails to inform the council whether they intend to attend or be represented at a hearing then it is likely the panel will proceed in their absence unless there are exceptional circumstances making it necessary in the public interest to adjourn the hearing to a new date.
 - (c) Where the hearing proceeds in the absence of any party the panel will consider their representations or documentation contained in the list of documents.
- 5.6 If for any reason the hearing is adjourned to a new date the council will notify all parties of the new date, time and place of the adjourned hearing.
- 5.7 Late representations and evidence will only be considered by the panel with the agreement of all the parties present at the hearing.
- 5.8 The panel has the right to exclude any parties disrupting the hearing but will allow any excluded party to submit any information in writing which they would have given to the panel had they not been required to leave.
- 5.9 The panel will be assisted and advised by one of the council's solicitors or legal advisers and a democratic services officer will also be present to assist the members in providing a record of proceedings.
- 5.10 The licensing officer from the council will also be at the hearing to present a report and to offer advice and expertise based upon their professional knowledge of the application but without making any recommendations.

6.0 **Hearing procedure**

- 6.1 Election of chair - the panel will elect a chairman for the hearing (if not previously appointed) in the presence of the parties.
- 6.2 Welcome and introductions - the chairman will open the meeting, introducing the members of the panel and officers to the parties and then invite the parties or their respective representatives to introduce themselves.
- 6.3 Outlining the procedure – the chairman will then outline the nature of the application, the decisions to be taken and the procedure to be followed. If there are any preliminary issues made in any of the party response forms, those issues will be addressed and determined at this stage.
- 6.4 Licensing officer's report – the hearing will begin with a presentation by the council's licensing officer who will outline the application, any relevant representations received and deal with all policy and statutory guidance matters by reference to their report. members of the panel may then ask any relevant questions of the licensing officer.
- 6.5 The parties' cases – the chairman will invite the respective parties to present their cases in the following order:

- (a) the applicant
- (b) each responsible authority
- (c) each interested party
- (d) the licence holder if not the applicant

and on each occasion the cases will be dealt with in the following way:

- (a) the relevant party shall address the panel and present any witnesses within the time limit allowed by the panel
- (b) members can then ask relevant questions
- (c) the licensing officer may also ask relevant questions through the chairman of the panel
- (d) although there is no intention to allow parties to cross-examine others, they may ask relevant questions through the chairman.

- 6.6 Final submissions – each party will be given the opportunity by the chairman to summarise their respective cases if they wish for a maximum period of 5 minutes each. Final submission shall be made in the following order:

- (a) interested parties
- (b) each responsible authority

- (c) the applicant
- (d) the licence holder if not the applicant

6.7 Chairman's final comments – the chair will invite the parties to state they have had a fair opportunity to put their respective cases. The panel will deal with any issues arising prior to retiring to make their decision.

7.0 After the hearing

7.1 At the end of the hearing, the panel will retire or ask everyone apart from its legal adviser and democratic services officer to leave the room while the panel considers its decision. The panel may call upon its solicitor or legal adviser, and the democratic services officer, if it needs legal or procedural advice.

7.2 If the panel wishes to clarify any point which arose during the hearing, it will recall all parties even if only one is asked for further explanation.

7.3 When the panel has made its decision, members will return to the room or invite the parties back into the room and the chairman will report the decision of the panel to those present.

7.4 The chairman will also inform them that a written decision notice explaining the reasons behind their decision will be sent to all parties. The decision notices shall be in a form or substantially in the form as set out at the end of this document.

8.0 Record of proceedings

8.1 The democratic services officer shall prepare a record of the panel's proceedings which shall be signed by the chairman of the panel.

8.2 The record of the proceedings shall be retained by the council for a period of at least 6 years from the date of determination or the disposal of any appeal.

Updated December 2016

Licensing Acts Panel



Report of Head of Housing and Environment
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To: Licensing Acts Panel
DATE: Friday 9 November 2018

REPORT NO:

Application for a variation of the premises licence for Thame SF Connect, 50 Park Street, Thame, OX9 3HS

Recommendation

That the panel consider the application to vary the premises licence and the representations to the application and decide whether to a) grant the application as applied for, b) grant the application with modified conditions or c) reject the application in whole or in part.

Purpose of Report

1. To present the facts and relevant representations received in respect of an application to vary a premises licence for Thame SF Connect, 50 Park Street, Thame, OX9 3HS, to the Licensing Acts Panel in order that it can determine the application under Section 35 of the Licensing Act 2003.

Strategic Objectives

2. The relevant strategic objective is that of 'Invest in the district's future'. The relevant corporate priority is that of 'reducing crime and tackling anti-social behaviour'.

Background

- 3.1 The Licensing Act 2003 ('the Act') established a single integrated scheme for licensing premises which are used for the supply of alcohol, regulated entertainment, late night refreshment or permission to carry on some or all of these activities. In the Act these activities are referred to collectively as the 'licensable activities'.

3.2 Any assessment of licensable activities must consider and promote the four licensing objectives:

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

3.3 Licences will normally be granted by the licensing officer under delegated powers but in the event of representations being received regarding the grant or variation of a premises licence the application is then referred to the Licensing Acts Panel to be considered.

3.4 An application has been received to vary the existing premises licence. The application form can be found at **Appendix 1**. The current licence can be found at **Appendix 2**.

The application seeks to vary the licence to extend the hours for sale of alcohol, as follows:

Licensable Activity	Current days & times	Proposed days & times
Sale of alcohol	Monday - Sunday 06:00 - 00:00	Monday - Sunday 24 hours a day

No changes are sought to the licensable hours for late night refreshment, which are currently 23:00 - 05:00.

In addition, the application seeks to remove all current non-mandatory conditions from the licence, and to replace with a new set of conditions as detailed within the application form.

3.5 A representation has been received from Thames Valley Police who have asked for the conditions in respect of staff training and a refusal log to be added to the licence. These conditions have been agreed by the applicant, as per **Appendix 3**.

3.6 For ease of reference, the conditions proposed by the applicant in their application and those agreed with Thames Valley Police can be found at **Appendix 4**.

3.7 None of the other responsible authorities have made representations in respect of the application.

3.8 On 27 September 2018 a representation was received from Thame Town Council on the grounds of public nuisance. This can be found at **Appendix 5**.

3.9 On 14 October 2018 a representation was received from a local resident on the grounds of public nuisance. This can be found at **Appendix 6**.

3.10 The blue notice was checked by licensing officers and the newspaper advertisement is attached as **Appendix 7**.

Options

4.1 In determining the application the authority must give weight to:

- representations received from responsible authorities
- representations received from other persons
- the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003
- the council's statement of licensing policy and
- the steps necessary to promote the licensing objectives

4.2 In view of the above, the panel is requested to consider the application for the variation of the premises licence and decide whether to:

- (a) grant the application as applied for,
- (b) grant the application with modified conditions or
- (c) reject the application in whole or in part

Financial Implications

5 Should the applicant or any other person wish to appeal against a decision of the council, they may do so to the Magistrates' Court. The council would incur costs should this occur, although the court may decide to award costs if the council's decision was upheld.

Legal Implications

6.1 The Human Rights Act 1998 requires public bodies to ensure everything they do is compatible with Convention Rights and makes it unlawful for a public authority to act incompatibly with those rights. When determining whether to grant the application the panel will be aware of human rights considerations, specifically Part 1, Article 6, the right to a fair trial, Part 2 and Article 8 the right to respect for private and family life for those making representations.

6.2 The hearing of all applications is subject to the principles of natural justice.

6.3 Section 17 of the Crime and Disorder Act 1998 states, 'without prejudice to any other obligation imposed on it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of those functions on and the need to do all that it reasonably can to prevent crime and disorder in its area'.

6.4 Under Schedule 5, Part 1 of the Licensing Act 2003, any person aggrieved by the decision in respect of the application may appeal to a Magistrates' Court within 21 days of the date of the decision.

Conclusion

- 7 This report provides information submitted by the applicant, responsible authorities and other persons. The panel must determine this application with a view to promoting the four licensing objectives. It must, having had regard to all the relevant objections made and the evidence it hears, a) grant the application as applied for, b) grant the application with modified conditions or c) reject the application in whole or in part.

Background Papers

None.

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 BP Oil UK Limited

(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

Premises licence number 4177
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Thame SF Connect 50 Park Street			
Post town	Thame	Postcode	OX9 3HS

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£143,000

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Witan Gate House 500-600 Witan Gate		
Post town	Milton Keynes	Postcode	MK19 1ES

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					
0	0	0	0	0	0	0	0

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)

The premises is a petrol forecourt store located at 50 Park Street, Thame, OX9 3HS.

The application is to do the following:

1. Extension of the hours for the sale of alcohol to 24 hours daily.
2. To remove any embedded restrictions on the licence.
3. To remove the conditions listed under Annex 2.
4. To include in Annex 2 the conditions in boxes b to e of Section 16 of the application.

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:

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

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Fri			
Sat			
Sun			

D

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

E

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

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 5)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun					

I

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 type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish		
Mon			Please give further details here (please read guidance note 5)	
Tue				
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)	
Thur				
Fri			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 (please read guidance note 7)	
Sat				
Sun				

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 type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon	00:00	24:00			
Tue	00:00	24:00			
Wed	00:00	24:00			
Thur	00:00	24:00	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 (please read guidance note 7)		
Fri	00:00	24:00			
Sat	00:00	24:00			
Sun	00:00	24:00			

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).

The premises sells alcohol and other age restricted products.

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	00:00	24:00	
Tue	00:00	24:00	
Wed	00:00	24:00	
Thur	00:00	24:00	
Fri	00:00	24:00	
Sat	00:00	24:00	
Sun	00:00	24:00	

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 (please read guidance note 7)

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.

1. Any embedded restrictions on the licence.
2. The conditions listed under Annex 2.

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

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium.
3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

c) Public safety

The premises licence holder will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

e) The protection of children from harm

The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

Checklist:

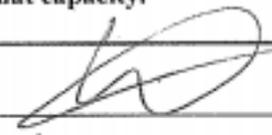
Please tick to indicate agreement

- 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	
Date	17 th September 2018
Capacity	Solicitors duly authorised on behalf of the Applicant

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	

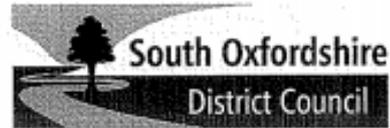
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Ref: AGS/88/620/RPB
 Winckworth Sherwood LLP
 Minerva House
 5 Montague Close

Post town	London	Post code	SE1 9BB
Telephone number (if any)	0207 593 0250		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) asanders@wslaw.co.uk			

Appendix 2: Existing Premises Licence

**PREMISES LICENCE
SUMMARY
LICENSING ACT 2003**



Listening Learning Leading

Premises licence number

4177

Premises details BP Connect The Station Garage, 50 Park Street, THAME, Oxon, OX9 3HS	Telephone Number 01844 214030
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Name, (registered) address of holder of premises licence BP Oil UK Ltd Witan Gate House 500 Witan Gate Milton Keynes Bucks MK9 1ES

Name of designated premises supervisor, where the premises licence authorises the supply of alcohol:- Emma Louise Hounslow
--

Opening Hours of the Premises: No timing restrictions
--

Licensable activities and the times the licence authorises the carrying out of licensable activities				
Activity	Day(s)	Start	End	
Late Night Refreshment Indoor & Outdoor	Mon Tue Wed Thu Fri Sat Sun	23:00	05:00	
Alcohol Off Sales	Mon Tue Wed Thu Fri Sat Sun	06:00	00:00	

Seasonal Variation or Non Standard Timings for licensable activities authorised by the licence None

Signed: pp. Bhu

Margaret Reed, Head of Legal & Democratic Services

Dated: 22 April 2015

Annex 1 – Mandatory Conditions

- 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.

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 licence 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.

7 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 rate 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) "valued 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 this 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 operating schedule

- 1 The plans which form part of the premises licence indicate the proposed position for the display and storage of alcohol.
The alcohol may be displayed or stored, from time to time, in different positions within the premises.
- 2
 - a) A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
 - b) The system will incorporate a camera covering each of the entrance doors and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
 - c) The system will incorporate a recorded facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the Police for inspection on request. If the premises are using a video recording system, the cassette tape shall be used on no more than 12 occasions.
 - d) The system will display on any recording the correct time and date of the recording.
 - e) A system will be in place to maintain the quality of the recorded image and a complete audit trail maintained.
 - f) Notices informing customers of the operation of the system shall be prominently displayed.
 - g) The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
- 3 The applicant will at all times maintain adequate levels of staff.
Such staff levels will be disclosed, on request, to the Licensing Authority and Police.
- 4 Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.
- 5
 - a) All cashiers will be trained to require evidence of age from any person seeking to buy alcohol and appearing to the cashier to be under the age of 18. This evidence shall be photographic, such as a passport or photographic driving licence until other effective identification technology (for example thumb print or pupil recognition) is introduced.
 - b) Prominent notices will be displayed at points of sale advising customers that they may be asked to provide evidence of age.

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

None

Appendix 3: Agreement to conditions with Thames Valley Police

From: Norman Charlotte <Charlotte.norman@thamesvalley.pnn.police.uk>
Sent: 27 September 2018 11:43
To: Licensing South <licensing@southoxon.gov.uk>
Subject: FW: Thame SF Connect

Please see below agreed additional conditions

From: Andrew Sanders [<mailto:asanders@wslaw.co.uk>]
Sent: 27 September 2018 11:28
To: Norman Charlotte
Cc: Robert Botkai
Subject: RE: Thame SF Connect

Hi Charlotte

I am authorised to amend the operating schedule to include the two conditions listed below.

Will you notify the Licensing Authority of the additional conditions or would you like me to do that?

Kind Regards

Andrew

Andrew Sanders
Licensing Assistant

Winckworth
Sherwood

T +44 (0) 207 593 0250
F +44 (0) 207 593 5069
asanders@wslaw.co.uk

[Our Privacy Notice](#)

www.wslaw.co.uk

From: Norman Charlotte [<mailto:Charlotte.norman@thamesvalley.pnn.police.uk>]
Sent: 27 September 2018 10:27
To: Andrew Sanders
Subject: Thame SF Connect

Good Morning Andrew,

I have received the application to vary the premises licence for Thame SF Connect to extend the hours for the sale of alcohol to 24 hours daily.

Having read the application and the conditions proposed to promote the four licensing objectives; I have a couple of additions I would like incorporated.

1. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member.

- Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other authorised officer on request.

2. All cashiers shall be trained to record refusals of sales of alcohol in a refusals log (whether in written or electronic form). The log will contain:

- details of the time and date the refusal was made;

- the identity of the staff member refusing the sale;

- details of the alcohol the person attempted to purchase.

This log will be available for inspection by a police officer or other authorised officer on request.

I am happy with the other conditions set out in the application.

Please let me know if your clients are happy with the conditions I have proposed.

Kind regards,
Charlotte

Appendix 4: Proposed Annex 2 Conditions

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium.
3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
7. The premises licence holder will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.
8. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
9. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
10. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
 - a) Induction training which must be completed and documented prior to the sale of alcohol by the staff member, and
 - b) Refresher/reinforcement training at intervals of no more than 6 months.Training records will be available for inspection by a police officer or other authorised officer on request.
11. All cashiers shall be trained to record refusals of sales of alcohol in a refusals log (whether in written or electronic form). The log will contain:
 - a) details of the time and date the refusal was made,
 - b) the identity of the staff member refusing the sale, and
 - c) details of the alcohol the person attempted to purchase.This log will be available for inspection by a police officer or other authorised officer on request.

Appendix 5: Representation from Thame Town Council

From: Andrea Oughton <Andrea.Oughton@thametowncouncil.gov.uk>
Sent: 27 September 2018 16:05
To: Licensing South <licensing@southoxon.gov.uk>
Cc: Graham Hunt <Graham.Hunt@thametowncouncil.gov.uk>; Graeme Markland <Graeme.Markland@thametowncouncil.gov.uk>
Subject: Variation to a Premises Licence Application - Thame SF Connect, 50 Park Street, Thame

Hi

Thank you for the opportunity to respond to the Variation to the Premises Licence Application for Thame SF Connect. The application was discussed at the Planning & Environment Committee meeting on Tuesday 25 September 2018, at which it was agreed to submit the following response:

- a) Object to the proposed increase in hours to allow 24 hour Alcohol Off Sales. The premises are located in the middle of a residential area, it is considered unnecessary and inappropriate to sell alcohol between midnight and 6am given the location; the extended licencing hours will result in unneighbourly disturbance and public nuisance.
- b) Clause 4 of existing Annex 2 related to the display of signage must be retained.

Regards
Andrea

Andrea Oughton
Committee Services Officer
Thame Town Council

www.thametowncouncil.gov.uk
Town Hall, High St, Thame, OX9 3DP
T: 01844 212833

Appendix 6: Representation from Mr Gardner

From: Paul Gardner
Sent: 14 October 2018 20:11
To: Licensing South <licensing@southoxon.gov.uk>
Subject: BP Oil UK Limited

Dear Sir / Madam,

I am writing to strongly object to the application for a 24 hour alcohol license at the Thame BP / M&S in Park Street, Thame, OX9 3HS.

The petrol station and store frequently attract gatherings in the evenings and overnight, particularly after pub closing time, who at times engage in noisy behaviour, causing disturbance to nearby residents. We live opposite the garage and frequently have our sleep disturbed, particularly over the summer.

To extend the license to 24 hours will only exacerbate the problem and will be very disruptive to the neighbourhood which is predominantly residential, with a large proportion of families (mainly houses, rather than flats, with John Hampden primary school within 100m).

Yours sincerely,

Paul Gardner
REDACTED

Appendix 7: Newspaper Notice

PUBLIC NOTICES

Licensing Act 2003
Application to vary a Premises Licence

Name of Applicant: BP Oil UK Limited
 Address: Thame SF Connect, 50 Park Street, Thame, OX9 3HS. Licensing Authority: South Oxfordshire District Council. Licensing Authority Address: Licensing Team, South Oxfordshire District Council, 135 Eastern Avenue, Milton Park, Abingdon, OX14 4SB (where a record of the application may be inspected during normal office hours). Licensing Authority Website: www.southoxon.gov.uk. The applicant has applied to the Licensing Authority to vary the premises licence for the above premises as follows: To extend the sale of alcohol to between the hours 0600 and 2400 daily for consumption off the premises. To vary the licence conditions. Any person or responsible authority (as defined by the Licensing Act 2003) may make representations to the Licensing Authority no later than 15 October 2018. Any representations made to the Licensing Authority must be in writing. It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is an unlimited fine.

Dated: 17 September 2018
Winkworth Sherwood LLP,
 Minerva House, 5 Montague Close,
 London, SE1 9BB.
 Ref: AG508620/RPB
 Solicitors and authorised agents for the applicant.

Published in Bucks Advertiser 21 September 2018