

# Licensing Acts Panel



Report of Head of Legal and Democratic  
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To: Licensing Acts Panel  
DATE: 23 May 2023

REPORT NO:

## Application for a premises licence for Nam Taco Bar, 8 Newbury Street, Wantage, OX12 8BS

### Recommendation

That the panel consider the application for a premises licence and the relevant representations and decide whether to a) grant the licence as applied for, b) grant the licence after modifying any conditions to such extent as the authority considers appropriate for the promotion of the licensing objectives, c) exclude from the scope of the licence any of the licensable activities to which the application relates, d) refuse to specify a person in the licence as the premises supervisor or e) reject the application.

### Purpose of Report

- 1 To present the facts and relevant representations received in respect of an application for a premises licence for Nam Taco Bar, 8 Newbury Street, Wantage, OX12 8BS, to the Licensing Acts Panel in order that it can determine the application under Section 18 of the Licensing Act 2003.

### Strategic Objectives

- 2 The relevant strategic objectives are 'Working in an open and inclusive way' and 'Building healthy communities'.

### 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 A Licensing Authority must carry out its functions under the Act with a view to promoting the four licensing objectives. The licensing objectives are:

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

In carrying out its functions, the Licensing Authority must also have regard to its statement of licensing policy and any guidance issued by the Secretary of State (section 182 guidance).

3.3 Licences will normally be granted by the licensing officer under delegated powers but in the event of relevant representations being received regarding the grant of a premises licence, and where these representations cannot be resolved through any mediation process, the application is referred to the Licensing Acts Panel to be determined.

3.4 On 28 March 2023 an application for the grant of a new premises licence was submitted by Veve Food Ltd for Nam Taco Bar, 8 Newbury Street, Wantage, OX12 8BS. A copy of the form is attached at **Appendix A**. The application is for the supply of alcohol (on and off sales), as follows:

Licensable Activity	Proposed Days and Times
Supply of Alcohol	Monday to Sunday 08:00 - 22:30
Hours premises are open to the public	Monday to Sunday 08:00 - 23:00

3.5 No representations have been received from any of the responsible authorities in respect of this application.

3.6 One representation has been received from other persons as follows:

- Concerns of vehicles parking on double yellows and causing noise disturbances with engines left running and music being played loudly as well as causing access issues for emergency vehicles.
- Increase in litter, including cigarette butts.
- Empty glasses being left outside the premises
- Customers leaving at 23:00 posing a risk of causing noise disturbances to residential neighbours.

This representation can be found at **Appendix B**.

3.7 The applicant has provided a response to the representation which can be found at **Appendix D**.

- 3.8 It should be noted that the applicant is able to make use of the Live Music Act 2012 and the Legislative Reform (Entertainment Licensing) Order 2014 exemptions. This means that no licence is required to play live and recorded music in a premises licensed for the sale of alcohol between the hours of 08:00-23:00 where attendance is limited to 500 persons. Any conditions which relate to live music and recorded music will also not have effect between these hours unless these are added by a panel as a result of a review of the premises licence at a later stage.
- 3.9 A map showing the location of the premises is attached at **Appendix E**. This map indicates the approximate residential location of any other persons who have made representations as indicated in the above paragraph(s).

## **Policy and guidance**

- 4.1 The relevant sections of the council's statement of licensing policy are as follows:

### **Operating schedule and conditions**

3.11 Conditions attached to various authorisations will be focused on matters which are within the control of licence holders, and will focus primarily on the direct impact of any activities taking place at those premises on those living, working, or otherwise engaged, in the area concerned.

3.13 Conditions shall be appropriate and proportionate to achieve the promotion of the licensing objectives, and shall be tailored to suit the circumstances and premises. Conditions will not be attached where adequate legislative control exists.

### **Prevention of public nuisance**

6.1 Public nuisance is a broad concept, which concerns how the activity of one person (or business) affects the amenity of other persons living and working in the area of the licensed premises, for example, how noise from playing music interferes with another person's right to sleep, or adverse impacts from light or odour.

6.2 The Act requires, and the Licensing Authority expects, applicants to demonstrate within their operating schedule how they intend to prevent public nuisance arising. This will be of particular importance where there are residential properties in the vicinity of the licensed premises.

6.3 When appropriate on application or review the Licensing Authority will consider the adequacy of proposed measures to remove or effectively manage the potential for public nuisance, anti-social behaviour and other crime which may impact on the promotion of the licensing objectives.

6.4 When an operating schedule does not sufficiently address the prevention of public nuisance the Licensing Authority will consider all reasonable conditions suggested by responsible authorities in any relevant representation to prevent public nuisance. In some locations it may be appropriate and proportionate to

limit opening hours, the times of licensable activities or the types of licensable activities taking place.

6.5 Where considerations apply to late night refreshment premises, they shall only be taken to apply to their operation between the hours when a premises licence would be required.

6.6 Applicants should carefully consider how they intend to promote the prevention of public nuisance objective in their operating schedule. This can include several considerations:

### **Odour**

6.7 The applicant should consider any odour that may be emitted from the premises. This can include the generation of odour from food preparation, waste, bottle storage and/or from smoking areas. Steps should be taken or proposed to be taken by the applicant to prevent odour from the premises causing nuisance. The applicant may need to get advice from specialist air handling engineers about controlling odour from kitchen air extraction systems.

6.8 When designating a smoking area outside it is important to consider who will be affected by the smoke, the possible number of persons using the area and ensuring a facility to safely dispose of lit cigarettes.

6.9 Applicants should also consider the use of such areas in cold or wet weather and how this will affect users of smoking areas. Applicants may also wish to consider taking steps towards supporting the proposed Oxfordshire Smokefree Policy.

### **Waste and cleansing**

6.10 Licensed premises of all types can potentially cause public nuisance from litter and waste. The Environmental Protection Act 1990 and the Clean Neighbourhoods and Environment Act 2005 impose responsibilities relating to proper waste collection and disposal, not least of which is the 'duty of care' to ensure any waste is properly contained and controlled while in the operator's possession, and that it is collected by a licensed waste carrier. The Act does not duplicate these laws, but licence holders will need to apply good waste management practice in order to prevent public nuisance.

### **Noise**

6.11 Noise can come either directly or indirectly from licensed premises. Direct noise, such as that from entertainment activity, will be under the premises' direct control. Indirect noise, such as that from vehicles and customers coming to and from the premises may not be under direct control, but the premises can strongly influence it. Both types of noise will be of more significance in areas with residential accommodation and will usually, but not exclusively, be of greater importance between 11pm and 7am. However it must be noted that noise and disturbance can also cause public nuisance outside these times. The operating schedule should identify the control measures that will be taken to minimise the impact of both types of noise on neighbouring residents and businesses.

## Use of outside areas

6.12 It must be noted that there is no legal requirement for licensed premises to provide an outdoor smoking area. However, premises are encouraged to do so to minimise congestion on pavements.

6.13 Noise and disturbance from people outside can cause public nuisance even when those people are not behaving badly. The operating schedule should identify the control measures that will be taken to minimise the impact of use of outside areas. This may include noise and disturbance from customers on the premises and customers in outdoor areas such as terraces, beer gardens and smoking areas. It will also include noise, disturbance and obstruction from customers in the vicinity of the premises including customers congregating outside premises to smoke or drink, customers arriving, leaving or queuing outside premises.

4.2 The relevant sections of the Secretary of State's guidance issued under section 182 of the Licensing Act 2003 are as follows:

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.5 However, the legislation also supports a number of other key aims and purposes... They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the

installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the 10 | Revised Guidance issued under section 182 of the Licensing Act 2003 early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas.

10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

1.16 Licensing conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. They should be proportionate, justifiable and be capable of being met.

- 4.3 East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant) 2016. The significance of the case is that it reaffirms the principle that Responsible Authorities need not wait for the licensing objectives to actually be undermined before objecting to a licence being granted. This case would be most relevant when opposing a grant application.

R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others (2011) EWCA Civ 312 also states how licensing authorities should approach licensing decision making:

"They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact."

Sourced from: <https://www.gov.uk/government/publications/alcohol-licensing-using-case-law/alcohol-licensing-using-case-law>

## Options

- 5.1 In determining the application the authority must give weight to:
- representations received from responsible authorities
  - relevant 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 appropriate to promote the licensing objectives
- 5.2 In view of the above, the panel is requested to consider the application for a premises licence and decide whether to:
- (a) grant the licence as applied for
  - (b) grant the licence after modifying any conditions to such extent as the authority considers appropriate for the promotion of the licensing objectives
  - (c) exclude from the scope of the licence any of the licensable activities to which the application relates
  - (d) refuse to specify a person in the licence as the premises supervisor, and/or
  - (e) reject the application.

## **Financial Implications**

- 6      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**

- 7.1    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.
- 7.2    The hearing of all applications is subject to the principles of natural justice.
- 7.3    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'.
- 7.4    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**

- 8      This report provides information submitted by the applicant and other persons. The panel should determine this application with a view to promoting the four licensing objectives. It must, having had regard to all the relevant representations and the evidence it hears, determine the application using the options outlined in section 5 of this report.

## **Background Papers**

- Appendix A - Application  
Appendix B - Representation from Mr Waring  
Appendix C - Proposed conditions from operating schedule  
Appendix D - Applicant response to representation  
Appendix E - Map showing location of the premises



## Appendix A - Application

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

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We **VEVE FOOD LTD**

*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

#### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description <b>NAM TACO BAR 8 NEWBURY STREET</b>			
Post town	<b>WANTAGE</b>	Postcode	<b>OX12 8BS</b>
Telephone number at premises (if any)		<b>07508 659797</b>	
Non-domestic rateable value of premises		<b>£11500</b>	

#### Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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



I am making the application pursuant to a

statutory function or



a function discharged by virtue of Her Majesty's prerogative



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

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes if you are		
Nationality					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service) the 9-digit 'share code' provided to the applicant by that service (please see note 2 for information).					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes if you are		
Nationality					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service) the 9-digit 'share code' provided to the applicant by that service (please see note 2 for information).					

## (B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name VEVE FOOD LIMITED
Address 102 STOCKHAM PARK , WANTAGE OX12 9HH
Registered number (where applicable) 14318159
Description of applicant (for example, partnership, company, unincorporated association etc.) PRIVATE LIMITED COMPANY SOLE DIRECTOR :- JAMES BRADSHAW
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

## Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY  
06 04 2023

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD MM YYYY  
[ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

Please give a general description of the premises (please read guidance note 1)

This is a well established café restaurant .Under new ownership , following a full refurbishment this will re-open as a 50 cover Plant based taco/Tapas bar .  
This application is to allow the sale of alcohol with meals

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

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 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	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 4)  <u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)  <u>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</u> (please read guidance note 6)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b>Please give further details</b> (please read guidance note 4)
Day	Start	Finish	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)  <u>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</u> (please read guidance note 6)
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			



## D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon			<b>Please give further details here</b> (please read guidance note 4)	
Tue				
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)	
Thur				
Fri			<b>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</b> (please read guidance note 6)	
Sat				
Sun				

## E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon			<b>Please give further details here</b> (please read guidance note 4)	
Tue				
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)	
Thur				
Fri			<b>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</b> (please read guidance note 6)	
Sat				
Sun				

F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
Sat					
Sun					

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
Sat					
Sun					

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 4)	
Wed				
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)	
Fri				
Sat			<b>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</b> (please read guidance note 6)	
Sun				

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors <input type="checkbox"/>
Day	Start	Finish		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)	
Tue				
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)	
Thur				
Fri			<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 6)	
Sat				
Sun				



J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises <input type="checkbox"/> Off the premises <input type="checkbox"/> Both <input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5) NEW YEARS EVE TO 01.00 THE NEXT DAY  <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 6)	
Mon	08.00	22.30		
Tue	08.00	22.30		
Wed	08.00	22.30		
Thur	08.00	22.30		
Fri	08.00	22.30		
Sat	08.00	22.30		
Sun	08.00	22.30		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name :- JAMES BRADSHAW	
Date of birth :-	[REDACTED]
Address :-	[REDACTED]
Postcode	[REDACTED]
Personal licence number (if known) TBC	
Issuing licensing authority (if known) VALE OF WHITE HORSE	

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 9).

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5) NEW YEARS EVE TO 01.00 THE NEXT DAY
Day	Start	Finish	<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 6)
Mon	08.00		
		23.00	
Tue	08.00		
		23.00	
Wed	08.00		
		23.00	
Thur	08.00		
		23.00	
Fri	08.00		
		23.00	
Sat	08.00		
		23.00	
Sun	08.00		
		23.00	

## M

Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

This is a low risk application . A small plant based taco/tapas bar offering meals max 50 covers

The range of products on offer will be Specialist & in-keeping with the theme

The nature of the offer will not appeal to the volume consumer

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

CCTV will be installed covering key trading areas & external pavement area, this will be digital , recoverable within 31 days . Key staff will be trained in its use.

**c) Public safety**

This is a very low risk site . with limited capacity (50)

A fire risk assessment will be conducted & available to visiting officials

**d) The prevention of public nuisance**

The limited hours reflect a very low risk .

There are similar businesses either side

Deliveries will only occur during requested hours

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

A challenge 25 policy will be adopted .

All staff , including delivery drivers , will be trained in its use.

No delivery will be left is age cannot be verified.

The training will be recorded and refreshed every 6 months.

3rd Party delivery companies will also be required to conduct age verification

**Checklist:****Please tick to indicate agreement**


- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☒

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

**Part 4 – Signatures (please read guidance note 11)**

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

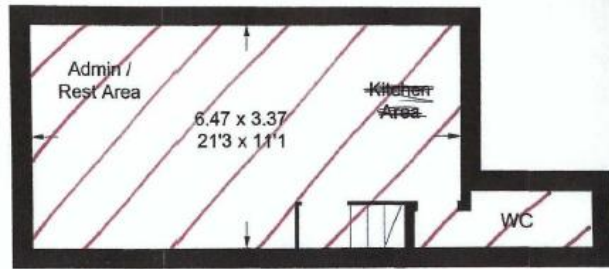
Declaration	<ul style="list-style-type: none"><li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li><li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li></ul>
Signature	
Date	24/03/2023
Capacity	



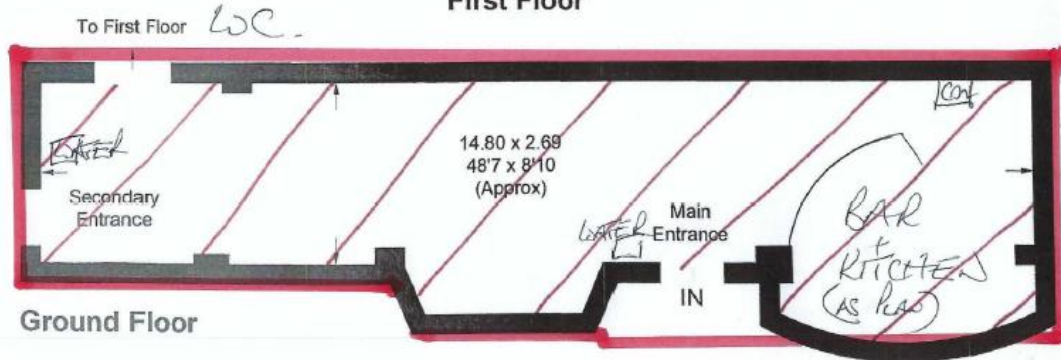
8 NEWBURY STREET

Approximate Gross Internal Area = 69.2 sq m / 745 sq ft

Indicative Property Plan  
NAN TAO BAR  
WASTAGE  
AREA TO  
LICENSE



First Floor



Ground Floor

Illustration for identification purposes only, measurements are approximate, not to scale. floorplansUsketch.com © (ID858300)

## Appendix B – Representation from Mr Waring

**From:** Mike Waring

**Sent:** 18 April 2023 09:13 AM

**To:** Licensing Vale <[Licensing.unit@whitehorsedc.gov.uk](mailto:Licensing.unit@whitehorsedc.gov.uk)>

**Subject:** 8, Newbury Street - Nam Taco Bar's Application for a Premises Licence (Section 17 Licensing Act 2003)

Dear Sir or Madam,

I would like to make an objection to the premises licence application for *8 Newbury Street, Wantage* against the licensing objective of prevention of public nuisance.

Whilst I accept that owning a property in the centre of town means that I have to be willing to tolerate some additional noise, the above premises has a door directly opposite our front door (see attached photograph: my doorway on the left, 8 Newbury Street on the right) and has previously been an art gallery, music shop and hairdressers, all of which we have had a good relationship with - and none has caused a disturbance in the evenings. I understand that the conversion of this Grade 2 Listed property has currently been halted by VWHDC's Planning Department, as the proprietor has failed to apply for permission for change of business use and I am not aware that that any application has yet been submitted.

I believe that if this application was granted it would lead to people standing around outside our property while waiting for take-aways perhaps late into the evening; an increase in the already large amount of delivery drivers parking on double yellow lines in Newbury Street and Church Street, some of whom already leave their car engines running and play loud music, and the associated problems experienced by the emergency services in terms of blocked access; litter and empty glasses being left on our window sills (we already have this from the pubs and take-aways further down the street); people smoking and leaving cigarette butts outside our property, perhaps sitting on our doorstep (again, something we already experience on occasion); not to mention the extra cooking smells created. Although the sale of alcohol would end at 10:30pm, those eating-in could, potentially, not leave until 11pm creating further noise and disturbance.

I have taken the liberty of copying in our local councillors and clerk to Wantage Town Council, who may not be aware of this application.

Yours faithfully,

Mike Waring  
Newbury Street  
Wantage  
Oxon

## **Appendix C - Proposed conditions from operating schedule**

1. A digital CCTV system shall be installed and maintained in accordance with current Home Office Guidelines relating to UK Police Requirements for Digital CCTV Systems. The system shall ensure all licensed areas of the premises (except toilet facilities) are monitored, including all entry and exit points and external areas, and should ensure frontal identification of every person entering and in any light condition. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept and available for a minimum of 31 days with accurate time and date stamping. Any breakdown or system failure shall be notified to Thames Valley Police immediately and remedied as soon as practicable. A member of staff trained in data retrieval and viewing from the CCTV system shall be available at all times when the premises is open to the public. Recordings shall be made available to an authorised officer of Thames Valley Police or an authorised officer of the council together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available within 48 hours. Any request from Thames Valley Police, Trading Standards or the council for a copy of the CCTV recording to be made for evidential purposes must be carried out within 48 hours.
2. Signs shall be placed in prominent positions on the premises notifying customers that CCTV is in operation.
3. Any incident at the premises which impacts any of the four licensing objectives shall be recorded in a register kept at the premises and shall contain the following information:
  - a) time and date
  - b) exact location
  - c) nature of incident
  - d) name of staff members or door supervisors involved
  - e) name of any offender (where known)
  - f) action taken as a result of the incident
  - g) name of member of staff recording the incident

This record must be retained at the premises for a period of not less than six months and be available on request by any authorised officer of the council or Thames Valley Police. The record should be signed off by the DPS or a nominated representative at least once a week.

4. All staff employed (whether paid or unpaid) in the sale of alcohol shall be trained in respect of the law relating to the sale of alcohol, proxy purchases, identification checking, the company's proof of age policy and the procedure on handling and recording refusals. Refresher training shall be carried out every six months. Such training sessions are to be documented and records shall be kept for a minimum of one year and be made available upon request to an authorised officer of the council, Trading Standards and Thames Valley Police.
5. The licence holder or their nominated representative shall devise, implement and maintain a Challenge 25 policy as part of their policy relating to alcohol sales. Clear signage relating to the policy shall be displayed at the premises. Only a valid driver's licence showing a photograph of the person, a valid passport, national

identity card or proof of age card showing the “PASS” hologram are to be accepted as identification.

6. A refusal register (written or electronic) shall be maintained at the premises to record sales of age restricted products that have been refused. The register is to be made available upon request by Thames Valley Police, Trading Standards Officers and Licensing Officers. The register should include details of the time, date, member of staff refusing the sale, reason for refusal (for example intoxication or underage) and a brief description of the person refused.
7. Deliveries of alcohol shall only be made to residential dwellings or a place of work with a recognisable postcode. The delivery shall only take place only if the person receiving the alcohol is inside the property, or inside a communal doorway, and able to prove to the person delivering the alcohol they are a resident or employee at the premises. Alcohol shall not be delivered to a person who is in a public place e.g. in a street, a park etc. and no sales shall take place directly from the delivery vehicle.
8. All payments for alcohol to be delivered shall be made by credit card only. Upon receipt of an order including alcohol to be delivered, the customer shall be clearly advised that the delivery shall only be made to the person named on the credit card and that if they appear to be under the age of 25 they shall be required to produce an approved form of identification, the name of which corresponds with the name on the credit card. Failure to provide the requested identification and or credit card shall result in non-delivery of the alcohol and a refund in respect of that part of the order which relates to the alcohol only.
9. For every delivery a customer shall sign a delivery note which shall contain:
  - a) Date & time
  - b) Name of person making order
  - c) Address of delivery
  - d) Details of ID provided if Challenge 25 policy applies
  - e) Items delivered
  - f) Member of staff making delivery

Delivery notes shall be kept and made available for inspection by Thames Valley Police or authorised officer of the council for 6 months from the date of delivery.



## Appendix D – Applicant response to representation

**From:** James Bradshaw

**Sent:** 21 April 2023 13:35

**To:** Peachey, Ashley <Ashley.Peachey@southandvale.gov.uk>

**Subject:** Re: Representation: Veve Food Ltd Nam Taco Bar Premises Licence Application

Hi Ashley,

Thank you very much for your email. Apologies for the late reply.

Regarding the objection. I would like to communicate this to the objector if that's okay.

Firstly, despite naming the restaurant a Taco Bar. It's not at all a drinking bar. We're aiming to do a tapas restaurant, though all the food is eaten as finger food. On top of that, the branding of NAM taco restaurant, doesn't sound as clean as NAM taco bar. In the same way tapas bar, is mostly used instead of tapas restaurant.

For alcohol, we'll be mostly wine as the alcohol of choice, and there's no draft beer. Our closing time is 10:30 and last orders is at 10pm. As it's primarily a restaurant so numbers are relatively thin by 9:30 even on the weekends.

Effectively we'll be running very similar to the two restaurants we're sandwiched in between. And I'm not doing take aways so there won't be any more people hanging around outside.

We don't have any extraction units being installed. We don't have any deep frying.

I've had 4 restaurants open in the past. All in residential areas. The businesses never received a single complaint to the police.

I keep my mobile number (and the managers) available to all neighbours and welcome them to call or text in the unlikely event that we make any disturbance. In all that time, I've had only one message from one of our upstairs neighbours around mid-afternoon, asking jokingly "if I could ask the idiot dancing and singing outside to shut up". Which I happily obliged.

I'm from Wantage, live in Wantage. I'm certainly not some smug businessman who cares about nothing but money. Upsetting anyone is not an option for me, and in my opinion, not a good business practice.

As a character reference, Andrea from the hairdressers is a close family friend and has known me all my life. I can ask her for a memo if that would help. Or if there's anything else I can do to ease your concerns. I would massively appreciate the opportunity to meet up with them before we go to a hearing.

Thanks for your concern,

James

BTW I've attached and send a copy of the menu to help demonstrate that we truly are food orientated. The final menu will 90% similar to this draft.

## TACOS

IN SOFT CORN TORTILLAS

### CRISPY PEKING MUSHROOMS

oyster mushrooms w/ hoisin sauce, fennel, cucumber & spring onion

### DEVILLED BEANS & PLAÑITAS

plantain flower w/ sweet & spicy chickpeas, red onion & coriander

### MEATBALLS & SMOKED PÂTÉ

veggie meatballs w/ smoked pâté, chilli jam, onion & carrot pickles

### MAHLA AUBERGINE

aubergine w/ a spicy & numbing kimchi sauce

### ARTICHOKE RENDANG CURRY

star anise, tamarind, kaffir, coconut w/ coriander & date chutney

£12 5pcs

## SALADS

WRAPPED IN LETTUCE LEAVES

### SMOKED PATE & FALAFEL

falafel w/ smoked pâté, pickled onion, parsley & chilli jam

### MINCED THAI LARB

veg mince, chia, shallots, lime, mint & coriander

### DAN-DAN SLAW

cabbage, carrot, mango, miso maple dressing & cashew nuts

### OKRA CEVICHE

lime pickled okra, red onion, tamarind date chutney & avocado

### NASU DENGAKU (MISO AUBERGINE)

miso & sake aubergine & chickpeas w/ pheta & pumpkin seeds

£8

⚠ ALLERGENS - WE USE SOYA, CASHEW NUTS & SESAME SEEDS IN OUR FOOD ⚠

## SOFT DRINKS

### DRY LIME SODA

fresh lime, mint & soda (<10 kcal) £2.50

### HOMEMADE COLA

kaffir leaf, spices, lemon & maple £2.50

### LEMON (GRASS) ADE

lemon, ginger, lemongrass & soda £2.50

### NAM ICED COFFEE

vietnam coffee, condensed oat milk £2.50

### ICE CHAI LATTE

tea, chai masala & oat milk £2.50

## BEER & CIDER

### LAGER

5.0% 500ml £5

### PALE ALE

5.1% 500ml £6

### CIDER

4.8% 500ml £5

### MANGO CIDER

5.1% 500ml £6

### PERRY

6.8% 500ml £6

## COCKTAILS

### NEW FASHIONED

rum, curry leaf, cardamom, orange peel, syrup £5

### CASA LIBRE

dark rum, homemade cola, lemon £7.50

### BASILICA (G&T)

gin, tonic w/ basil & lemon £7.50

### WRANGER

rum, homemade ginger, lemon & soda £7.50

### SHAMJINZU

prosecco, lemon, gin £7.50



# WINE

## WHITE

175ML / BTL

### PINOT GRIS ROCKBURN

[Otago, NZ] Smooth, medium sweet, complex £34

### FERNÃO PIRES + CHARDONNAY PEGÔES

[Portugal] Smooth, easy, oaky £6 / £18

### VIOGNIER SWARTLAND

[South Africa] Juicy, apricots, fruity £6 / £20

### GRENACHE BLANC FONJOYA

[Languadoc, France] Smooth, honeysuckle, fruitbomb £22

### SAUVIGNON BLANC ST. CLAIRE

[Marlborough, NZ] Crisp, fresh & aromatic £28

## ROSE

175ML / BTL

### PRIMITIVO SAN MARZANO

[Salento, Italy] Smooth, silky, easy £6 / £22

### CINSAULT + GRENACHE CHÂT. L'AUMÉRADE

[Provence, France] Dry; crisp, aromatic £24

## SPARKLING

125ML / BTL

### PROSECCO 'EXTRA DRY' CANAL GRANDO

[Prosecco, Italy] Crisp, fresh, citrusy £6 / £25

### PROSECCO 'SUPERIORE' EST. PRAPIAN

[Nervesa, Italy] Green, floral, delicate £29

## RED

175ML / BTL

### VRANEC + MERLOT TIKVES

[North Macedonia] Earthy, silky & dry £6 / £20

### CASTELÃO + MERLOT SANTO ISIDRO

[Portugal] Easy, quaffable, fruity £6 / £18

### SHIRAZ CHERUBINO

[Western Australia] Spicy, licouricy, peppery £30

### RIOJA RESERVA ONDARRE

[Rioja, Spain] Smooth, spicy, leathery £33

### TOURIGA NACIONAL PEGÔES

[Setúbal, Portugal] Smokey, earthy, silky £24



## Appendix E - Map showing location of the premises

