

## LICENSING SUB-COMMITTEE

A record of proceedings of the Licensing Sub-Committee held at Bodicote House, Bodicote, Banbury on 02 July 2008 at 2pm

Membership of the Sub-Committee (all Members present) – Councillors Heath (Chairman), Blackwell and Wyse.

Officers:	Nigel Bell (Solicitor)	- Advising the Sub-Committee
	Alexa Coates (Democratic and Scrutiny Officer)	-
	Chris Rothwell (Head of Urban and Rural Services)	- Representing the Local Authority
	Natasha Barnes (Licensing and Vehicles Parks Manager)	
	Claire Bold (Licensing Team Leader)	

### 1. LICENSING HEARING PROCEDURE

The Hearing was undertaken in accordance with the agreed Licensing Hearing Procedure.

### 2. APPEAL HEARING – GRANTING OF PREMISES LICENCE – 47B BROAD STREET, BANBURY (FORMERLY KNOWN AS THE RIGHT PLAICE), BANBURY

Present at the Hearing:	Julie Wileman	- Safer Communities and Community Development
	Mr Ahmed	- Applicant, 47D Broad Street, Banbury (formerly known as 47 <b>B</b> Broad Street)
	Mr Hanif	- Representative for the applicant
	Mrs D Fleming	- Interested parties making representations

The Head of Urban and Rural Services stated that an application had been received on 12 May 2008 from R Ahmed, the operator of 47D Broad Street (formerly known as 47 **B** Broad Street), Banbury, to vary the premises license issues under the Licensing Act 2003.

The report set out:

(1) the proposed application as follows:-

1. To Licence the premises for provision of Late Night Refreshment (**Indoors Only**)
  - From 11:00 to 00:30 (morning following) Monday to Wednesday (inclusive)
  - From 11:00 to 01:00 (morning following) Thursday (inclusive)

- From 11:00 to 03:00 (morning following) Friday to Saturday (inclusive)
  - From 11:00 to 02:00 (morning following) Sunday (inclusive)
2. To open the premises to the public
- From 11:00 to 00:30 (morning following) Monday to Wednesday (inclusive)
  - From 11:00 to 01:00 (morning following) Thursday (inclusive)
  - From 11:00 to 03:00 (morning following) Friday to Saturday (inclusive)
  - From 11:00 to 02:00 (morning following) Sunday (inclusive)

**(Note:** the provision of late night refreshments under the Licensing Act 2003 commence at 23.00 and terminate at 5.00. Although in this case the applicants had requested the provision to start at 11.00 there was no legal requirement for such permission to be sought until 23.00.)

- (2) the representations received from the Head of Safer Communities and Community Development;
- (3) representations received from Mrs V C Mayo,
- (4) relevant section of the Guidance issued under Section 182 of the Licensing Act 2003 and the Local Authority Policy issued under the Licensing Act 2003;
- (5) the options available to the Sub-Committee.

Presentations were made by Mr Hanif, on behalf of the applicant, Julie Wileman (Night Safe Manager) on behalf of Safer Communities and Community Development and Mrs Fleming on behalf of the interested parties. When the Committee was satisfied that all parties had opportunity to say all they wanted to say the Committee retired to consider the application in accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005. On the return of the Sub-Committee the decision was announced and it was

## **RESOLVED**

Not to grant the applications as submitted.

**REASONS** – the Sub-Committee having regard to the licensing objectives considered that the application would cause unacceptable noise nuisance. By its nature the take-away involves comings and goings and the traffic generated would create noise which would cause an unacceptable nuisance for neighbouring properties. The Sub-Committee felt this view was supported by evidence given by the residents and Safer Communities and Community Development.

The Sub-Committee were satisfied that litter would have been dealt with by the owners, that signage issues were a matter for planning and that taxis were a highways issue. The Sub-Committee's decision to reject the application was based on the issue of noise nuisance alone.