

ST JAMES LEISURE CLUBS LIMITED

LICENSING ACT 2003

47 BROAD STREET, BANBURY, OXON OX16 5BT

**PREMISES LICENCE APPLICATION
HEARING: 30TH JULY 2008**

STATEMENT OF JACK ANDREAS MICHAEL

1. I, Jack Andreas Michael, of Westonmead Farm, Aston Clinton Road, Weston Turville, Aylesbury in the county of Buckinghamshire, make this statement in support of St. James Leisure Clubs Limited's application to Cherwell District Council for a premises licence under the Licensing Act 2003 as detailed in the application, together with enclosures referred to therein, dated 3rd June 2008. The statement I make is, to the best of my knowledge and belief, save where otherwise stated.
2. I am the managing director of St. James Leisure Clubs Limited (hereinafter referred to as "the company") and the principal behind the company and have, since inception, been directly involved on an executive level in establishing and promoting in all respects, the nightclub operations of the company. I am therefore qualified in making the statement which I now set hereunder.
3. The company established its first nightclub, situated and known as St James, 39A Buckingham Street, Aylesbury, Bucks in March 2004. St James, Aylesbury, was developed to a very high specification and standard to satisfy the entertainment needs of the more mature citizens of Aylesbury, surrounding towns and villages and further afield and unlike most of St James' competitors such as the Slug and Lettuce, Chicago Rock Cafe, Linten Tree and other similar pubs, St James has specifically been designed and developed as an upmarket nightclub. From the outset, policies and operating procedures have been adopted which continue to be the case over and above those implemented by St James' competitors which have secured all four licensing objectives. St

James, Aylesbury is regarded as the safest licensed premises in Aylesbury where one, without disturbance and interference can enjoy the facilities and entertainment it provides in a safe and secure environment. From inception, the number of incidents within St James have been far and few between and I am led to believe that Banbury's appropriate authorities have made enquiries from their counterparts in Aylesbury whom I am sure have confirmed that St James is trouble free.

4. St James, Banbury has specifically been developed to form two upmarket nightclubs of high specification and quality. The company has expended in excess of £600,000 in developing the premises to form the two nightclubs and has done so to provide its customers an entertainment venue which is within the immediate vicinity, parallel to none. One of the primary reasons for developing the premises into upmarket nightclubs is the belief that the success of a nightclub lies not in the sale of alcohol, but more so on the quality of the venue, security and the entertainment it provides. The company's policy is entertainment led, not sale of alcohol and the business plan adopted in promoting the nightclubs will be so centred.
5. As previously noted the company has expended a significant amount of money in developing the two nightclubs and has done so as it regards its investment in Banbury as long term. Particular attention at considerable cost has been given to resolving one of the main concerns of the nearby residents, namely soundproofing the whole building to eliminate noise pollution emanating from the building to the outside. Needless to say having regard to the company's level of investment, the management's best endeavours will be directed in protecting its licence without which it would not be able to operate.
6. The management will, throughout, manage and operate the nightclubs and exercise such controls as necessary to ensure insofar as possible that not only the interests of the general public, nearby residents, customers, but also those of the company are best served.
7. I will now address the objections raised by the nearby residents.

a) **Prevention of Crime and Disorder**. I have, in my company's application for the premises licence, provided full details of the conditions to be attached to the premises licence in promoting this licensing objective. Prior to submitting the formal application I sent my proposed conditions to Environmental Community, giving Licensing the opportunity to add to the conditions if they considered it appropriate. I also send a copy of the conditions to the Police and again, invited the Police to add to the conditions if they felt it appropriate. I can confirm that I did not receive a response from either Licensing or the Police and therefore assumed that my proposed conditions to be attached to the Premises Licence are, by Licensing and the Police, considered sufficient in promoting the Licensing Objectives. I believe that the proposed conditions to be attached to the Premises Licence are more than adequate to promote prevention of crime and disorder.

Cllr. Ann Bonner makes a statement suggesting that the more serious criminal offences are committed as a result of nightclub activities. It would appear to me that this is the Cllr.'s own view and not based on any reputable statistical information. I am further of the view that it is unreasonable for Cllr. Ann Bonner to make the statement that she makes and further believe that if she carried out her due diligence on the matter she will find that nightclub activities are not the catalyst for some of the most serious criminal offences. It is interesting to note that Cllr. Ann Bonner states that Banbury sees serious criminal offences infrequently and goes on to say that the opening of St James nightclub in Banbury will inevitably see an increase in some of the more serious offences, to include the sale and use of classified drugs, criminal damage to property as well as some of the less serious crimes. Cllr. Ann Bonner is not an expert in the matter to which she refers and the statement she makes is purely her opinion and is without foundation. The police, who are qualified to comment in the matters to which Cllr. Ann Bonner has raised, have no objections to the company's application, who clearly state that any concerns about the promotion of the four Licensing Objectives have been addressed by the contents of the application. There are numerous licensed

premises in Banbury, to include nightclubs and by Cllr. Ann Bonner's own admission; Banbury infrequently sees some of the more serious crimes.

St James, Nightclub, Banbury is likely to be the most strict and controlled nightclub in Banbury, setting standards to the highest level and reiterating some of the more important controls which will be enforced in promoting the prevention of crime and disorder:

- i) One of the most sophisticated CCTV systems has been installed on the premises which monitor all areas within the club.
- ii) Licensed door supervisors will be engaged to monitor and control all areas of the club, to include immediately outside the premises in numbers over and above that which would ordinarily be expected.
- iii) All customers will be searched for drugs, weapons etc., before being allowed to enter the premises.
- iv) No customers will be admitted to the premises if they appear to be drunk, or will be allowed to consume more alcohol if by doing so they are likely to be a nuisance, cause harm to themselves or others. Customers who appear to have had too much to drink will be identified and will, without exception, be asked to leave and if necessary escorted to a taxi.

The opening of St James nightclub in Banbury will not result in an increase in the more serious criminal offences nor the sale and use of classified drugs. Customers' security and safety is foremost in St James' management's mind, this being an attribute which will elevate St James from its competitors. This is a policy that we have adopted in running St James, Aylesbury, which has proven successful, making St James, Aylesbury the most desirable venue to visit, one of the keys to our success.

b) **Prevention of Public Nuisance**. With the utmost respect Cllr. Ann Bonner has made a statement without first carrying out her own due diligence. The whole building has been sound insulated; therefore no noise will be transmitted from within the club through the external walls and roof. One of the most sophisticated sound systems has been installed in each club which centres the sound around the dance floor. The sound, given the system installed, will be based on quality, not loudness and customers will be able to hold conversations with each other in the nightclub without having to shout at each other. The entrances to each club within the building are fire doors which are soundproof. The clubs are situated on first floor level and there is some distance between the main entrance of the building from street level to the entrance door of the clubs. There is therefore no issue that the noise will blare onto the street every time the front door is opened.

The premises is within the town centre and as such is predominantly commercial from which, as is the case with all town centres around the country, the night time economy begins to flourish. There is no denying that there will be some noise from customers entering and leaving the premises, cars arriving and leaving, as would be the case for people not using the night club's facilities, passing by and cars driving through. This is expected within a town centre. The nearby residents, who have lodged the objection, are across the road and the buildings which house the apartments appear to be of modern constructions, presumably double glazed for sound insulation. It is further reasonable to assume that the residents would have given their due consideration before moving into town centre apartments, accepting that there would be some disturbance which is unavoidable in a town centre location.

c) **Public Safety and prevention of children from harm**. With the utmost respect, the matters to which Cllr. Ann Bonner refers are totally irrelevant to the Licensing Objective Public Safety and Prevention of Children from

Harm, however, I will extend the courtesy of responding to the various issues raised:

The proposed conditions to be attached to the Premises Licence have been clearly set out in my company's application; such conditions I believe are more than adequate in promoting this licensing objective, which I believe have been affirmed by both the Police and Environmental Community Licensing. The premises are within the town centre of Banbury which is, in the main, commercial. 47 Broad Street has been used as a nightclub for some considerable years and believe was so used before the residential development to which Cllr. Ann Bonner refers. Cllr. Ann Bonner's view viz-a vis the success or failure of the club and what people want, is irrelevant to the issue at hand and does not constitute an objection to the application in respect of Public Safety and Prevention of Children from Harm. The premises are being developed into two specifically designed upmarket nightclubs of extremely high quality and will provide quality entertainment which at present does not exist in Banbury. The clubs will be highly desirable for those citizens of Banbury and its visitors who choose to use the entertainment facilities which the clubs will provide. Endeavours will also be directed in attracting people from surrounding towns and villages and further afield. St James Nightclub will add to the attraction of Banbury and will assist in promoting the local night time economy instead of losing it to another town or city, not to mention providing employment for in excess of 30 people. It is my belief that St James will prove to be an entertainment venue which Banbury will be proud of.

Cllr. Ann Bonner makes a statement suggesting that Banbury people do not want St James Nightclub in Banbury. I respectfully suggest that the Councillor is mistaken. Whilst I accept that some of the elderly citizens may not relish the thought of another nightclub in Banbury, as clearly they would be unlikely to use the venue or the entertainment which it provides, having carried out my own due diligence, the majority of people in

Banbury welcome an upmarket nightclub where they can satisfy their entertainment needs in a secure and safe environment.

Conclusion

I have, from the time of deciding to make an investment in Banbury, invited all the appropriate authorities so that I may convey to them my plans for the premises and the redevelopment to form the two upmarket nightclubs. I have addressed in detail all relevant matters with the Police, Environmental Community, Licensing and various other authorities and have done so in order to consider their views and implement such controls as they felt necessary. I further gave an open invitation to all the nearby residents, or one representing them, to come and see me so that I may address with them any concerns that they may have, to which I have had no response whatsoever. I welcome the opportunity to have a continued dialogue with the nearby residents so that I can address any ongoing concerns which they may have.

A premises licence was granted to Cassiopeia in circumstances where the building was sub standard. My company has completely gutted the premises and redeveloped it to modern building standards, sound insulating the building at considerable expense. The conditions attached to the premises licence which I have volunteered are more than adequate in promoting the four licensing objectives which have been affirmed by Licensing and the Police. The management of St James will manage the clubs in a very strict manner setting high standards in all aspects of operation. I beg the committee to favourably consider granting the Premises Licence in accordance with the application dated 3rd June 2008.

J.A. MICHAEL

21st July 2008