

Committee: **Licensing Sub Committee**

Date: **Friday 20 August 2010**

Time: **11.00 am**

Venue **Bodicote House, Bodicote, Banbury, OX15 4AA**

Membership

Councillor Michael Gibbard

**Councillor Timothy
Hallchurch MBE**

Councillor G A Reynolds

AGENDA

1. Constitution of the Sub Committee

The Membership of the Sub-Committee for this meeting will be Councillors Gibbard, Hallchurch and Reynolds.

Please contact Natasha Clark (01295 221589) to tender apologies.

Note: Declaration of Interests: Any Member with a prejudicial interest will not be able to participate in the hearing, and should therefore notify the Head of Legal and Democratic Services in advance so that arrangements may be made for an alternate Member to attend.

2. Premise Licence Determination Hearing (Pages 1 - 26)

Report of Head of Safer Communities, Urban and Rural Services

Summary

To provide an outline of an application to for the grant of a Premises Licence in relation to The Indian Pantry, 65 Calthorpe Street, Banbury and detail the

representations received from Interested Parties living in the vicinity of the premise that has resulted in the need for a hearing to determine the application.

Recommendations

There is no recommendation. In considering the representations received and what is appropriate for the promotion of the licensing objectives, the options open to the Sub-Committee are, in broad terms:

- (1) Approve the application for the grant of a premises licence as submitted.
- (2) Reject the application for the grant of premises licence in whole or part.
- (3) Place conditions on the grant of premises licence and/or require changes to the details of the permissions sought.

Information about this Agenda

The agenda, reports and associated documents for the above hearing together with the Licensing Hearing Procedure are available at Bodicote House, Bodicote, Banbury, Oxfordshire OX15 4AA or on the Council's web site www.cherwell-dc.gov.uk;

Members are asked to sign the Attendance Register.

The Council and its Committees and Sub-Committees are required to consider the implications of the Crime and Disorder Act 1998 and the Human Rights Act 1998 when exercising their functions.

Queries Regarding this Agenda

Please contact Natasha Clark, Legal and Democratic Services natasha.clark@cherwell-dc.gov.uk (01295) 221589

Mary Harpley
Chief Executive

Published on Thursday 12 August 2010

Licensing Sub Committee

Premise Licence Determination Hearing

20 August 2010

Report of Head of Safer Communities, Urban & Rural Services

PURPOSE OF REPORT

To provide an outline of an application to for the grant of a Premises Licence in relation to The Indian Pantry, 65 Calthorpe Street, Banbury and detail the representations received from Interested Parties living in the vicinity of the premise that has resulted in the need for a hearing to determine the application.

This report is public

Recommendations

There is no recommendation. In considering the representations received and what is appropriate for the promotion of the licensing objectives, the options open to the Sub-Committee are, in broad terms:

- (1) approve the application for the grant of a premises licence as submitted
- (2) reject the application for the grant of premises licence in whole or part
- (3) place conditions on the grant of premises licence and/or require changes to the details of the permissions sought.

Executive Summary

Introduction

- 1.1 On 28 June 2010 the Licensing Authority received an application for the grant of a premises licence to permit Late Night Refreshment in relation to The Indian Pantry, Calthorpe Street, Banbury.
- 1.2 During the consultation period the Licensing Authority received letters of representation from a number of Interested Parties either living in the vicinity of the premises or with an interest as the owner of a premise in the vicinity.

Proposals

- 1.3 The applicant has proposed to provide Late Night Refreshment from the premises at the following times:
- Thursday: 11.00pm to 1.00am the following morning
 - Friday: 11.00pm to 2.00am the following morning
 - Saturday: 11.00pm to 2.00am the following morning
 - Sunday: 11.00pm to midnight
- 1.4 The provision is for indoors only

Background Information

- 2.1 Late Night Refreshment under the Licensing Act 2003 is the provision of hot food and drink between the hours of 11pm and 5 am, of hot food or hot drink to members of the public on or from any premises whether for consumption on or off the premises.
- 2.2 The Indian Pantry situated at 65 Calthorpe Street, Banbury currently provide hot food and hot drink outside of hours that require licensing.
- 2.3 As part of the application requirements, the applicant must submit a plan of the premise. A copy of the plan referred to is attached as Appendix 1.
- 2.4 To assist a plan showing the premises in relation to The Counting House is also provided as Appendix 2.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The Licensing Act 2003 states that all licensing matters must promote the four Licensing Objectives, they are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm
- 3.2 Representations received have stated concerns in relation to potential issues in respect of the prevention of public nuisance. Paragraph 3.3 details how the applicant intends to promote the four licensing objectives in general. Paragraph 3.4 details how the applicant intends to promote the prevention of public nuisance objective.

3.3

CD1	All staff shall be suitably trained for their job function in the operating standards for the premise. The training shall be ongoing and under constant review.
CD10	A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the person in a position of responsibility for the premise. The Premises Daily Register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident relating to the call and any actions taken to deal with the call. The Premises Daily Register will be readily available for inspection by an Authorised Person throughout the trading hours of the premises.

3.4

PN23	Staff shall be given adequate training to prevent them causing unnecessary noise when they leave the premises and prominent, clear notices displayed at all points where staff leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.
PN28	All queuing outside the premises shall be managed in such a way that prevents noisy or rowdy behaviour and therefore minimises disturbance or nuisance to neighbours.
PN31	The premises shall be effectively ventilated.
PN32	All vents and extraction systems shall be constructed and operated so as to prevent noxious smells from causing a nuisance to nearby properties.
PN34	Any air filters shall be periodically cleaned or replaced so as to maintain a satisfactory air supply.
PN35	All interior surfaces of extract ventilation ducting serving kitchens and serveries shall be thoroughly cleaned as frequently as necessary to prevent the accumulation of grease and fat and at least once per year.
PN36	All interior surfaces of extract ventilation ducting serving kitchens and serveries shall be thoroughly cleaned as frequently as necessary to prevent the accumulation of grease and fat and at least once per year.
PN37	Grease filters in extract ventilation hoods in kitchens and serveries shall be cleaned weekly or at other intervals as required.
PN38	An adequate number of waste receptacles for use by patrons shall be provided in positions agreed with the licensing authority. The receptacles shall be emptied and the collected refuse disposed of at a frequency to be agreed with the licensing authority.
PN39	The licensee shall comply with the Voluntary Code of Practice For The Fast Food Industry (DEFRA 2003) or any document which supersedes this.
PN40	After close of business a rubbish patrol should pick up any flyers or rubbish which has been left in the vicinity by customers including any bottles which may have been taken off the premises.
PN41	Refuse compounds must be well managed and adequate arrangements must be made for the proper collection and regular disposal of trade waste arising from the business

- 3.5 An objection was received from Mr Jonathan Tatum of Flat 9, The Counting House, Banbury. A copy of this objection is attached as Appendix 3.
- 3.6 An objection was received from Ms Charlotte Bird who owns Flat 12, The Counting House, Banbury. A copy of this objection is attached as Appendix 4.
- 3.7 An objection was received from Mr Duncan Young who owns of Flat 1, The Counting House, Banbury. A copy of this objection is attached as Appendix 5.
- 3.8 An objection was received from Laurence Freilich on behalf of Ground Rent Trading Limited and Moreland Estate Management Limited, Freeholders and Managing Agents of The Counting House, Banbury. A copy of this objection is attached as Appendix 6.
- 3.9 An objection was received from Ms Tracey Smith of Flat 13, The Counting House, Banbury. A copy of this objection is attached as Appendix 7.
- 3.10 An objection was received from Mr Keith Simpson who owns of Flats 4, 7 and 16, The Counting House, Banbury. A copy of this objection is attached as Appendix 8.
- 3.11 An objection was received from Brian and Mary Phipps of Flat 15, The Counting House, Banbury. A copy of this objection is attached as Appendix 9.
- 3.12 An objection was received from Mr David Yeomans of Flat 10, The Counting House, Banbury. A copy of this objection is attached as Appendix 10.
- 3.13 The relevant sections of the Guidance and Licensing Authority Policy issued under the Licensing Act 2003, which are applicable to the representations for this case are as follows:

Guidance:

Pages 82 – 83	Sections 10.11 – 10.18	Imposed Conditions, Proportionality, Duplication with other statutory provisions
Page 83	Sections 10.19 – 10.21	Hours of Trading
Pages 21 – 23	Sections 2.32 – 2.40	Public Nuisance
Pages 138 – 139	Annex D	Part 4. Conditions relating to the prevention of public nuisance

Cherwell District Council Statement of Licensing Policy:

Pages 15 – 17	Policies LH1 – LH7	Sections 5.1 – 5.6	Licensing Hours
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Pages 21 - 22	Policy LA4	Sections 7.3.1 – 7.3.4 & 7.3.6	General Prevention of Public Nuisance
Page 23	Policy LA5	Section 7.3.9	Addressing Local Concerns
Page 23	Policy LA6	Section 7.3.10	Management and Control
Page 28	Policy PP10	Sections 7.5.18 – 7.5.19	Late Night Refreshment

Members have been issued with copies of the Guidance, the Statement of Licensing Policy and the Council's pool of conditions and are asked to bring them with them to the meeting.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- Option One** Approve the application for the grant of a premises licence as submitted
- Option Two** Reject the application for the grant of premises licence in whole or part
- Option Three** Place conditions on the grant of premises licence and/or require changes to the details of the permissions sought.

Consultations

Full consultation in accordance with the requirements of the Licensing Act 2003 was carried out for a period of 28 days ending at midnight on 26 July 2010

Implications

- Financial:** There are no financial implications of this report
Comments checked by Denise Westlake,, CSR Service Accountant, 01295 221982
- Legal:** The decision must comply with relevant legislation and Council Policy.
All parties have a right of Appeal to the Magistrates Court against the decision.
Comments checked by Paul Manning Solicitor, 01295 221691

Risk Management: There is a risk that if policy and legislation has not been correctly followed, any resulting appeal could be successful.

Wards Affected

Banbury Grimsbury

Document Information

Appendix No	Title
Appendix 1	Plan of the layout of the premise
Appendix 2	Plan of the location of the premise
Appendix 3	Response received from Mr Jonathan Tatum
Appendix 4	Response received from Ms Charlotte Bird
Appendix 5	Response received from Mr Duncan Young
Appendix 6	Response received from Laurence Freilich on behalf of Ground Rent Trading Limited and Moreland Estate Management Limited
Appendix 7	Response received from Ms Tracey Smith
Appendix 8	Response received from Mr Keith Simpson
Appendix 9	Response received from Brian and Mary Phipps
Appendix 10	Response received from Mr David Yeomans
Background Papers	
Members have been issued with copies of the Guidance, the Statement of Licensing Policy and the Council's pool of conditions and are asked to bring them with them to the meeting.	
Report Author	Claire Bold, Licensing Team Leader
Contact Information	01295 753744 clairebold@Cherwell-dc.gov.uk

BRIEF SPECIFICATION

DESIGN, INSTALLATION, INSPECTION AND TESTING OF ELECTRICS
All electrical work is required to meet the requirements of Part P (Electrical Safety) and must be designed, installed, inspected and tested by a person competent to do so. Prior to completion, PIR should be installed that Part P has been complied with. An appropriate BS7671 electrical installation certificate will be issued by a person competent to do so.

PROVISION OF INFORMATION (ELECTRICS)
Reasonable provision shall be made for the design, installation, inspection and testing of the electrical installation in order to protect persons from fire or injury. This should be carried out by a person competent to do so. Sufficient information shall be provided so that persons visiting to operate, maintain or alter electrical installation can do so with reasonable safety.

GENERAL MATERIALS AND WORKMANSHIP
All dimensions to be set out and checked on site prior to commencement of works. Any discrepancies or incomplete dimensions should be reported to the client and instructions obtained before proceeding further with the works.

All materials are to be proved fit for incorporation in the walls by conformity with the relevant provisions of an appropriate British Standard and/or by conformity with the relevant standards set out in the Agreement Certificate issued by the BBA.

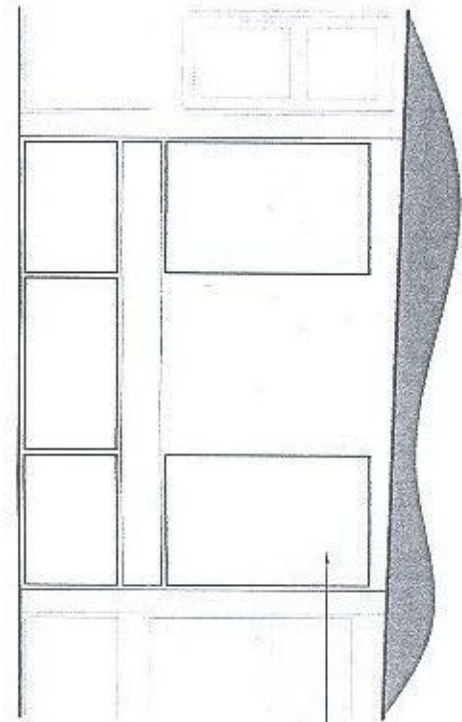
Workmanship shall be carried out in accordance with the recommendations of an appropriate British Standard Code of Practice and/or in accordance with the recommendations for use contained in an appropriate Agreement Certificate.

In addition the contractor should confirm with the Building Inspector that, where not specified by reference to a particular manufacturer, materials and workmanship are approved for the locality and that where necessary, approval of such materials/workmanship is obtained from the Building Inspector.

DRY/DIRT, RESISTANCE TO SOUND, SOUNDING AND AIR LEAKAGE: Robust Details for Buildings and Similar Construction. * must be obtained for continuity of insulation.

INDIAN PANTRY PREMISES

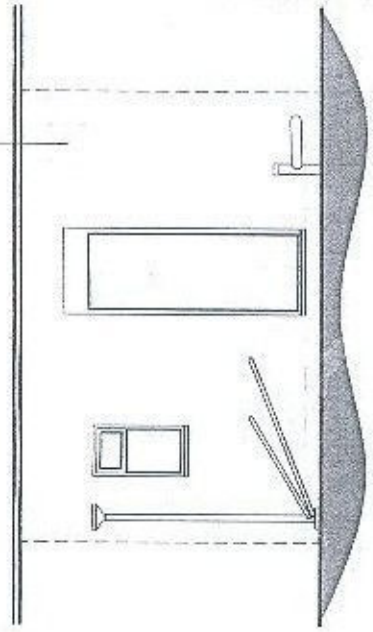
do not scale



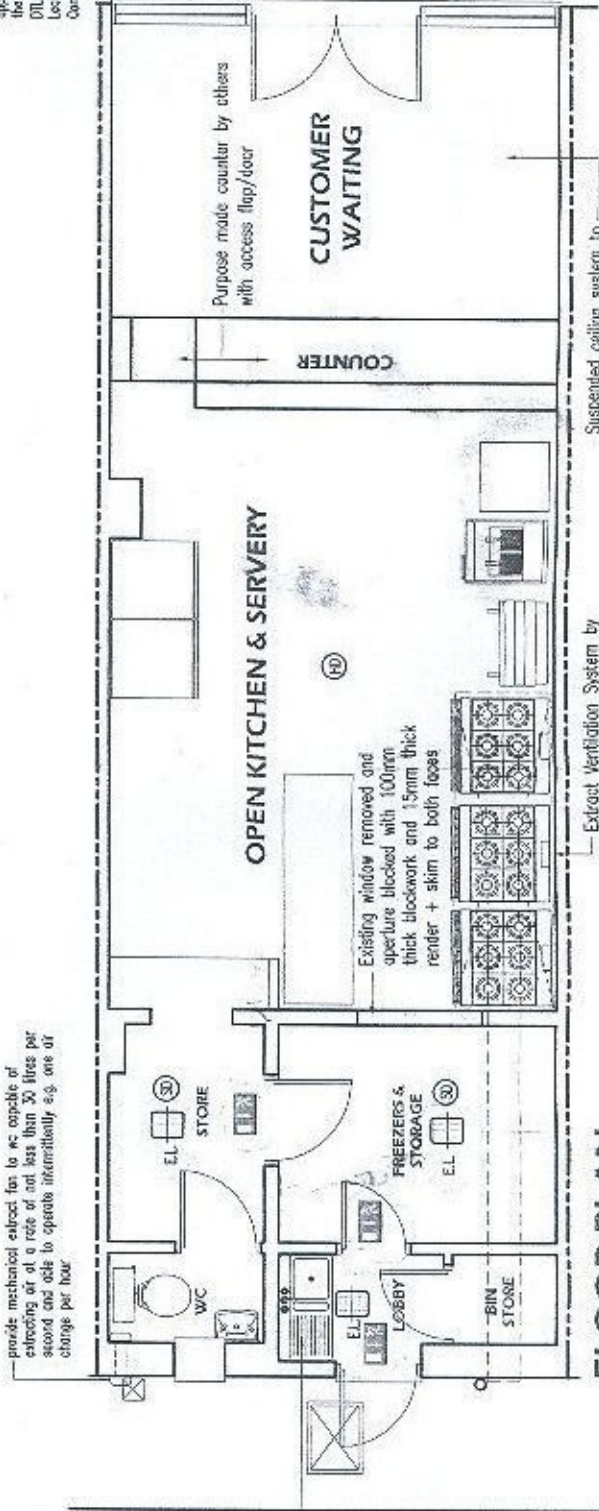
FRONT ELEVATION SCALE 1:50

New double glazed entrance (by others) screen to achieve minimum U-value of 1.8. All glazing in critical locations should achieve safe breakage to BS6208.

Louvered grille to extract fan (see separate details)



REAR ELEVATION SCALE 1:50



provide mechanical extract fan to be capable of extracting air at a rate of not less than 30 litres per second and able to operate intermittently e.g. one or change per hour

provide accepts BT200 or similar approved grease trap & interceptor to underside of sink installed strictly in accordance with manufacturer's recommendations

FLOOR PLAN SCALE 1:50

⊙ - DIRECT MANS FED INTERLINKED SMOKE DETECTOR TO BS 5839
⊙ - DIRECT MANS FED INTERLINKED HEAT DETECTOR

Extract Ventilation System by specialist manufacturer (see separate details)

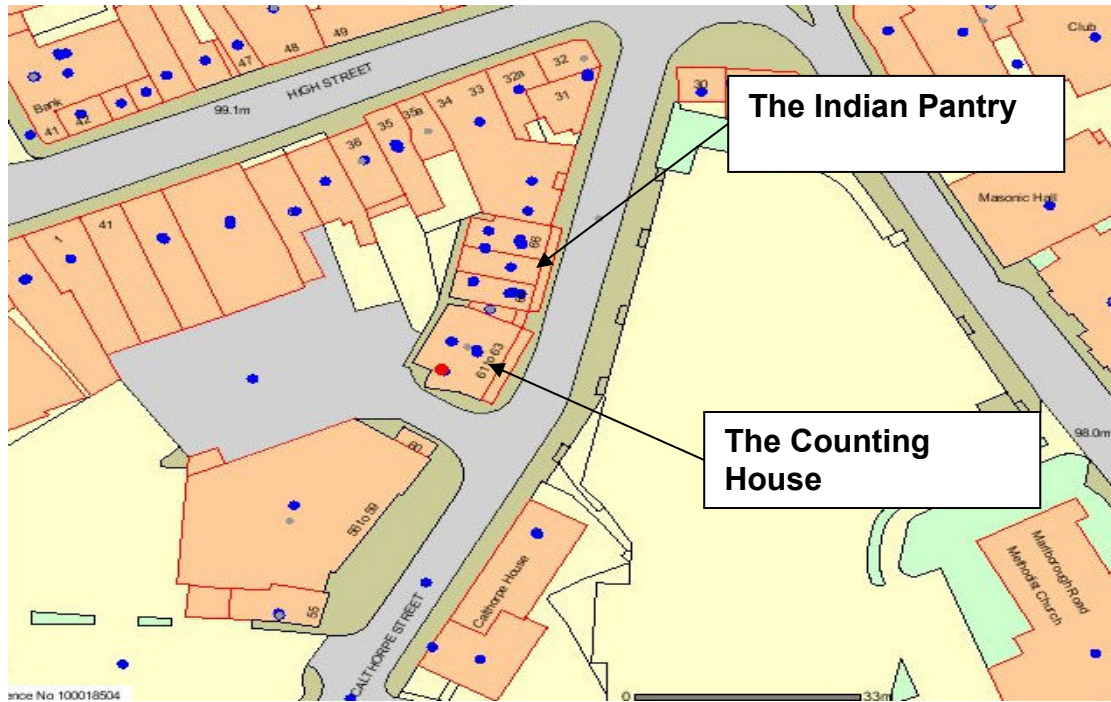
EL = EMERGENCY LIGHT ESCAPE ROUTE TO EACH DOOR

Suspended ceiling system to achieve 60 minute fire rating

Purpose made counter by others with access flap/door

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Locations of The Indian Pantry and The Counting House, Calthorpe Street, Banbury



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Alexandria Gilbert

From: Jonathan Tatum [mailto:jonathantatum.com]
Sent: 20 July 2010 19:52
To: Licensing
Subject: Notice of application under section 17 of the licencing act 2003
Follow Up Flag: Follow up
Flag Status: Red

f

Dear Licensing Department,

I own flat number 9 in The Counting House, Banbury OX16 5AA, I was shocked and dismayed when an application for a late night refreshment licence for the Indian Pantry was brought to my attention. Since I purchased the flat, the original bicycle store on the ground floor has been converted to a takeaway despite several tenants appealing the planning application. When I purchased my flats I was informed that the shops would never be allowed to be used as food outlets.

Not only has this been detrimental to the value of my property but it has also produced odours which are particularly noticeable when trying to enjoy the fresh air on my balcony. One of the conditions of the granted planning permission were restricted opening times, our main concern was the take away attracting noise and anti social behaviour late night outside our front door. In applying for the refreshment licence this will surely give the Indian Pantry the opportunity to serve late night drinker's food into the early hours of Thursday through to Sunday.

My objection is that the later licensing hours will inevitably attract drunken behaviour, noise from queues and loitering around the takeaway, increase in litter and potential damage to our property.

I am still frustrated that the objections to the planning consent for the original take away conversion seemed to be overlooked and I find this application to extend the opening hours a further kick in the teeth for the owners and residents.

If a fellow resident hadn't managed to spot the notice in the local newspaper 18 flats above the takeaway would have missed their opportunity to defend the quality and safety of their homes. I am disappointed that we have not received any communication from the Council to inform us of the application and thus we only have this week to respond which also coincided with many peoples holiday commitments.

Kind Regards,
Jonathan Tatum
Flat 9 The Counting House

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Alexandria Gilbert

From: Charlotte Bird [mjau69@dial.pipex.com]
Sent: 20 July 2010 18:47
To: Licensing
Subject: Application for Refreshment License at the Indian Pantry

R.

Good evening

Please accept this email as an objection to the Refreshment License for the Indian Pantry.

Above the Indian Pantry are 18 flats and apartments. The occupants currently have to endure the smell of curry as well as customers coming and going until 11pm. The apartment I own is directly above the entrance and since the couple who occupy it are about to have their first child, I can only wonder at the effect even longer trading hours will have on them!

The presence of an Indian takeaway has done nothing to enhance the living conditions of the people in the Counting House and furthermore has devalued the properties – an unhappy situation for the owners.

The sole purpose of the current application is to extend the trading hours of the Indian Pantry to

Thursday 1am
Friday 2am
Saturday 2am
Sunday midnight

This is wholly unreasonable and will change the clientele that currently use the takeaway. At the moment the customers are those that genuinely want a takeaway for supper. If the license is granted all of the drunk and rowdy late night revellers, who tip out of the Sound Exchange and pubs with extended hours in the small hours, will be those in search of a takeaway curry.

I draw your attention to comments made by a member of the local constabulary - *If the Indian extends its trading hours then i imagine there'll be an increase in noise, an increase in drunks hanging around (which inevitably leads to assaults/criminal damage/disorder.)*

Of course, i see the benefits for the business if they are open longer but as i've seen with Chen's Cottage and other establishments...is it really worth it if you have your windows smashed on a regular basis by drunks fighting/being rowdy?

Like it or not Banbury city centre has earned itself a bad reputation for the behaviour of the youth that visit the late night establishments at the weekend. I don't think it's fair to inflict that behaviour on the residents of the Counting House. At least one family reside in the block with my tenants about to add to that list. The people who invested in the flats thought they were buying a high quality product. This application, if granted, will knock that on the head once and for all.

Of course, if I was a cynical Old Hector, I might be tempted to think that once the Indian Pantry has extended its trading hours, the next step would be to apply for an alcohol license

The residents of the Counting House have the right to a reasonable quality of life. Please ensure that that is not diminished by rejecting this application.

Regards

Charlotte Bird

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Alexandria Gilbert

From: Duncan Young [duncan_young1@sky.com]
Sent: 20 July 2010 09:22
To: Licensing
Subject: Licensing application - Indian Pantry Calthorpe Street Banbury
Follow Up Flag: Follow up
Flag Status: Red

f

Dear Sirs

My wife and I own one of the flats in the Counting House development on Calthorpe Street. I was extremely perturbed to find that a licensing application was in process without any consultation or reference to the owners and occupiers of the flats. Alcohol is already too freely available in the town and this will not only create yet another nuisance/litter hotspot in Banbury but will also devalue my property in the future.

Your duty is to protect the environment and living conditions of all council tax payers in Banbury. I feel you are not working in the interests of the wider community and feel very strongly that any such application must be reviewed and discussed with those people most likely to be directly affected by your decisions.

Sincerely

Duncan Young
tel. 01295 279744
mob. 07773 511106

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Head of Urban and Rural Services
The Licensing Authority
Cherwell District Council
Bodicote House
Bodicote
Banbury, Oxfordshire
OX15 4AA
AND BY FAX: 01295 270 028

RECEIVED
22 JUL 2010

20 July 2010

Dear Sirs,

Re: Notice of Application under Section 17 of the Licensing Act 2003
Applicant Mr R A Sadiq
Address: Indian Pantry, 65 Calthorpe Street, Banbury, OX16 5EX

Further to the Public Notice in the Banbury Guardian, we write in relation to the said application by Mr Sadiq to extend the hours of the above establishment to allow the sale of late night refreshments at the above site.

As we are sure you are aware, the property is beneath a substantial residential block of flats and the freeholder, lessees and tenants within the block feel that by granting Mr Sadiq an extended licence will in turn the locality into a free for all.

With several pubs and a nightclub within the area, we oppose to Mr Sadiq being granted this late licence as such, as this will only cause anti-social behaviour and possible vandalism to the residential element of the property.

It has been brought to our attention that there have been claims that the applicant has already tried to trade beyond their current allowed hours and as you are aware, they should stop trading at 11pm weekends included – and they have been investigated by the appropriate department at Cherwell District Council.

As you are aware a premises licence also has to have a responsible person attached. We ask, do you really believe the applicant can be considered a responsible person if they already disregard the law?

We trust you will take our concerns into consideration

Yours sincerely,

Laurence Freilich
For and on behalf of
Ground Rent Trading Limited & Moreland Estate Management Ltd
Freeholders & Managing Agents of The Counting House, 61/66 Calthorpe St, Banbury

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Alexandria Gilbert

From: Tracey Smith [daisiesmith@gmail.com]
Sent: 24 July 2010 11:19
To: Licensing
Subject: licensing application for The Indian Pantry

2

Dear Licensing Department,

I strongly disagree with the licensing application for The Indian Pantry, Calthorpe Street, Banbury. I am the owner of a flat directly above in The Counting House and it would not be fair on my tenants or anybody else that lives close by.

When I bought these flats I was informed these shops would never be allowed to be used for food outlets.

Due to the current policy of a 'No drink Zone' why on earth would the council now want to allow yet another premises to sell alcohol. .

My reasons are listed below.

Unacceptable increase in noise levels.

Increase in drunks hanging around (which inevitably leads to assaults/criminal damage/disorder.)

If the Indian is only a takeaway, then I'd be interested to see how they'll be regulating the customers buying alcohol.

Any open containers cannot be taken into the Town Centre as the council has imposed a 'no drinking zone' – inevitably these will be disposed of in the doorways of our flats.

Windows smashed on a regular basis by drunks fighting/being rowdy?

Concerns for the safety of tenants who work late nights and will be returning home to possible confrontational behaviour.

I only heard about this application through the owner of another flat in the Counting House and am therefore appalled that we have not received a letter from the Council to inform us of the application and now find that we only have a week to respond.

Regards

Mrs Tracey Smith
13 Counting House

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Alexandria Gilbert

From: Daisy [daisy@gotadsl.co.uk]
Sent: 20 July 2010 09:27
To: Licensing
Subject: RE: Licensing application - Indian Pantry Calthorpe Street Banbury
Importance: High
Follow Up Flag: Follow up
Flag Status: Red

Good Morning Alexandria

Thank you for your reply, although I am disheartened that my contact could be dismissed so lightly.

Tell me, even if this is purely a licence to sell refreshments, and not alcohol, although I sincerely doubt this will be adhered to, can you imagine the impact it will have on the residents of the flats above? I am shocked to know there is now the possibility that the fast food establishment will be allowed to serve later, as follows:

Thursday 1am
Friday 2am
Saturday 2am
Sunday midnight

I strongly believe that allowing this application to be approved is wrong on so many levels, and the disruption and disturbance it will cause to those people living directly above will make their lives a complete misery.

Could you now please make my "representation relevant". I have the right to object being an owner of the property directly above! All of the points I made in my previous correspondence are still completely relevant even if you omit the fact that alcohol will not be sold or served.

Thanking you in advance for your cooperation in this matter which is extremely important to me.

Regards

Mr. Keith Simpson

From: Licensing [mailto:Licensing@Cherwell-DC.gov.uk]
Sent: 20 July 2010 09:05
To: Daisy
Subject: RE: Licensing application - Indian Pantry Calthorpe Street Banbury

Hello Keith,

I afraid that your representation is not relevant to the application due to the fact that the sale of alcohol is not a licensable activity requested for the Indian Pantry. The add states:

"Indian Pantry, 65 Calthorpe Street, Banbury, OX16 5EX propose to licence the premises for late night refreshment"

No alcohol sales will be taking place at the premises.

If you have any further queries regarding this matter, please do not hesitate to contact a member of the Licensing Team.

Kind regards,

Alexandria Gilbert
Licensing Officer
Licensing Team
Cherwell District Council

Tel - 01295 753743
Fax - 01295 221878

alexandria.gilbert@cherwell-dc.gov.uk

From: Daisy [mailto:daisy@gotadsl.co.uk]
Sent: 19 July 2010 21:07
To: Licensing
Cc: mail@jonathantatum.com; pontingsproperty@btconnect.com; kazjazz@hotmail.co.uk; benjamin.lereverend@gmail.com; fanny.bornes@googlemail.com; mail@alo-id.com; duncan_young1@sky.com; daisiesmith@googlemail.com; brianbhipps@aol.com; mail@davidyeomans.co.uk; emaryhipps@aol.co.uk; 'Charlotte Bird'
Subject: Licensing application - Indian Pantry Calthorpe Street Banbury

Dear Licensing Department,

I strongly disagree with the licensing application for The Indian Pantry, Calthorpe Street, Banbury. I am the owner of 3 flats directly above in The Counting House and it would not be fair on my tenants or anybody else that lives close by.

When I bought these flats I was informed these shops would never be allowed to be used for food outlets.

I work in Banbury and have worked with the council on behalf of my company to be included in the 'No drink Zone' so why on earth would the council now want to allow yet another premises to sell alcohol. My company has had well over 24 windows smashed over the years but this has improved since the 'no drink zone' was introduced.

My reasons are listed below.

- Unacceptable increase in noise levels.
- Increase in drunks hanging around (which inevitably leads to assaults/criminal damage/disorder.)
- If the Indian is only a takeaway, then I'd be interested to see how they'll be regulating the customers buying alcohol.
- Any open containers cannot be taken into the Town Centre as the council has imposed a 'no drinking zone' – inevitably these will be disposed of in the doorways of our flats.
- Windows smashed on a regular basis by drunks fighting/being rowdy?
- Concerns for the safety of tenants who work late nights and will be returning home to possible confrontational behaviour.

I would also like to thank one of my neighbours who brought this to our attention as there are 18 flats which are above the Indian Pantry. I am appalled that we have not received a letter from the Council to inform us of the application and now find that we only have a week to respond.

Regards

Keith Simpson

Flats 4, 7 & 16 The counting House Banbury

PTO

Alexandria Gilbert

From: emaryphipps@aol.co.uk
Sent: 22 July 2010 21:06
To: Licensing; Councillor Ann Bonner; Councillor Chris Smithson; Councillor Margaret Cullip
Subject: Objection to Notice of Application by Mr Sadiq for late night refreshment

6 Kingston Close
Middleton Cheney
Banbury
OX17 2LH

Dear Sirs and Madams

Notice of Application under Section 17 of the Licensing Act 2008 – Mr Sadiq, Indian Pantry, 65 Calthorpe Street, Banbury, OX16 5EX

We are the owners of flat 15 The Counting House, which is one of 18 residential properties situated above commercial premises in Calthorpe Street, one of them being the Indian Pantry.

We object most strongly to Mr Sadiq's application to license the Indian Pantry for late night refreshment and ask you to seriously consider NOT granting your permission. We understand that he wishes to extend his current opening hours to: Thursday 1am, Friday 2am, Saturday 2am, Sunday midnight. This proposal is totally unacceptable and inappropriate in relation to the well being of the residents of all the flats and other local residents.

We believe the extended hours will lead to an increase in anti-social behaviour, including noise, rowdiness and litter, due to some of the prospective customers using the Indian Pantry at these late times; also an unacceptably prolonged time of cooking smells and kitchen noise; also an increase in vehicle noise and further illegal parking on the double yellow lines along Calthorpe Street.

We are aware that the applicant has already tried to trade beyond their current allowed hours of 11pm, as well as felled a tree and erected a shed to the rear of the Counting House without the permission of the building's owner, so we question their ability to abide by rules of Cherwell District Council.

Last year we submitted our objection to Cherwell District Council to the application to change the use of the former cycle accessories shop to an Indian takeaway, this was due to concerns we once again have and also because we understood that there was a covenant in place which did not allow food outlets to operate in the block's commercial premises. Understandably, we are also worried that if this current application is successful then the next inevitable step will be for Mr Sadiq to apply for a license to sell alcohol.

Again, we ask you to seriously consider our objection and we look forward to hearing an outcome in the favour of the residential occupants.

Yours sincerely

Brian and Mary Phipps
15 The Counting House, Calthorpe Street, Banbury, OX16 5AA

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Alexandria Gilbert

From: David Yeomans [mailto:davidyeomans.co.uk]
Sent: 23 July 2010 10:58
To: Licensing
Subject: Re Indian Pantry - application for a licence to serve refreshments.

When planning consent was given for conversion of a ground floor shop into a takeaway - now called The Indian Pantry - a limit was placed on the hours during which they were allowed to open. The premises are on the ground floor of a residential block and it was clearly necessary to limit the opening hours to avoid a nuisance to the tenants living above. This application appears to be a ruse to circumvent the restrictions in the planning consent. The serving of refreshments beyond 11pm will most certainly be a source of noise and disturbance and as I live above this food outlet I strongly oppose the granting of a licence.

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