

Committee: **Licensing Sub Committee**

Date: **Tuesday 14 December 2010**

Time: **2.00 pm**

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

Membership

Councillor G A Reynolds

Councillor Lawrie Stratford

Councillor Rose Stratford

AGENDA

1. Constitution of the Sub Committee

The Membership of the Sub-Committee for this meeting will be Councillors G. A. Reynolds, Lawrie Stratford and Rose Stratford.

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 - 44)

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 Lounge 60-62 Broad Street, Banbury and detail the representations received from Responsible Authorities and Interested Parties 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.gov.uk;

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 Monday 6 December 2010

Licensing Sub Committee

Premise Licence Determination Hearing

14 December 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 Lounge 60-62 Broad Street, Banbury and detail the representations received from Responsible Authorities and Interested Parties 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 01 November 2010 the Licensing Authority received an application for the grant of a premises licence to permit Regulated Entertainment, Late Night Refreshment and the Supply of Alcohol in relation to The Lounge, 60-62 Broad Street, Banbury.
- 1.2 During the consultation period the Licensing Authority received letters of representation from a number of Interested Parties living in the vicinity of the premises.
- 1.3 In addition, representation was also received from Thames Valley Police.

Proposals

- 1.4 The applicant has proposed to provide Regulated Entertainment in the following formats:
- Films
 - Boxing or wrestling entertainments
 - Live music
 - Recorded music
 - Performances of dance
 - Provision of facilities for making music
 - Provision of facilities for dancing
- 1.5 The applicant has proposed to provide the entertainments listed above from Monday to Sunday between 11.00am and 03.30am the following morning
- 1.6 The proposal is for indoors only
- 1.7 In addition, the applicant proposes to provide Late Night Refreshment from Monday to Sunday from 11.00pm to 03.30am the following morning.
- 1.8 The applicant has proposed to supply alcohol from the premises at the following times:
- Monday to Sunday from 11.00am to 03.30am the following morning
- 1.9 The proposal is for consumption both on and off the premises
- 1.10 The applicant has proposed to open the premises from Monday to Sunday between 11.00am to 04.00am the following day
- 1.11 The applicant has requested that an additional hour be added to the permissions for regulated entertainment, late night refreshment, the supply of alcohol and the opening times when British summertime commences
- 1.12 The applicant has requested the premises will open and provide regulated entertainment in the forms stated above, late night refreshment and the supply of alcohol on New Years Eve from the end of permitted hours to the start of permitted hours on New Years Day

Background Information

- 2.1 The Lounge situated at 60-62 Broad Street, Banbury previously operated as the Chicago's. The premises licence in respect of Chicago's was surrendered on 26 April 2010. Therefore, there is currently no licence in place at the premises necessitating this application.
- 2.2 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.
-

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 crime and disorder and the prevention of public nuisance. Paragraph 3.3 details how the applicant intends to promote the four licensing objectives in relating to the promotion of the prevention of crime and disorder objective and the promotion of the prevention of public nuisance objective.

3.3

Objective	Applicants response
Prevention of crime and Disorder	<ol style="list-style-type: none"> 1. There is to be one member of doorstaff per 100 persons on the premises 2. The premises, when in use, shall be monitored on a CCTV system. The images shall be recorded and kept for one month from their recording date. One camera shall be so positioned to record details of all persons admitted to the premises. The Licensee shall, on request, where required to do so by the Licensing Authority, give up such recordings to the Licensing Authority which shall be able to retain the recording until such time as it no longer requires it; 3. Notices stating CCTV is in operation 24 hours a day will be displayed throughout the venue 4. The venue will actively participate in the local Pubwatch or equivalent scheme 5. No bottles or glasses containing alcohol are to be taken from the premise
Prevention of public nuisance	<ol style="list-style-type: none"> 1. Noise arising from any amplified or live music, vocalization, live or recorded event transmission, film or video display, gaming machine or any other source shall be inaudible at any residential site boundary; 2. If a DJ is used on any night then he/she will ask customers to leave quietly 3. The current level of lighting outside the premise will continue for the additional hours of trading; 4. Reasonable steps will be taken to recognise the need of local residents and businesses.

- 3.4 During the consultation period, representations were received from twelve interested parties. A plan showing the locations of all the objectors is attached at Appendix 2
- 3.5 An objection was received from Mr George A Beddow of 45 Amos Court, Britannia Road, Banbury. A copy of this objection is attached as Appendix 3.
- 3.6 An objection was received from Mrs K Phipps of 44 Amos Court, Britannia Road, Banbury. A copy of this objection is attached as Appendix 4
- 3.7 An objection was received from Alina Kawka of 18 Christchurch Court, Banbury. A copy of this objection is attached at Appendix 5.
- 3.8 An objection was received from Sarah Collins of 17 Barclay House, Christchurch Court, Banbury. A copy of this objection is attached at Appendix 6.
- 3.9 An objection was received from Laura Greenaway, the owner of Flat 14 Barclay House, Christchurch Court, Banbury. A copy of this objection is attached at Appendix 7.
- 3.10 An objection was received from Jacqueline Walker, the owner of Flat 13 Barclay House, Christchurch Court, Banbury. A copy of this objection is attached at Appendix 8.
- 3.11 An objection was received from Dr N M Bolas of Flat 9 Barclay House, 16 Broad Street, Banbury. A copy of this objection is attached at Appendix 9.
- 3.12 An objection was received from Tim Dalchau of 12 Barclay House, Christchurch Court, Banbury. A copy of this objection is attached at Appendix 10.
- 3.13 The objection from Mr Dalchau was accompanied by a letter from SJB Properties which inferred Cherwell District Council were requesting local residents object to the application submitted by The Lounge. The Licensing Team at Cherwell District Council advised all interested parties that this was not through its Notice of Hearing issued on 1 December 2010. A copy of the letter sent by SJB Properties is attached at Appendix 9 and a copy of the letter sent to Interested Parties by the Licensing Team is attached at Appendix 14.
- 3.14 On 1 December, Mr Bingham of SJB Properties contacted the Licensing Team to advise that there had been a miscommunication in relation to the circulation of requests for interested parties to object to this application and that Cherwell District Council's name should not have been mentioned. A copy of the email confirming this is attached at Appendix 15.
- 3.15 An objection was received from Oliver and Marilena Kearns, the owners of Flat 8 Barclay House, Christchurch Court, Banbury. A copy of this objection is attached at Appendix 11.
- 3.16 An objection was received from B M Lister of 14 Barclay House, Christchurch Court, Banbury. A copy of this objection is attached at Appendix 12.
- 3.17 An objection was received from Nikki Jones of 1, Christchurch Court, Banbury. A copy of this objection is attached at Appendix 13.

3.18 An objection was also received from Thames Valley Police. Thames Valley Police liaised with the applicant and negotiated changes to be made to the premises licence operating schedule. The negotiated changes consisted of the following items being added to the operating schedule:

3.19 A copy of the correspondence between Thames Valley Police and the applicant is attached at Appendix 16.

- A Challenge 21 Policy will be in place at the premise at all times. Anyone who looks under the age of 21 will be asked to show photographic ID to prove they are over 18;
- The premises shall participate in the local Pubwatch Scheme;
- Staff outside the premises whilst on duty will wear High Visibility Jackets at all times;
- If there is to be a substantial increase in the size of the dance floor, works will not commence with prior consultation with Thames Valley Police;
- The premise will ensure any doorstaff on duty are signed into the register on each day of duty. The register will be available for inspection by the authorities at any time the premise are trading;
- An incident book will be kept at the premise and all incidents at the premise will be recorded. The register will be available for inspection by the authorities at any time the premise are trading;
- A drugs policy will be produced and adhered to at all time.

3.20 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:

Pages 82 – 85	Sections 10.11 – 10.18	Imposed Conditions, Proportionality, Duplication with other statutory provisions
Page 85	Sections 10.19 – 10.21	Hours of Trading
Pages 18 – 21	Sections 2.1 – 2.18	Crime and Disorder
Pages 23 – 25	Sections 2.32 – 2.40	Public Nuisance
Pages 133 – 137	Annex D	Part 4. Conditions relating to the prevention of Crime and disorder
Pages 144 – 145	Annex D	Part 4. Conditions relating to the prevention of public nuisance

Cherwell District Council Statement of Licensing Policy:

Pages 15 – 17	Policies LH1 – LH8	Sections 5.1 – 5.7	Licensing Hours
Pages 21 - 23	Policies LA4 – LA6	Sections 7.3.1 – 7.3.10	General Prevention of Public Nuisance including Addressing Local Concerns and Management and Control
Page 28 - 30	Policy PP9 – PP12	Sections 7.5.16 – 7.5.22	Late Night Refreshment including Take away food outlets – alcohol sales and Supply of alcohol (“Off Sales”)
Page 35 – 40	Policy OS1 – OS16	Sections 8.1.1 – 8.8.2	Operating Schedules

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 29 November 2010

Implications

- Financial:** There are no financial implications of this report
Comments checked by Denise Taylor, 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.

Comments checked by Rosemary Watts, Risk Management & Insurance Officer, 01295 221566

Wards Affected

Banbury Grimsbury and Castle

Document Information

Appendix No	Title
Appendix 1	Premises plan
Appendix 2	Location of Interested Parties
Appendix 3	Response received from Mr George Beddow
Appendix 4	Response received from Mrs K Phipps
Appendix 5	Response received from Alina Kawka
Appendix 6	Response received from Sarah Collins
Appendix 7	Response received from Laura Greenaway
Appendix 8	Response received from Jacqueline Walker
Appendix 9	Response received from Dr N M Bolas
Appendix 10	Response received from Tim Dalchau
Appendix 11	Response received from Oliver and Marilena Kearns
Appendix 12	Response received from B M Lister
Appendix 13	Response received from Nikki Jones
Appendix 14	Copy of Notice Of Hearing sent to all Interested Parties
Appendix 15	Copy of Email from SJB Properties
Appendix 16	Copy of correspondence between Thames Valley Police and the applicant
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 753741 claire.bold@cherwell-dc.gov.uk

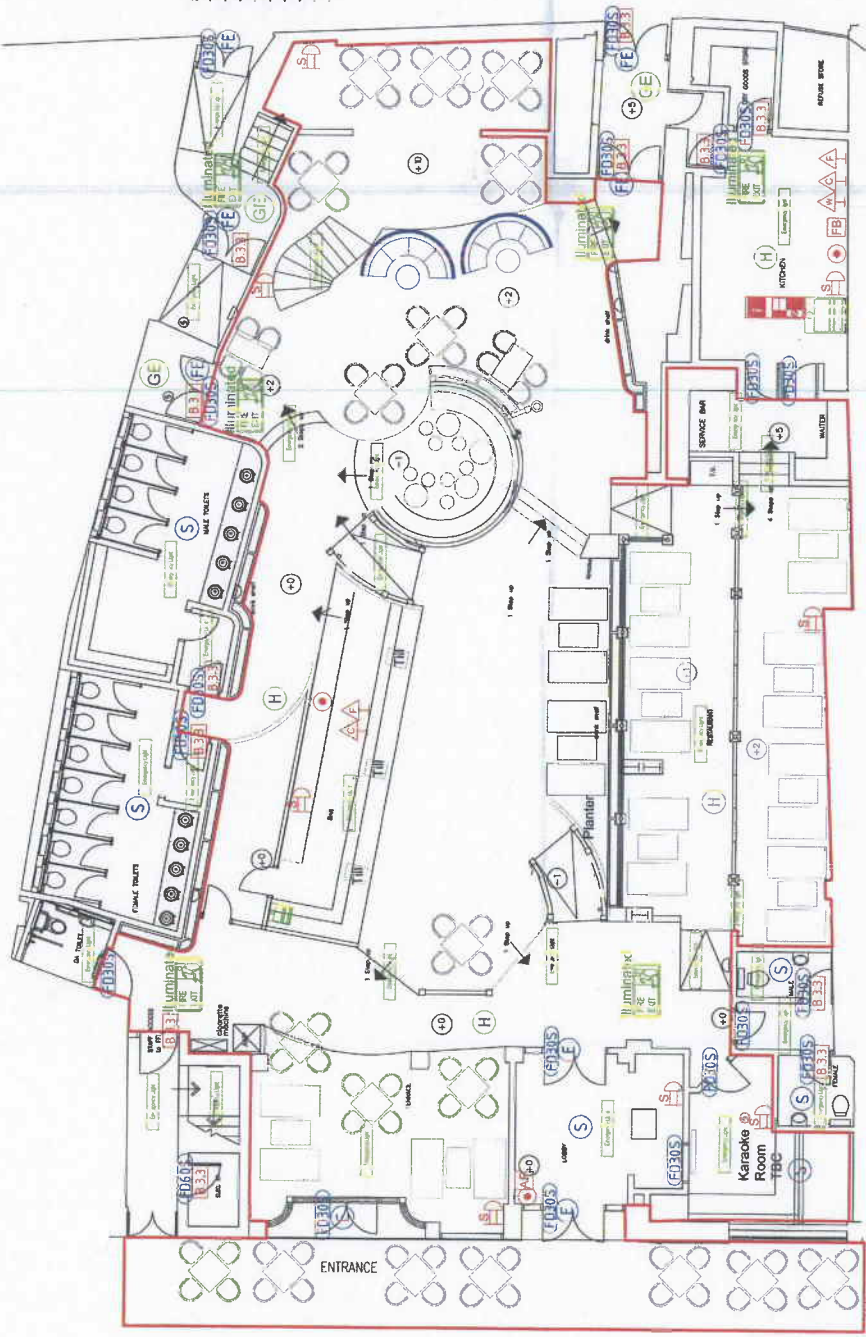
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GMP ASSOCIATES

CHICAGO ROCK CAFE
 1515 NORTH
 3RD FLOOR
 CHICAGO, IL 60610
 PROJECT NO. 781-05E
 DATE: 09.11.10

Schedule of works

- Add new ramps
- Move and extend bar and store
- Reseal raised floor
- Add fire alarm station
- Add Karaoke room
- Remove bar
- Improve access to stage
- Remove DJ
- Add fixed seating



NOTES:

All equipment to be subject to annual testing by a competent person.

Fire alarm stations are to be tested in accordance with the manufacturers instructions. Testing should be carried out at least once every 24 hours. Testing should be carried out at least once every 24 hours. Testing should be carried out at least once every 24 hours.

These drawings are to be read in conjunction with the fire alarm system drawings.

MAJOR EQUIPMENT:

- 1 FIRE ALARM STATION
- 2 FIRE EXTINGUISHER
- 3 FIRE DOOR
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KEY TO MANDATORY SIGN REFERENCES - TO BS 5498: Part 1 2002

1 FIRE EXTINGUISHER

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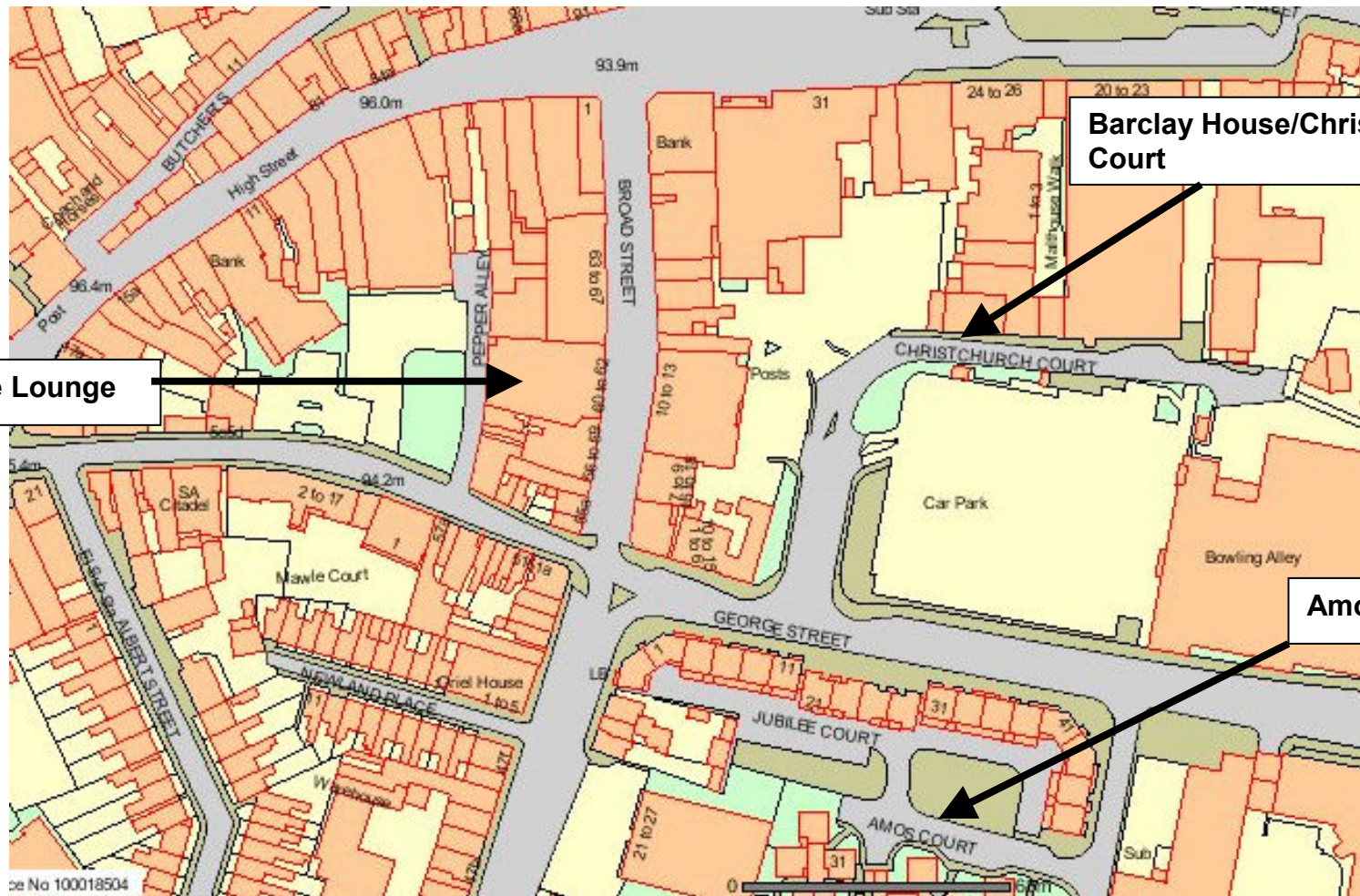
48 FIRE DOOR

49 FIRE DOOR

50 FIRE DOOR

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Location of The Lounge, 60-62 Broad Street, Banbury and Interested parties



The Lounge

Barclay House/Christchurch Court

Amos Court

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18th November 2010

Licensing Department,
Cherwell District Council,
Bodicote House,
Bodicote,
Banbury,
OX15 4AA

RECEIVED
22 NOV 2010

Dear Sir/Madam,

Application for the grant of a Premises Licence in respect of Premises to be known as The Lounge, 60-62 Broad Street, Banbury, OX16 8BL

We have seen the notice at the above premises, advertising that IFLD Limited has applied for a new premises licence at this site. We would like to formerly object to the licence, as a resident within the vicinity of the premises, on the following grounds, under the Licensing Act 2003:-

- The prevention of crime and disorder
- The prevention of public nuisance

We note that the proposed hours are to permit the sale of alcohol and regulated entertainment on Monday to Sunday from 1100 to 0330 the following morning. We believe that by granting a licence to this premises will increase the flow of people to this end of the high street and with that comes increased crime and disorder.

There will be increased noise, not only from the premise itself, but from people leaving the premise in an intoxicated manner and then loitering in and around the area. In the past, when this premises has been trading, we have experienced vandalism to the area and people urinating in our doorways or within the area where we live.

We believe that by granting a premises licence at this site, will cause us as residents increased problems and suffering and we look to you to make the right decision for the town.

Yours faithfully

AGE 72 YEARS.

Name GEORGE A. BEDDOW

Contact No.....

Address 45 AMOS COURT
BRITANNIA ROAD
BANBURY OX16 5DL.

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18th November 2010

RECEIVED

23 NOV 2010

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Cherwell District Council,
Bodicote House,
Bodicote,
Banbury,
OX15 4AA

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We believe that by granting a premises licence at this site, will cause us as residents increased problems and suffering and we look to you to make the right decision for the town.

Yours faithfully

K Phipps

Name.....MRS K PHIPPS.....

Contact No.....01295 268723.....

Address.....44 AMOS COURT.....

.....BANBURY.....

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18th November 2010

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Cherwell District Council,
Bodicote House,
Bodicote,
Banbury,
OX15 4AA

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We believe that by granting a premises licence at this site, will cause us as residents increased problems and suffering and we look to you to make the right decision for the town.

Yours faithfully

A. Kawka

Name ALINA KAWKA

Contact No. 07706161812

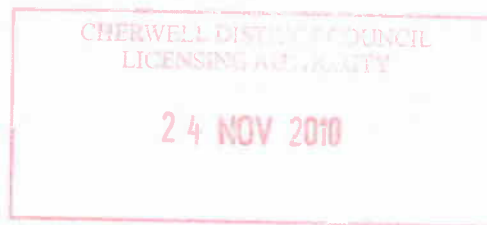
Address 18 Christchurch

Court, OX16 5DT

Banbury

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18th November 2010



Licensing Department,
Cherwell District Council,
Bodicote House,
Bodicote,
Banbury,
OX15 4AA

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- The prevention of crime and disorder
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We note that the proposed hours are to permit the sale of alcohol and regulated entertainment on Monday to Sunday from 1100 to 0330 the following morning. We believe that by granting a licence to this premises will increase the flow of people to this end of the high street and with that comes increased crime and disorder.

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We believe that by granting a premises licence at this site, will cause us as residents increased problems and suffering and we look to you to make the right decision for the town.

Yours faithfully

Name..... Sarah Collins

Contact No..... 01295 256113

Address..... 17 Barclay House

Churchchurch Court

Banbury, OX16 5DT

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LAURA GREENAWAY

Nuffield Cottage, 17 Bradford Court, Bloxham, Oxfordshire, OX15 4RA

Tel. 01295 722174

Licensing Department
Cherwell District Council
Bodicote House
Bodicote
OX15 4AA

26 NOV 2010

RECEIVED

24 November 2010

Dear Sirs

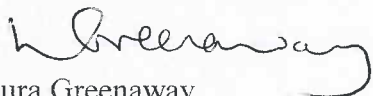
Application for the grant of a premises licence in respect of premises to be known as The Lounge, 60 – 62 Broad Street, Banbury, Oxon, OX16 8BL

I am aware that IFLD Limited has applied for a new premises licence at the above site. I wish to object to the licence in my capacity as owner of Flat 14, Barclay House, Banbury, OX16 8DT, on the following grounds under the Licensing Act 2003:

1. The prevention of crime and disorder
2. The prevention of public nuisance

I note that the proposed hours for the sale of alcohol and related entertainment are Monday to Sunday from 11.00 to 03.30. I believe that the grant of such a licence to these premises will increase the noise level in this part of the town, both from the premises itself and from people arriving and leaving the premises and loitering in the surrounding area. Problems of vandalism and littering have been experienced in the past and are distressing for those who live in Barclay House.

Yours faithfully



Laura Greenaway

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18th November 2010

Licensing Department,
Cherwell District Council,
Bodicote House,
Bodicote,
Banbury,
OX15 4AA

RECEIVED
26 NOV 2010

Dear Sir/Madam,

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We have seen the notice at the above premises, advertising that IFLD Limited has applied for a new premises licence at this site. We would like to formally object to the licence, as a resident within the vicinity of the premises, on the following grounds, under the Licensing Act 2003:-

- The prevention of crime and disorder
- The prevention of public nuisance

We note that the proposed hours are to permit the sale of alcohol and regulated entertainment on Monday to Sunday from 1100 to 0330 the following morning. We believe that by granting a licence to this premises will increase the flow of people to this end of the high street and with that comes increased crime and disorder.

There will be increased noise, not only from the premise itself, but from people leaving the premise in an intoxicated manner and then loitering in and around the area. In the past, when this premises has been trading, we have experienced vandalism to the area and people urinating in our doorways or within the area where we live.

We believe that by granting a premises licence at this site, will cause us as residents increased problems and suffering and we look to you to make the right decision for the town.

Yours faithfully

J. Walker
Name..... Jacqueline Walker
Contact No..... 01295 770306
Address..... Rock Haven
Avon Dassett
Southam
CV47 2AE

OWNER OF
FLAT 13
BARCLAY HOUSE

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18th November 2010

Licensing Department,
Cherwell District Council,
Bodicote House,
Bodicote,
Banbury,
OX15 4AA

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We believe that by granting a premises licence at this site, will cause us as residents increased problems and suffering and we look to you to make the right decision for the town.

Yours faithfully

Name..... Dr N.M. BOLAS
Contact No..... 07774 851803
Address..... FLAT 9, ZARCLAY HOUSE
..... 16 BROAD ST
..... BANBURY, OX10
..... OX16 8BN.

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SJB PROPERTIES

54 Broad Street Banbury Oxon OX16 5BL

Telephone 01295 251648 Facsimile 01295 259376

E-Mail post@sjbproperties.co.uk

Website sjbproperties.co.uk

LETTINGS | PROPERTY MANAGEMENT | ESTATE AGENTS

The Residents,
Barclay House
Christchurch Court
Banbury
Oxon

CHERWELL DISTRICT COBNCIL
LICENSING AUTHORITY

26 NOV 2010

24 November, 2010
Our Ref: SJB/elb

Dear Residents,

Re: Barclay House, Banbury, Oxon

We have been advised that what was Chicago's have applied to be lisenced and open again under the name of 'The Lounge'.

It appears that Cherwell District Council do not wish this to go ahead, and they have circulated a letter which we need as many people as possible to sign and return to Cherwell District Council.

Can you please submit a copy to Cherwell District Council. These need to be submitted by Monday 29th November 2010.

Yours sincerely,

SJB Properties

11

18th November 2010

Licensing Department,
Cherwell District Council,
Bodicote House,
Bodicote,
Banbury,
OX15 4AA



Dear Sir/Madam,

Application for the grant of a Premises Licence in respect of Premises to be known as The Lounge, 60-62 Broad Street, Banbury, OX16 8BL

We have seen the notice at the above premises, advertising that IFLD Limited has applied for a new premises licence at this site. We would like to formally object to the licence, as a resident within the vicinity of the premises, on the following grounds, under the Licensing Act 2003:-

- The prevention of crime and disorder
- The prevention of public nuisance

We note that the proposed hours are to permit the sale of alcohol and regulated entertainment on Monday to Sunday from 1100 to 0330 the following morning. We believe that by granting a licence to this premises will increase the flow of people to this end of the high street and with that comes increased crime and disorder.

There will be increased noise, not only from the premise itself, but from people leaving the premise in an intoxicated manner and then loitering in and around the area. In the past, when this premises has been trading, we have experienced vandalism to the area and people urinating in our doorways or within the area where we live.

We believe that by granting a premises licence at this site, will cause us as residents increased problems and suffering and we look to you to make the right decision for the town.

Yours faithfully

Name.....TIM DALCHAU.....

Contact No.....07894349259.....

Address.....12 CHRISTCHURCH (BARCLAY HOUSE).....

.....BANBURY.....

.....OX16 5DJ.....



Dear Resident,

We note that that an Application for the grant of a Premises Licence in respect of Premises to be known as 'The Lounge' (*formerly Chicago Rock Café*), 60-62 Broad Street, Banbury, OX16 8BL, has been submitted to Cherwell District Council.

We thought it may be of interest to you that they have applied for the following hours - Monday to Sunday from 11.00 to 03.30 the following morning.

Obviously it is your choice should you wish to object to the premise licence, but should you decide to, we have enclosed a letter of objection for you to sign and a stamped addressed envelope to the council, for you to use.

Please note that all objections must be received by the council no later than **29th November 2010**

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18th November 2010

Licensing Department,
Cherwell District Council,
Bodicote House,
Bodicote,
Banbury,
OX15 4AA

RECEIVED
29 NOV 2010

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Yours faithfully

Name... OLIVER & MARILENA KEARNS

Contact No... 07711122287

Address... LANDLORDS OF :

FLAT 8 BARCLAY ~~STREET~~ HOUSE

CHRISTCHURCH CRT

BANBURY

OXON

◦ Home Address
SUNRISE CORNER
HORNTON LANE
HORLEY
OX15 6BJ.

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18th November 2010

Licensing Department,
Cherwell District Council,
Bodicote House,
Bodicote,
Banbury,
OX15 4AA

RECEIVED

29 NOV 2010

Acic sent

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Yours faithfully

Name..... B. M LISTER

Contact No..... 0790 336 4488

Address..... 14, BARCLAY HOUSE,
CHRISTCHURCH COURT,
BANBURY

OX16 5DT

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18th November 2010

RECEIVED

29 NOV 2010

Accepted

Licensing Department,
Cherwell District Council,
Bodicote House,
Bodicote,
Banbury,
OX15 4AA

Dear Sir/Madam,

Application for the grant of a Premises Licence in respect of Premises to be known as The Lounge, 60-62 Broad Street, Banbury, OX16 8BL

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Yours faithfully

Name.....Nikki Jones.....

Contact No.....01295 662180.....

Address!.....CHRISTCHURCH COURT
.....BANBURY.....
.....OX16 5DT.....

Dear Resident,

We note that that an Application for the grant of a Premises Licence in respect of Premises to be known as 'The Lounge' (*formerly Chicago Rock Café*), 60-62 Broad Street, Banbury, OX16 8BL, has been submitted to Cherwell District Council.

We thought it may be of interest to you that they have applied for the following hours - Monday to Sunday from 11.00 to 03.30 the following morning.

Obviously it is your choice should you wish to object to the premise licence, but should you decide to, we have enclosed a letter of objection for you to sign and a stamped addressed envelope to the council, for you to use.

Please note that all objections must be received by the council no later than **29th November 2010**

Environment & Community

D Ian Davies BSc (Hons) DMS Strategic Director Environment & Community

Chris Rothwell BSc (Hons) FInst SRM Head of Safer Communities, Urban & Rural Services

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Bodicote House
Bodicote • Banbury
Oxfordshire • OX15 4AA
Telephone 01295 252535
Textphone 01295 221572
DX 24224 (Banbury)
<http://www.cherwell.gov.uk>

Please ask for **Licensing**
Direct Dial 01295 753744

Our ref **PRM0**
Fax 01295 221878 Email licensing@cherwell-dc.gov.uk

Your ref

1 December 2010

Dear Sir/Madam,

NOTICE OF HEARING – LICENSING ACT 2003

Premises: The Lounge, 60-62 Broad Street, Banbury, OX16 5BL

Date & Time: Tuesday 14 December 2010 at 2:00pm hours

Location: The Committee Rooms
Cherwell District Council
Bodicote House
Bodicote
Banbury OX15 4AA
Please report to main reception on arrival

As an interested party in respect of the above mentioned premises you are being sent this notice of hearing as you made representations regarding the application for a new premises licence.

The hearing will be conducted in public and all name and address details will be shown in the agenda which is a public document. The Licensing Authority may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.

Please be advised that one of the representations infers that Cherwell District Council have requested the interested parties to make representation in respect of this application. Cherwell District Council have no knowledge of this request and wish to ensure all parties are aware that in accordance with the Licensing Act 2003, the Licensing Team at Cherwell District Council have remained completely neutral in their stance and have not requested any of these representations.

Section 18, (6) (a) of the Licensing Act 2003 states:



For the purposes of this section, “relevant representations” means representations which—
(a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives

The Licensing Objectives as defined in Section 4 (2) of the Licensing Act 2003 are:

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

If you have made your representation believing that you were reinforcing the views of the Council and now wish to withdraw your representation, please contact a member of the Licensing Team on 01295 753744 prior to the 8 December 2010.

Procedure to be followed at hearing:

The Cherwell District Council Licensing Hearing procedures are attached to this letter.

It should be noted that a hearing does not have to take place if all representations are withdrawn but all parties must reach an agreement to this effect. If discussion/negotiation takes place and all parties agree on the required licence condition(s) the representations may be withdrawn and the application may then be reconsidered.

The applicant may contact you with a view to agreeing conditions or revising the operating schedule to address any issues you have.

Other Representations:

Representations were received from 9 interested parties in total. Thames Valley Police have also made representation to this application.

Right to dispense with hearing:

If all relevant persons agree that a hearing is not necessary, notice will be given to all parties concerned as soon as possible.

Rights of parties:

At the hearing you may be assisted or represented by any person, whether or not that person is legally qualified. You will be able to:

- (a) to give further information in support of your representation;
- (b) to question any other party; and
- (c) to address the Members of the Panel regarding your representation.

Consequences if party does not attend:

If you give notice that you do not wish to attend or be represented at a hearing, the Sub Committee may proceed in your absence. If you fail to attend or be represented at the hearing without giving notice the sub committee may:-

- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date; or
- (b) hold the hearing in your absence.

Notice by you: Please provide at least five working days notice before the date of the hearing:-

- (a) if you intend to attend the meeting;
- (b) if you consider a hearing unnecessary; or
- (c) if you request that another person represents you at the hearing.
(Please give name and address details including a contact telephone number or e-mail address.)

Finally, if you have any queries regarding this notice, please contact a member of the Licensing Team on 01295 753744.

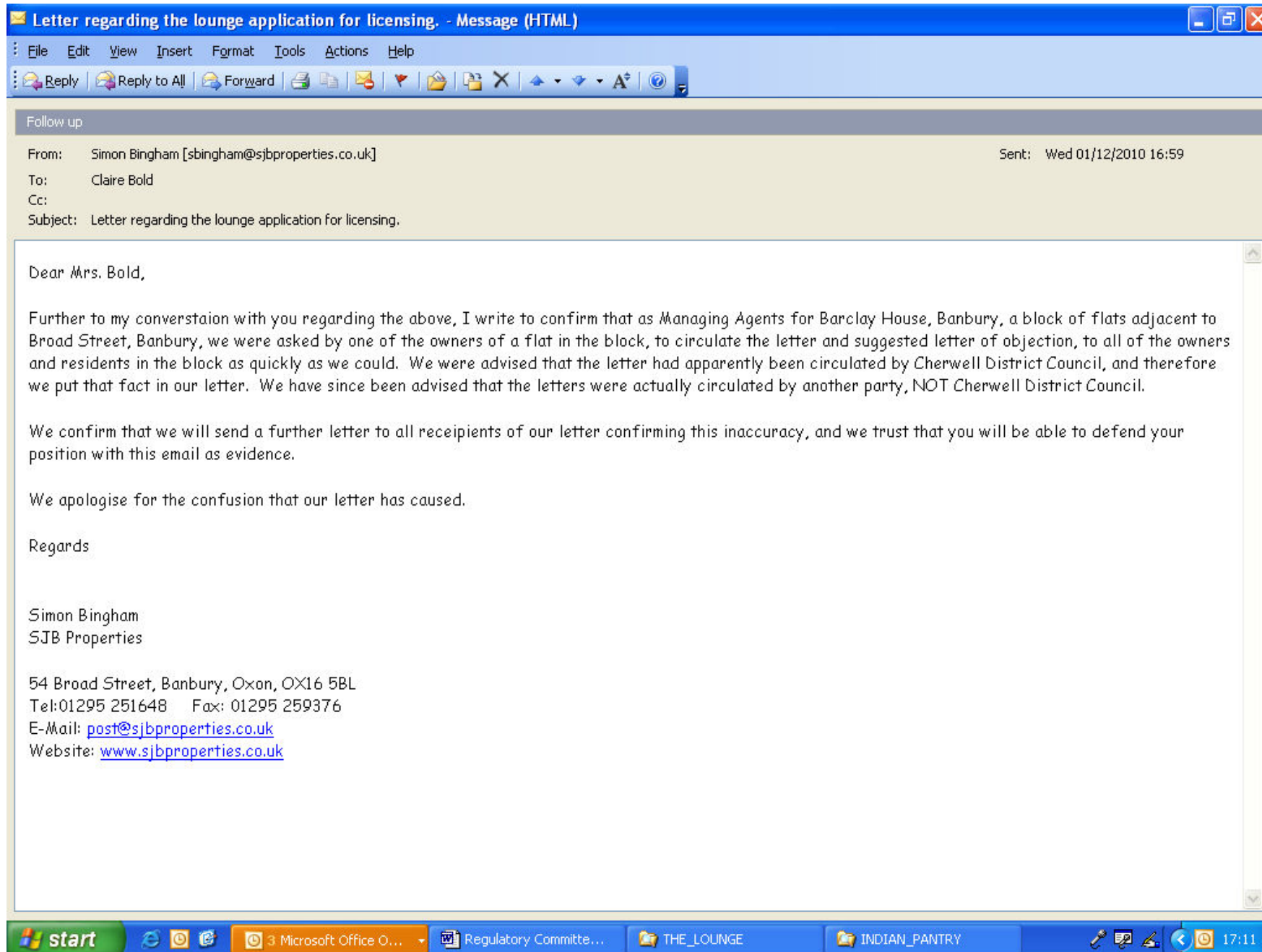
Yours faithfully

Claire Bold
Licensing Team Leader

Copies to

Applicant
Other Interested Parties
Thames Valley Police

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The screenshot shows a Microsoft Outlook window titled "Letter regarding the lounge application for licensing. - Message (HTML)". The window has a menu bar with "File", "Edit", "View", "Insert", "Format", "Tools", "Actions", and "Help". Below the menu is a toolbar with icons for "Reply", "Reply to All", "Forward", and other actions. The email content is displayed in a large white area with a scroll bar on the right. The email header shows it was sent on Wednesday, 01/12/2010 at 16:59, from Simon Bingham to Claire Bold. The body of the email contains a letter of clarification regarding a previous communication about a lounge application for licensing. The letter states that the authors were asked to circulate a letter and a suggested letter of objection to all owners and residents in a block of flats in Banbury. It clarifies that the letter was not circulated by Cherwell District Council but by another party. The authors confirm they will send a further letter to all recipients and trust the recipient can defend their position with this email as evidence. They apologize for the confusion caused and sign off with "Regards" and their contact information for SJB Properties.

Letter regarding the lounge application for licensing. - Message (HTML)

File Edit View Insert Format Tools Actions Help

Reply Reply to All Forward

Follow up

From: Simon Bingham [sbingham@sjbproperties.co.uk] Sent: Wed 01/12/2010 16:59
To: Claire Bold
Cc:
Subject: Letter regarding the lounge application for licensing.

Dear Mrs. Bold,

Further to my conversation with you regarding the above, I write to confirm that as Managing Agents for Barclay House, Banbury, a block of flats adjacent to Broad Street, Banbury, we were asked by one of the owners of a flat in the block, to circulate the letter and suggested letter of objection, to all of the owners and residents in the block as quickly as we could. We were advised that the letter had apparently been circulated by Cherwell District Council, and therefore we put that fact in our letter. We have since been advised that the letters were actually circulated by another party, NOT Cherwell District Council.

We confirm that we will send a further letter to all recipients of our letter confirming this inaccuracy, and we trust that you will be able to defend your position with this email as evidence.

We apologise for the confusion that our letter has caused.

Regards

Simon Bingham
SJB Properties

54 Broad Street, Banbury, Oxon, OX16 5BL
Tel: 01295 251648 Fax: 01295 259376
E-Mail: post@sjbproperties.co.uk
Website: www.sjbproperties.co.uk

start 3 Microsoft Office O... Regulatory Committe... THE_LOUNGE INDIAN_PANTRY 17:11

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Alexandria Gilbert

From: Morris Laura [Laura.Morris@thamesvalley.pnn.police.uk]
Sent: 16 November 2010 12:34
To: Angie Gardner
Cc: Licensing
Subject: RE: **The Lounge, Banbury** - New Premise Licence

Good Morning

I can confirm that if the below 7 conditions are attached to the licence Thames Valley Police would have no objections to the application.

Regards

Laura Morris

Licensing Officer
Thames Valley Police
St Aldates
Oxford
OX1 1SZ

Tel: 01865 266 109
Mob: 07989 497 913

Email: laura.morris@thamesvalley.pnn.police.uk

Take pride and make a difference for Oxfordshire by :-

Seeing things through the eyes of others

Doing what we say we are going to do

Treating everyone with dignity and respect.

-----Original Message-----

From: Angie Gardner [mailto:A.Gardner@popall.co.uk]
Sent: 15 November 2010 16:32
To: Morris Laura
Cc: licensing@cherwell-dc.gov.uk
Subject: The Lounge, Banbury - New Premise Licence

Hi Laura

Further to our telephone conversation earlier today please find below our proposed conditions as discussed:-

1. A Challenge 21 Policy will be in place at the premise at all times. Anyone who looks under the age of 21 will be asked to show photographic ID to prove they are over 18;
2. The premises shall participate in the local Pubwatch Scheme;
3. Staff outside the premises whilst on duty will wear High Visibility Jackets at all times;
4. If there is to be a substantial increase in the size of the dance floor, works will not commence with prior consultation with Thames Valley Police;
5. The premise will ensure any doorstaff on duty are signed into the register on each day of duty. The register will be available for inspection by the authorities at any time the premise are trading;
6. An incident book will be kept at the premise and all incidents at the premise will be recorded. The register will be available for inspection by the authorities at any time the premise are trading;
7. A drugs policy will be produced and adhered to at all times.

Can you confirm you are happy with the above by return. I have copied the Licensing Department into this email to keep them apprised of the situation.

Many thanks
Angie Gardner
Para-Legal - Poppleston Allen
T : 0115 934 9157 M : 07967 642424 W : www.popall.co.uk

Nottingham Office : 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS T : 0115 953 8500
F : 0115 953 8501

Regulated by the Solicitors Regulation Authority (SRA No: 78244). The professional rules to which we are subject are the Solicitors Code of Conduct. These rules can be viewed at www.sra.org.uk.

This email and the attachments are intended for the above named persons only and may be confidential and privileged. If you receive it in error please tell the sender immediately and do not copy, show or distribute them to anyone. Although we have taken steps to ensure that this email and its attachments are free from any viruses, it is your responsibility to ensure that viruses do not adversely affect your system.

Thames Valley Police Currently use the Microsoft Office 2002 suite of applications. Please be aware of this if you intend to include an attachment with your email. This communication contains information which is confidential and may also be privileged. Any views or opinions expressed are those of the originator and not necessarily those of Thames Valley Police. It is for the exclusive use of the addressee(s). If you are not the intended recipient(s) please note that any form of distribution, copying or use of this communication or the information in it is strictly prohibited and may be unlawful. If you have received this communication in error please forward a copy to: informationsecurity@thamesvalley.pnn.police.uk and to the sender. Please then delete the e-mail and destroy any copies of it. Thank you.

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