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Cherwell District Council

Licensing Sub Committee

Minutes of a meeting of the Licensing Sub Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 28 January 2015 at 2.00 pm.

4. **Constitution of the Sub Committee**

The Membership of the Licensing Sub-Committee for this meeting was Councillors Fred Blackwell, Michael Gibbard and Douglas Webb.

5. **Declarations of Interest**

There were no declarations of interest.

6. **New Premises Licence Application - 'Costcutter', 179 Warwick Road, Banbury**

The Interim Public Protection and Environmental Health Manager to consider an application for a new premises licence relating to 'Costcutter', 179 Warwick Road, Banbury, OX16 1AS.

Resolved

- (1) That the new Premises Licence Application for 'Costcutter', 179 Warwick Road, Banbury be issued as applied for with the reduced hours as agreed with the applicant. The licence is issued for the off-sale of alcohol as detailed below:-
- 7:00am – 10:30pm from Sunday to Thursday
 - 7:00am – 11:00pm on Fridays and Saturdays
- (full decision notice attached as an appendix to these Minutes)

The meeting ended at 2.40 pm

Minute Item 6

Community & Environment

Ian Davies – Director of Community & Environment



DISTRICT COUNCIL
NORTH OXFORDSHIRE

Mr Kanthappu Balamurali
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Farnborough
GU14 0GD

*Bodicote House
Bodicote
Banbury
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OX15 4AA*

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Please ask for: David Macey

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Our Ref:

30 January 2015

Dear Mr Balamurali,

Premises Licence Application
Licensing Sub-Committee: 28 January 2015
Costcutter, 179 Warwick Road, Banbury, OX16 1AS

I write to confirm the outcome of the above hearing.

Non-Attendance of Objector to Application

Prior to hearing the application, the Legal Advisor advised the Licensing Sub Committee as to the options available under the Licensing Act 2003 (Hearing) Regulations 2005, as regards the non-attendance of a party who had submitted a written objection to the application. The regulations state:-

20 (2) if a party who has not so indicated fails to attend or be represented at a hearing the authority 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 the parties absence*

(3) Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.

(4) Where the authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

The Senior Licensing Officer informed the Licensing Sub-Committee that the absent party had verbally informed a Licensing Officer that the objection would be withdrawn, but had not provided written confirmation of the withdrawal. The Senior Licensing Officer informed the Licensing-Sub

Committee that prior to, and on the morning of the hearing, attempts had been made to contact the party and voicemail messages left further advising of the time and location of the hearing; no response had been received.

The Licensing Sub-Committee was satisfied that the interests of justice did not require the adjournment of the hearing and determined that the hearing should proceed; the written representations of the absent party would be considered.

Report of the Senior Licensing Officer

The Licencing Sub-Committee heard all the facts and listened carefully to the presentation of his report by the Senior Licensing Officer. The Senior Licensing Officer confirmed that two objections to the application had been received; one objection had been withdrawn after an agreement was reached with the applicant to reduce the hours for the off-sale of alcohol. The Senior Licensing Officer confirmed that whilst two letters of objection remained, both had been received from residents of a single address and as such were considered to be one objection. The Senior Licensing Officer Confirmed that the hours now subject of the application were as follows:-

- 7:00am – 10:30pm from Sunday to Thursday
- 7:00am – 11:00pm on Fridays and Saturdays

The Application

The Licensing Sub-Committee carefully listened to the application submitted on behalf of the applicant by a representative of Arka Licensing Consultants Limited. The applicant is proposing to open a Costcutter mini-market in the premises at 179 Warwick Road Banbury, which was previously a Threshers off-licence. The application was for a premises licence for the off-sale of alcohol between the hours detailed above.

The Objections (relevant representations)

The Licensing Sub-Committee duly considered the written representations of the absent party, who had raised concerns as to public nuisance – litter and noise; public safety; crime and disorder, and harm to children, whereby they may be encouraged to purchase alcohol. Additionally, that premises subject of the application lies within the Council's cumulative impact area.

Options

The Legal Advisor reiterated the options available to the Licensing Sub-Committee pursuant to section 35 of the Licensing Act 2003. These options are:-

- I. Issue the licence as applied for;
- II. Modify the conditions of the licence;
- III. Reject the whole or part of the application.

The Determination

The Licensing Sub-Committee listened carefully to what was said by the parties who spoke and duly considered the written representations of the absent party. In reaching the decision the Licensing Sub Committee gave due regard to the Licensing Act 2003, the Licensing Objectives, the Statutory Guidance and the Council's Licensing Policy.

The Licensing Sub-Committee noted that the written representations of the absent party were received prior to the agreement reached with the applicant as regards the reduced hours subject of the application and the verbal withdrawal of the objection

The Licensing Sub-Committee was satisfied that granting the licence would not undermine the promotion of the Licensing Objectives. The Licensing Sub-Committee noted that the premises

subject of the application is in a parade of shops with similar business hours; the Licensing Sub-Committee did not consider that the issuing of the licence would increase litter, noise, crime and/ or disorder or encourage the purchase of alcohol by children. The Council does not have a cumulative impact policy. The Licensing Sub-Committee noted the steps outlined in the application to promote the licensing objectives, not least the installation of internal and external CCTV.

The Licensing Sub-Committee gave due regard to the absence of representations submitted by the police or any other Responsible Authority.

The Licensing Sub-Committee determined that the licence be issued as applied for with the reduced hours as agreed with the applicant. The licence is issued for the off-sale of alcohol as detailed below:-

- 7:00am – 10:30pm from Sunday to Thursday
- 7:00am – 11:00pm on Fridays and Saturdays

Appeal

All parties have the right to appeal this decision by giving notice to the Magistrates' Court within a period of 21 days beginning with the day upon which notification of the determination was given.

Any appeal would be made to Banbury Magistrates Court, The Court House, Warwick Road, Banbury, OX16 2AW.

The applicant is entitled to apply to vary the licence in the future under Section 34 of the Licensing Act 2003.

Yours sincerely,

pp. Ian Davies
Director of Community and Environment