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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 16 July 2018 at 10.00 am

Present:

Councillor Richard Mould
Councillor Douglas Webb
Councillor Bryn Williams

Officers: Matt Marsh, Solicitor
Aaron Hetherington, Democratic and Elections Officer
Christine Pegler, Licensing Officer
Nicholas Sutcliffe, Licensing Manager

28 **Appointment of Chairman of the Sub-Committee**

Resolved

That Councillor Douglas Webb be appointed Chairman of the Sub-Committee.

29 **Declarations of Interest**

There were no declarations of interest.

30 **Application to vary a premises licence to specify an individual as a Designated Premises Supervisor (DPS), and an application to transfer a Premises Licence**

The application was withdrawn by the applicant.

The meeting ended at 10.43 am

Grosik Sklep Ban Limited
35 - 39 Middleton Road
Banbury
OX16 3QH

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Bodicote
Banbury
Oxfordshire
OX15 4AA*

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Please ask for: Chris Pegler
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Direct Dial: 01295 753744
Our Ref: PRM0211

Dear

**Re. Grosik Sklep Ban Limited:-
Application for Transfer of Premises Licence
Application to Vary Premises Licence (specification of a Designated Premises Supervisor)
16 July 2018**

I write to confirm the outcome of the above hearing which had been convened following objections received from Thames Valley Police to the above detailed application.

Pre-hearing

Prior to the commencement of the hearing it transpired that an email had been sent at 4:28pm on Sunday 15 July 2018 to the Licensing Team and the solicitor to the Licensing Sub-committee from a newly instructed licensing agent acting for the applicant in respect of the application. The licensing agent advised that he had received late instructions in the matter; had had insufficient time to prepare for the hearing and would not be attending the hearing. The licensing agent requested an adjournment of the hearing or advised that in the absence of the Sub-committee's agreement thereto, the application would be withdrawn.

The email was brought to the attention of the Sub-committee prior to the commencement of the hearing. The Sub-committee was advised that once a hearing has been scheduled, in the event that an application or representation is withdrawn less than 24 hours prior to the commencement of hearing, and notwithstanding the absence of either the applicant or the applicant's agent, the hearing must proceed even if the substantive application was not determined on this occasion.

The Hearing

Commencement of the Hearing

The hearing commenced at 10:05am. The Thames Valley Police licensing officer was in attendance, as was an officer from Oxfordshire County Council Trading Standards. Neither the applicant nor a representative for the applicant was present. Subsequent to introductions, the nomination of the Sub-committee Chairman for the hearing and declarations of interest (of which

there were none), the solicitor to the Sub-committee informed those present that there had been overnight developments which would impact upon the proceedings and requested that the licensing officer apprise the Sub-committee of the current status of the matter.

Report of the Licensing Officer

The licensing officer informed the Sub-committee of the email received from the licensing agent seeking an adjournment of the hearing, or in the absence of an adjournment being agreed, the withdrawal of the application. The licensing officer informed the Sub-committee that efforts were continuing to be made to contact the licensing agent.

Solicitor to the Sub-committee

The solicitor informed the Sub-committee and those present at the hearing of the available options in the circumstances:-

- (i) To proceed to determine the application in the absence of the applicant or a representative thereof;
- (ii) To adjourn the hearing to a specified future date;
- (iii) To adjourn the hearing for a short period of time while the licensing team continued in its efforts to contact the licensing agent. Subsequent to a brief adjournment and any further developments, the hearing could be reconvened and the Sub-committee could then determine how to proceed.

The Sub-committee agreed in the circumstances to adjourn the hearing for 30 minutes to allow for the licensing team to continue in its efforts to contact the licensing agent. The hearing was adjourned at 10:20am.

Re-commencement of the Hearing

The hearing re-commenced at 10:40 hours. The licensing officer informed the Sub-committee that after some difficulty, contact had been made with the licensing agent from whom a further email had been received by way of which the application had been withdrawn. The withdrawal of the application was accepted by the Sub-committee.

The Determination

The application was withdrawn and as such was not required to be determined by the licensing Sub-committee. The Sub-committee did however express its dissatisfaction at the manner in which this matter had apparently been handled by the agents acting for the applicant, and trusted there would be no repeat should a similar hearing be required in respect of any future such application pertaining to this matter. The hearing concluded at 10:43am.

Appeal

The application was withdrawn and as such was not determined by the Sub-committee. Accordingly there is no decision of the Sub-committee which may be appealed pursuant to the Licensing Act 2003.

Yours sincerely,

Richard Webb

Assistant Director Environmental Health & Licensing