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DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Licensing Acts Sub Committee

Date: Wednesday 5 August 2026

Time: 10.00 am

Venue: 39 Castle Quay, Banbury, OX16 5FD

Membership

Councillor Rebecca Biegel
Councillor Douglas Webb

Councillor Chris Pruden

AGENDA

1. Appointment of Chair of the Sub-Committee

2. Declarations of Interest

Members are asked to declare any interest and the nature of that interest that they may have in any of the items under consideration at this meeting.

Note: Any Member with a disclosable pecuniary interest will not be able to participate in the hearing, and should therefore notify the Monitoring Officer in advance so that arrangements may be made for an alternate Member to attend.

3. Application to grant a New Premises Licence (Pages 5 - 34)

Report of Health Protection, Compliance and Licensing Manager

Purpose of report

To determine a New Premises Licence application for the location of 67 Calthorpe Street, Banbury, Oxfordshire, OX16 5EX as applied under the Licensing Act 2003.

Recommendations

There are no recommendations. In reaching its decision the sub-committee should consider the objections received and what is appropriate for the promotion of the licensing objectives.

- the prevention of crime and disorder – Whether the late night refreshment activity and/or applicant represents, or is likely to represent, a risk to the public in relation to crime and disorder or a safeguarding concern.
- public safety - whether the activity represents, or is likely to represent, a substantial risk to public safety.
- the prevention of public nuisance – whether the activity represents, or is likely to represent, a substantial risk to nuisance to the public from noise and/or odour particularly in residential areas.
- the protection of children from harm - whether the activity represents, or is likely to represent, a substantial risk to children

Councillors are requested to collect any post from their pigeon hole in the Members' Lounge before or at the end of the meeting.

Information about this Meeting

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221534 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Evacuation Procedure

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Queries Regarding this Agenda

Please contact Aaron Hetherington / Patrick Davis, Democratic and Elections
democracy@cherwell-dc.gov.uk, 01295 221534

Shiraz Sheikh
Monitoring Officer

Published on Tuesday 28 July 2026

This report is public	
Application to grant a New Premises Licence	
Committee	Licensing Acts Sub Committee
Date of Committee	5 August 2026
Portfolio Holder	Councillor Nicola Borkmann – Portfolio Holder for Customer and Community Services
Date Portfolio Holder agreed report	27 July 2026
Report of	Jan Southgate, Health Protection, Compliance and Licensing Manager

Purpose of report

To determine a New Premises Licence application for the location of 67 Calthorpe Street, Banbury, Oxfordshire, OX16 5EX as applied under the Licensing Act 2003.

1. Recommendations

There are no recommendations. In reaching its decision, the Sub-Committee should consider the objections received and what is appropriate for the promotion of the licensing objectives.

- the prevention of crime and disorder – Whether the late night refreshment activity and/or applicant represents, or is likely to represent, a risk to the public in relation to crime and disorder or a safeguarding concern.
- public safety - whether the activity represents, or is likely to represent, a substantial risk to public safety.
- the prevention of public nuisance – whether the activity represents, or is likely to represent, a substantial risk to nuisance to the public from noise and/or odour particularly in residential areas.
- the protection of children from harm - whether the activity represents, or is likely to represent, a substantial risk to children

2. Executive Summary

- 2.1 To consider objections received to the grant of a New Premises Licence. The application applied for is Kebabish, 67 Calthorpe Street, Banbury, OX16 5EX.
- 2.2 The application applied for is Late Night Refreshment from 23:00 to 05:00, Monday to Sunday.

Implications & Impact Assessments

Implications		Commentary		
Finance		There are no financial implications arising from this report. All work associated with the hearing are met within existing budget. Kelly Wheeler, Finance Business Partner, 24 July 2026		
Legal		The report makes it clear that the Sub-Committee's determination must be confined to the licensing objectives and to matters raised in the relevant representations , and must give appropriate weight to those representations, the Section 182 Guidance, and the Council's Licensing Policy. Any conditions imposed must be appropriate, proportionate, and directed at the concerns raised, and consistent with the operating schedule. The Sub-Committee should reach its decision on the evidence before it, applying the civil standard of the balance of probabilities. Denzil – John Turbervill, Head of Legal Services, 24 July 2026		
Risk Management		The service has not identified any risk implications arising from this report. Kaimi Ithia, Head of Chief Executive's Office, 27 July 2026		
Impact Assessments		Positive	Neutral	Negative
Equality Impact			X	
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?			X	
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?			X	
Climate & Environmental Impact			X	
ICT & Digital Impact			X	

Data Impact		X		
Procurement & subsidy		X		
Council Priorities	N/A			
Human Resources	N/A			
Property	N/A			
Consultation & Engagement	Consultation details When a Premises Licence is granted for the first time, the council will carry out a consultation process over a period of 28 days. The Licensing Authority will consult with the following designated responsible authorities. Thames Valley Police, Oxfordshire Fire and Rescue services Oxfordshire Trading Standards. Oxfordshire Safeguarding OSCB Oxfordshire Public Health Board Cherwell District Council Planning Cherwell District Council Public Protection Cherwell District Environmental Health Secretary of State The applicant must ensure that they complete consultation requirements by displaying a blue notice at the premises and issuing a newspaper notice in a locally circulated newspaper. The 28 day consultation period ran from 16 June 2026 to 14 July 2026. The application was advertised in accordance with the requirements set out in the Licensing Act 2003 with Site Notices displayed at the premises and a notice issued within a locally circulated newspaper Consultation responses During the consultation licensing did not receive any objections from the responsible authorities. Six objections were received within the consultation period from members of the public. Details of the objections are attached to this report as Appendix 3.			

Supporting Information

3. Background

- 3.1 Kebabish is a takeaway offering hot food and cold drinks, located at 67 Calthorpe Street, Banbury, OX16 5EX. The current operating hours of the premises are Monday to Thursday and Saturday 14:00 to 23:00, Friday and Sunday 15:00 to 23:00.

- 3.2 The premises are located below residential housing and next to Fat Jacks, another takeaway that has a late night refreshment License with the operating hours of 11:00 to 02:00 Sunday to Wednesday and 11:00 to 04:00 Thursday to Saturday. There is also the taxi company, Carriage Cars that operates 24 hours a day 7 days a week from our understanding.

4. Details

- 4.1 On the 16 June 2026 the licensing authority received an application from Mr Adam Ahmed, requesting a grant of a premises license under the trading name of Kebabish.

A copy of the application is attached as **Appendix 1**. A copy of the Site Plan is attached as **Appendix 2**.

- 4.2 The application was for late night refreshment from 23:00 to 05:00 Monday to Sunday.
- 4.3 The application was validated on the 16 June 2026, and the consultation process began on the 17 June 2026 and ran until the 14 July 2026.
- 4.4 Licensing received confirmation from the applicant that the site notices had been displayed on site, and the circulation of the consultation notification notice had been issued in a locally circulated newspaper.
- 4.5 The licensing authority received 5 relevant objections and 1 irrelevant objection to the Premises Licence application. The objections were from members of the public and were received within the consultation period.
Copies of the Objections are attached as **Appendix 3**
- 4.6 The objections raised were shared with the Applicant who responded with mitigation to each of the concerns raised, attached as **Appendix 4**.
- 4.7 The Licensing Authority received No objections responses from Thames Valley Police, Oxfordshire Fire and Rescue, Public Protection and Environmental Health. There were no responses received to the application consultation from any other responsible authority, or businesses trading within the proposed trading area.

5. Alternative Options and Reasons for Rejection

- 5.1 At the end of the consultation period the licensing authority must hold a hearing if any objections are received. It must take such steps as it considers appropriate for the promotion of the licensing objectives, which are:

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

Options available to the Licensing committee are:

- Issue the Licence as applied
- Refuse the application
- Issue the consent with amendments which could include:
 - (i) Changes to the trading days of the week or/and trading times
 - (ii) Issues the consent with additional conditions. .
 - (iii) Other.

6 Conclusion and Reasons for Recommendations

6.1 There are no recommendations

Decision Information

Key Decision	N/A
Subject to Call in	N/A
If not, why not subject to call in	N/A
Ward(s) Affected	Banbury Cross & Neithrop Ward

Document Information

Appendices	
Appendix 1	Application Form
Appendix 2	Premises Plan
Appendix 3	Relevant Objections
Appendix 4	Applicants' mitigation and replies to objections.
Background Papers	None
Reference Papers	Cherwell District Council Statement of Licensing Policy https://www.cherwell.gov.uk/info/26/licensing/1040/statement-of-licensing-policy
Report Author	Sian Parsons – Licensing Technical Officer

Report Author contact details	Sian.parsons@cherwell-dc.gov.uk
Executive Director Approval (unless Executive Director or Statutory Officer report)	Kristian Aspinall Executive Director Neighbourhood Services 24 July 2026

Page: Premises application

I/We:

Adam Ahmed

Tell us your postcode

[REDACTED] OX16 [REDACTED]

Was your address found?

yes

Telephone number

[REDACTED]

Email address

[REDACTED]

Page: Premises details

Tell us the postcode of the premises

67 Calthorpe Street, Banbury, OX16 5EX

Was the premises address found?

yes

Telephone number at premises

01295574462

Please choose the following fee you wish to pay

190

Please upload a plan of the premises

kebabish_licenceLayout1.pdf

Page: Applicant details

1. An individual or individuals

yes

2. A limited company/limited liability partnership

no

3. A partnership (other than limited liability)

no

4. An unincorporated association

no

5. Other (for example a statutory corporation)

no

6. A recognised club

no

7. A charity

no

8. The proprietor of an educational establishment

no

9. A health service body

no

10. A person who is registered under Part 2 of the Care Standards Act 2000

no

11. A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008

no

12. The chief officer of police of a police force in England and Wales

no

Are you applying as a person described in 1 - 5 above

yes

Please confirm by ticking one of the following:

i_am_carrying_on_or_proposing_to_carry_on_a_business_which_involves_the_use_of_the_premises_for_licensable_activities

Page: An individual or individuals

Title

mr

Surname

Ahmed

First name(s)

Adam

Date of birth

[REDACTED]

I am 18 years old or over

please_tick

Nationality

British

Is your current residential address different to the premises address?

yes

Tell us your postcode

[REDACTED] OX16 [REDACTED]

Was your address found?

yes

Daytime telephone number

[REDACTED]

Email address

[REDACTED]

Page: Operating schedule

When do you want the premises to start?

25/06/2026

Please give a general description of the premises

Fast food takeaway

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Page: What licensable activities do you intend to carry on from the premises?

A. Plays

no

B. Films

no

C. Indoor sporting events

no

D. Boxing or wrestling entertainment

no

E. Live music

no

F. Recorded music

no

G. Performances of dance

no

H. Anything of a similar description to that of E, F or G

no

Page: What licensable activities do you intend to carry on from the premises - cont.

Will you supply late night refreshment?

yes

Late night refreshment: standard days and timings

Start
Finish
Mon

12pm

5am

Tue

	12pm
Wed	5am
	12pm
Thu	5am
	12pm
Fri	5am
	12pm
Sat	5am
	12pm
Sun	5am
	12pm
	5am

Where will the provision of late night refreshment take place?

indoors

Please tell us more details here

Fast food counter service

State any seasonal variations for the supply of late night refreshment

None

Non-standard timings: tell us where you intend to use the premises for the provision of late night refreshment

at times different to those above

None

Will you supply alcohol?

no

Page: Other application information

Hours premises are open to the public - standard days and timings

Start
Finish
Mon

12pm

Tue

5am

12pm

Wed

5am

12pm

Thu

5am

12pm

Fri

5am

12pm

Sat

5am

12pm

Sun 5am

12pm

5am

State any seasonal variations

None

Non-standard timings - tell us where you intend the premises to be open to the public at times different to those listed above

None

A. General - all four licensing objectives (B, C, D and E)

The premises will be operated as a professionally managed takeaway business. Management and staff will promote the licensing objectives at all times through effective supervision, staff training, good housekeeping, and cooperation with responsible authorities. The premises will comply with all relevant legislation relating to food safety, health and safety, fire safety, and licensing requirements.

B. The prevention of crime and disorder

* CCTV will be installed and maintained, covering the customer areas, entrance, and exit points.

* Recordings will be retained for a minimum of 28 days and made available to authorised officers upon request.

* Staff will be trained to identify and manage incidents of disorderly behaviour.

* Any incidents of crime or disorder will be recorded and reported to the relevant authorities where necessary.

* The premises will maintain a good working relationship with the Police and local authority.

* Clear signage will be displayed requesting customers to behave respectfully.

C. Public safety

* The premises will comply with all fire safety and health and safety requirements.

* Fire-fighting equipment and emergency lighting will be regularly maintained.

* Emergency exits will be kept clear and unobstructed at all times.

* The premises will be adequately lit both internally and externally.

* Staff will be trained in emergency procedures and customer safety.

* Regular risk assessments will be undertaken to identify and address potential hazards.

D. The prevention of public nuisance

Customers will be encouraged to leave the premises quietly and respect neighbouring residents.

* Prominent notices will be displayed requesting customers not to cause noise or disturbance.

* Litter will be regularly collected from the immediate vicinity of the premises.

* Deliveries and waste collections will be managed responsibly to minimise noise.

* Staff will monitor customers congregating outside the premises and take reasonable steps to discourage excessive noise.

* The premises will maintain clean and tidy external areas.

E. The protection of children from harm

Children visiting the premises will be appropriately supervised by parents or guardians.

* Staff will be trained to recognise and respond appropriately to any safeguarding concerns.

* CCTV will help provide a safe environment for all customers, including children.

* The premises will not engage in activities unsuitable for children.

* Any age-restricted products (if applicable in the future) will only be sold in accordance with legal age-verification requirements.

Page: Declaration - application for premises licence

Please tick the following:

i_have_uploaded_a_plan_of_the_premises,

i_understand_that_i_must_now_advertise_my_application,

i_understand_that_if_i_do_not_comply_with_the_above_requirements_my_application_will_be_rejected

Name

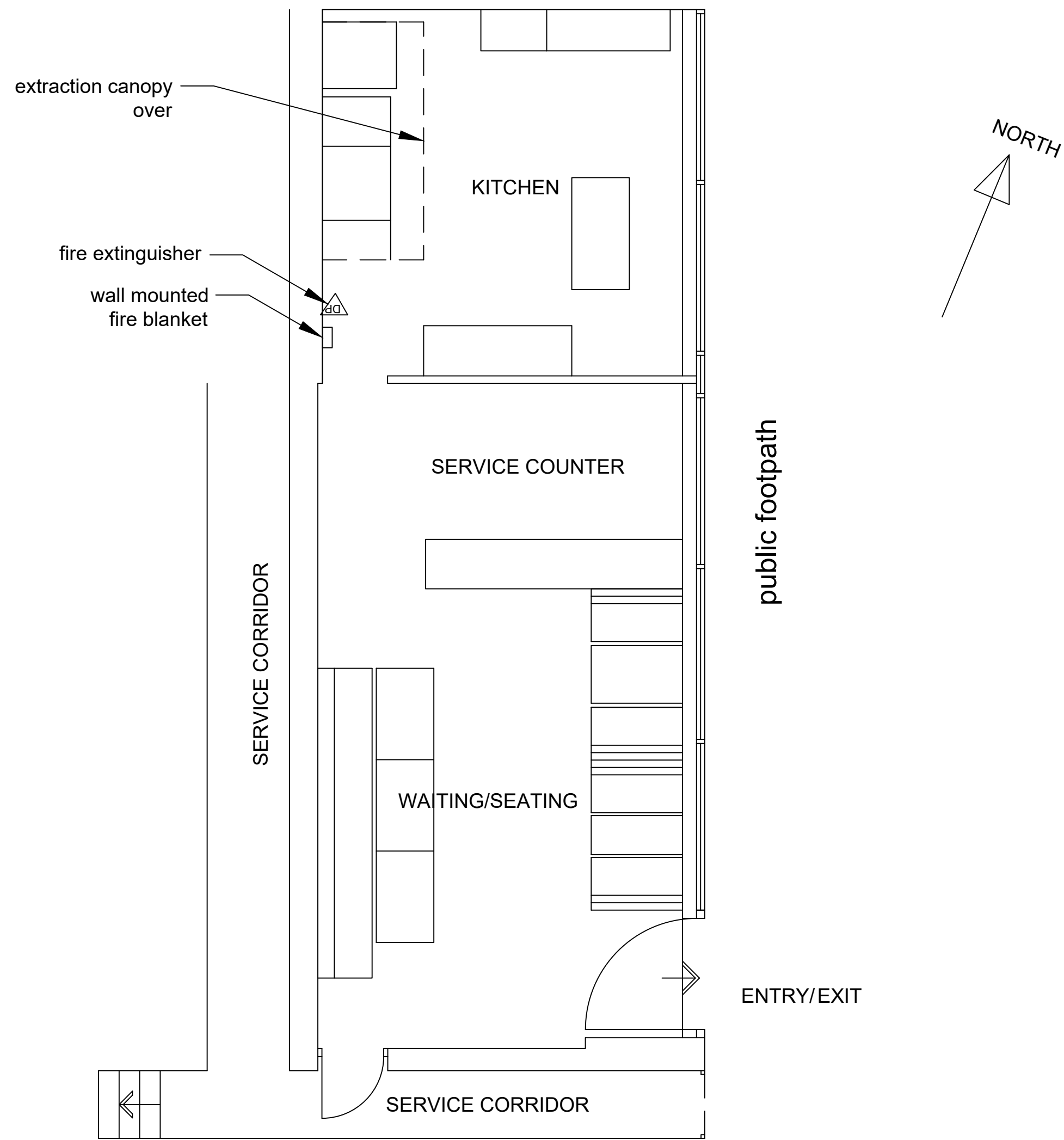
Adam Ahmed

Date

Tue 16th Jun 2026

Capacity

Owner



FLOOR PLAN

General Notes

Client: Adam Ahmed

Site :
67- 69 Calthorpe Street
Banbury
Oxfordshire OX16 5EX

Premises
Plan

Drawn by :
Aslam Pervez

Scale
1:50

Date : 12/06/2026
Drg No. 1

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Appendix 3 - Relevant Objections

1.

From: philip [REDACTED]
Sent: 08 July 2026 08:54
To: Licensing (CDC) <Licensing@Cherwell-DC.gov.uk>
Subject: Application for Adam Ahmed Pizza Hutt

Dear Sirs

Re the application by Adam Ahamed of Pizza Hut Calthorpe Street Banbury
for a licence from 22.00 pm -5.am Monday to Friday .

Truely ridiculous Pizza Hut is located under residential flats and this immediate area
suffers from anti social behavior and late night noise and gatherings from the adjacent Taxi
office

and would further affect the lives of the residents who live in this road . Fat Jacks
fast food outlet is next door which last month had a very serious fire which fortunately
did not harm anyone or spread to the flats above , i assume the applicants application is
made in the knowledge that deliveries are made from Fat Jacks through the night despite
not being covered by a licence . Complaints have been made about this by the tenants of
the flats in the Counting House .

Yours faithfully

Philip [REDACTED]

2.

From: Sven [REDACTED]
Sent: 07 July 2026 20:19
To: Licensing (CDC) <Licensing@Cherwell-DC.gov.uk>
Subject: Representation Against Premises Licence Application – Pizza Hut, 67–69 Calthorpe
Street, Banbury

Dear Licensing Team,

I wish to submit an objection to the premises licence application for Pizza Hut, 67–69 Calthorpe
Street, Banbury, which seeks permission to sell food between 11:00 p.m. and 5:00 a.m.

I am a leaseholder and resident of 61–66 Calthorpe Street, which is located immediately next to
the premises.

I am concerned that extending the trading hours until 5:00 a.m. would have a significant negative impact on local residents and would undermine the licensing objectives, particularly the prevention of public nuisance and the prevention of crime and disorder.

Late at night and in the early hours of the morning, groups of people regularly gather outside the takeaway premises while waiting for food and taxis. They often talk loudly, shout across the street, slam car doors and create general disturbance. On one occasion, at approximately 4:30 a.m., I was woken by around 20–25 people gathered outside. This level of noise makes it difficult for residents to sleep and enjoy their homes.

In my view, allowing food sales until 5:00 a.m. would encourage more people to remain in the area throughout the night, increasing noise and disturbance for nearby residents.

I respectfully ask the Licensing Authority to refuse the application. If it is minded to grant the licence, I ask that it carefully considers whether reduced hours or additional conditions are necessary to protect local residents from late-night noise and disturbance.

Thank you for considering my representation.

Yours faithfully,

Sven [REDACTED]

Resident of [REDACTED]

[REDACTED] OX16 [REDACTED]

3.

From: Tracey [REDACTED]

Sent: 09 July 2026 19:02

To: Licensing (CDC) <Licensing@Cherwell-DC.gov.uk>

Subject: Premises Licence Application for Pizza Hut

Tracey [REDACTED]

Leasehold owner of [REDACTED]

OX16 [REDACTED]

Email: [REDACTED]

9th July 2026

The Licensing Authority

Cherwell District Council

39 Castle Quay, Banbury, Oxfordshire, OX16 5FD

**REF: Objection to Premises Licence Application for Pizza Hut, Cathorpe Street, Banbury
OX16 5EX**

Application Reference: Not Known - number is not shown in the newspaper notice.

Dear Licensing Authority, Cherwell District Council

I am writing to formally object to the premises licence application submitted by **Adam Ahmed** for proposed **Pizza Hut, 67-69 Calthorpe Street, Banbury, Oxfordshire, OX16 5EX**. **Proposed opening hours 23:00pm to 05:00am Monday to Sunday.**

My residential property at the address provided above, is located in very close proximity to the proposed venue. My objection is based primarily on **Prevention of Public Nuisance**, also concerns for **Public Safety**. There are many residential properties, predominantly flats, that are occupied on both sides of Calthorpe Street.

- **Prevention of Public Nuisance:** Granting this licence for late-night hot food will inevitably result in noise disturbance from customers leaving the proposed premises, vehicle engines, and slamming doors late at night. Furthermore, it will exacerbate the issue of litter / discarded food packaging, strong cooking odours in the immediate environment (as already proven by similar existing establishments) and anti-social behaviour in this Calthorpe Street area.
- **Public Safety:** The proposed opening hours in the late night / early hours of the morning will lead to an increase in pedestrian footfall, traffic and delivery drivers double-parking on **Calthorpe Street**, creating a significant hazard for both pedestrians and passing motorists in what is already a busy road in the town centre.

Another leasehold owner and occupier of a flat in The Counting House, Calthorpe Street, experienced on the Saturday before last, being woken up at 4:30am by noise from a gathering of 20-25 people on that street; most were waiting for taxis but others had take-away food from an existing premises in that street.

In June, there was a fire in one of the existing commercial (food) outlets which is sited directly under the residential flats of The Counting House. Thankfully it was contained so didn't spread to the flats above this time.

For these reasons, I urge the Licensing Authority to **reject the application entirely, or to at least impose very strict conditions on opening hours, cooking operations and deliveries.**

I understand that my objection might be shared with the applicant and may be discussed at a public hearing.

Yours sincerely,

Tracey [REDACTED]

4.

From: Charlotte [REDACTED]
Sent: 06 July 2026 11:50
To: Licensing (CDC) <Licensing@Cherwell-DC.gov.uk>
Subject: Objection to application

Good morning

Further to the publication of the application by Adam Ahmed for a license to cover 67-69 Calthorpe Street OX16 5EX, I would like you to be aware of my fervent objection to this.

To request that the premises can trade from 23.00 - 05.00 Monday to Sunday is outrageous in a residential area.

This gentleman clearly is totally focussed on his profits with zero acceptance of the noise, litter and general disturbance that these hours would encourage.

They are totally anti social and not mindful of the rights of the nearby residents.

I urge you to dismiss this application on those grounds.

I would be grateful for an acknowledgement that this email has been received and the contents noted.

Regards

Charlotte [REDACTED]

Owner of [REDACTED]

5.

From: Mary [REDACTED]
Sent: 07 July 2026 14:17
To: Licensing (CDC) <Licensing@Cherwell-DC.gov.uk>

Cc: Mary [REDACTED]
Subject: Objection to Premises Licence Application - Calthorpe Street, Banbury

Mary [REDACTED]
Leasehold owner of [REDACTED]
OX16 [REDACTED]
Email: [REDACTED]

7th July 2026

**The Licensing Authority
Cherwell District Council
39 Castle Quay, Banbury, Oxfordshire, OX16 5FD**

**RE: Objection to Premises Licence Application for Pizza Hut, Cathorpe Street, Banbury
OX16 5EX
Application Reference: Not Known - number is not shown in the newspaper notice.**

Dear Licensing Authority, Cherwell District Council

I am writing to formally object to the premises licence application submitted by **Adam Ahmed** for proposed **Pizza Hut, 67-69 Calthorpe Street, Banbury, Oxfordshire, OX16 5EX. Proposed opening hours 23:00pm to 05:00am Monday to Sunday.**

My residential property at the address provided above, is located in very close proximity to the proposed venue. My objection is based primarily on **Prevention of Public Nuisance**, also concerns for **Public Safety**. There are many residential properties, predominantly flats, that are occupied on both sides of Calthorpe Street.

- **Prevention of Public Nuisance:** Granting this licence for late-night hot food will inevitably result in noise disturbance from customers leaving the proposed premises, vehicle engines, and slamming doors late at night. Furthermore, it will exacerbate the issue of litter / discarded food packaging, strong cooking odours in the immediate environment (as already proven by similar existing establishments) and anti-social behaviour in this Calthorpe Street area.
- **Public Safety:** The proposed opening hours in the late night / early hours of the morning will lead to an increase in pedestrian footfall, traffic and delivery drivers double-parking on **Calthorpe Street**, creating a significant hazard for both pedestrians and passing motorists in what is already a busy road in the town centre.

Another leasehold owner and occupier of a flat in The Counting House, Calthorpe Street, experienced on the Saturday before last, being woken up at 4:30am by noise from a gathering of 20-25 people on that street; most were waiting for taxis but others had take-away food from an existing premises in that street.

In June, there was a fire in one of the existing commercial (food) outlets which is sited directly under the residential flats of The Counting House. Thankfully it was contained so didn't spread to the flats above this time.

For these reasons, I urge the Licensing Authority to **reject the application entirely, or to at least impose very strict conditions on opening hours, cooking operations and deliveries.**

I understand that my objection might be shared with the applicant and may be discussed at a public hearing.

Yours sincerely,

Mary [REDACTED]

Irrelevant objection received that does not refer to any of the Licensing Objectives

From: [REDACTED]
Sent: 03 July 2026 10:24
To: Licensing (CDC) <Licensing@Cherwell-DC.gov.uk>
Subject: 67-69 Calthorpe Street

Ref

Pizza Hut

67-69 Calthorpe Street

Adam Ahmed for Pizza Hut.

license to cover 23.00-05.00 Monday to Sunday

Dear Licensing,

I strongly disagree with this being granted due to the amount of people now living on this street.

The Counting house was converted from offices into flats and the promise by Cherwell district council that the shops below would not be for food outlets.

The old council offices on the other side has been pulled down and this is also now flats.

Last month one of the pizza outlets had a huge fire and we were lucky it didn't spread to the flats.

Noise. Taxis spend all night hooting picking and dropping off.

Illegal parking – you can't either drive up or down due to it being blocked.

We have had enough.

Thank you

Keith 

Appendix 4 - Applicant mitigation to objections

10.07.2026

My Response to Representations

Premises: 67–69 Calthorpe Street, Banbury OX16 5EX

I respectfully submit the following response to the representations made against my application for a Premises Licence.

At the outset, I fully recognise the concerns expressed by local residents and understand their desire to enjoy their homes without disturbance. I have no intention of operating my business in a manner that undermines the licensing objectives or adversely affects local residents.

However, many of the objections are based on assumptions about what might happen rather than evidence of how this premises will operate. Under the Licensing Act 2003, representations must relate to the licensing objectives and should be supported by evidence where possible. The Licensing Authority is required to determine whether any concerns can be addressed by proportionate and enforceable licence conditions rather than refusing an application.

1. Prevention of Public Nuisance

The principal concern raised is that the premises will create excessive noise and disturbance between 11:00 p.m. and 5:00 a.m.

Whilst these concerns are understood, no evidence has been provided that this premises has previously operated during these hours and caused nuisance. The objections are speculative and assume that the premises will inevitably create problems.

The Licensing Act does not presume that every late-night refreshment premises will create public nuisance. Each application must be considered on its own merits.

To minimise any potential impact, I am willing to accept licence conditions including:

- * Clear notices requesting customers to leave quietly.
- * Staff monitoring the immediate frontage of the premises.
- * Customers being discouraged from congregating outside.
- * Regular litter patrols around the premises.
- * All waste being stored appropriately.
- * Deliveries and collections being managed to minimise disturbance.
- * A written dispersal policy for customers.

These are recognised control measures which directly address the concerns raised.

2. Existing Noise Within Calthorpe Street

Several objections refer to existing noise from taxis, members of the public and other late-night businesses.

Whilst I appreciate these concerns, they are not caused by this premises.

The Licensing Committee must determine whether this application itself is likely to undermine the licensing objectives. Existing activity elsewhere cannot automatically justify refusing a licence for a separate premises.

Any nuisance caused by taxis, other takeaway premises or members of the public is already subject to separate enforcement powers and should not be attributed to this application.

3. References to Other Businesses

A number of objections refer to incidents involving other takeaway premises, including reports of a fire at another food outlet and allegations concerning the operation of other businesses.

These matters are entirely unrelated to this application.

This application concerns only the management and operation of 67–69 Calthorpe Street.

It would not be appropriate to refuse this application because of incidents involving different operators or different premises.

The applicant is committed to maintaining high standards of fire safety, equipment maintenance, staff training and compliance with all relevant legislation.

4. Public Safety

The objections suggest that extending trading hours could create public safety concerns.

No evidence has been provided that this premises presents any specific public safety risk.

The applicant is committed to operating a safe premises and will ensure appropriate fire safety procedures, emergency arrangements, staff training and compliance with all statutory requirements.

If considered appropriate, the applicant is willing to accept reasonable licence conditions relating to CCTV, incident recording and staff training.

5. Crime and Disorder

Some objections suggest that later opening hours may encourage anti-social behaviour.

Again, no evidence has been presented that this premises has been associated with crime or disorder.

The applicant does not sell alcohol. Customers purchase food and generally leave the area shortly afterwards.

Should the licence be granted, the applicant is willing to operate comprehensive CCTV covering the premises entrance and immediate frontage, retain recordings for an appropriate period, make recordings available to the Police or authorised officers upon request, maintain an incident log, and fully cooperate with the Police and Licensing Authority.

These measures directly promote the prevention of crime and disorder.

6. Parking and Traffic

Some residents have referred to illegal parking and taxis.

Parking enforcement is not a licensing function and these matters fall within the remit of the Highway Authority and the Police.

Customers cannot reasonably be held responsible for unlawful parking decisions made independently.

The existence of existing traffic issues does not demonstrate that granting this licence would undermine the licensing objectives.

7. Residential Nature of the Area

It is accepted that there are residential properties nearby.

However, the presence of residential accommodation does not prevent the grant of a premises licence.

Many town centre locations throughout the country successfully operate licensed late-night refreshment premises adjacent to residential properties where appropriate management measures and licence conditions are in place.

The Licensing Act specifically allows the Licensing Authority to impose conditions where appropriate rather than refusing applications based solely on the existence of nearby housing.

8. Balancing Commercial Activity and Residents' Interests

The applicant recognises the importance of balancing legitimate commercial activity with the rights of local residents.

The purpose of the application is to provide a lawful late-night food service for customers, including shift workers, emergency service personnel, taxi drivers and others requiring food outside normal trading hours.

The applicant has every incentive to operate responsibly and maintain good relationships with neighbouring residents.

9. Existing Commercial Use and Character of the Area

One representation states that residents were informed that the commercial units beneath The Counting House would not be occupied by food outlets.

The applicant is not aware of any planning or licensing restriction that prevents these premises from operating as a food takeaway. If such a restriction exists, it is a planning matter rather than a matter for determination under the Licensing Act 2003.

It is important to note that these premises have historically operated as a well-known national fast-food franchise, Pizza Hut, long before The Counting House was converted into residential apartments. The premises therefore had an established lawful use as a takeaway before the residential development was completed.

Furthermore, the neighbouring taxi business has also operated from the area for many years under its own licence, meaning that late-night commercial activity was already an established feature of the locality before residents occupied The Counting House.

Accordingly, it would not be appropriate to attribute the existing character of the area solely to this application or to suggest that the applicant is introducing an entirely new form of late-night commercial activity.

This application relates only to whether the licensing objectives can be promoted through the responsible operation of these premises. The historical planning background, previous commercial uses and neighbouring licensed businesses demonstrate that the area has long accommodated mixed commercial and residential uses.

The applicant respectfully submits that the Licensing Sub-Committee should determine this application on its own merits, having regard to the evidence before it and the measures proposed to promote the licensing objectives, rather than on assumptions about previous planning decisions or unrelated historical matters.

Conclusion

The objections raise understandable concerns but largely rely upon assumptions regarding what may occur rather than evidence that this premises will undermine the licensing objectives.

Where concerns have been identified, the applicant has demonstrated that they can be effectively addressed through appropriate and proportionate licence conditions.

The Licensing Act 2003 requires each application to be considered on its own merits. The applicant respectfully submits that there is insufficient evidence to justify refusal and that the licensing objectives can be fully promoted through responsible management together with suitable enforceable conditions.

Accordingly, the applicant respectfully requests that the Licensing Sub-Committee grants the Premises Licence, subject to any reasonable conditions it considers appropriate.

Further correspondence from Objectors in response to mitigation

1.

From: Charlotte [REDACTED]
Sent: 10 July 2026 14:09
To: Sian Parsons <sian.parsons@cherwell-dc.gov.uk>
Subject: Re: Objection to application

Good afternoon Sian

Thank you for this lengthy message.

Mr Ahmed's representative alleges many of our objections are speculative. I would contend so are many of his assurances.

Undoubtedly much of his trade will come from the local night club and it is naive in the extreme to imagine that these people won't be intoxicated.....

Mr Ahmed's representative can make as many suppositions as they please. The proof of the pudding and all that - and I really don't see why all the local residents should be used as guinea pigs!

I have no intention of withdrawing my objection.

Regards

Charlotte [REDACTED]

2.

From: Mary [REDACTED]
Sent: 12 July 2026 19:35
To: Sian Parsons <sian.parsons@cherwell-dc.gov.uk>
Cc: Licensing (CDC) <Licensing@Cherwell-DC.gov.uk>
Subject: Re: Objection to Premises Licence Application - Calthorpe Street, Banbury

Subject: Re: Premises Licence Application – 67–69 Calthorpe Street, Banbury OX16 5EX

Dear Sian / Licensing

Thank you for your email and for providing the applicant's response.

I respectfully disagree with the suggestion that my objection is based merely on assumptions. My concerns are grounded in the reality of the location, the known character of the area, and the likely impact of a late-night premises operating until 5:00 a.m. directly next to residential flats.

This application is not being objected to lightly or speculatively. The concern is that a late-night pizza shop in this exact position will inevitably increase noise, disturbance, litter, late-night congregation, vehicle activity, and general disruption to nearby residents during the hours when people should reasonably be able to sleep.

While the applicant states that they "have no intention" of causing disturbance, that does not remove the fact that the proposed hours themselves create a real risk of nuisance. The issue is

not just how the business says it will operate, but whether a premises of this nature, in this location, can operate until 5:00 a.m. without undermining the licensing objectives.

In response to the applicant's points:

1. Public nuisance

The concern is not speculative. A late-night takeaway serving customers until 5:00 a.m. is very likely to generate noise from customers arriving, leaving, waiting outside, talking, smoking, delivery drivers, vehicle doors, engine noise, and litter. Even with conditions, these are difficult to control in practice over long hours.

2. Existing noise

The fact that there is already some noise in the area does not justify adding to it. Existing disturbance is precisely why this application is so concerning. The cumulative impact of more late-night activity is relevant and should not be dismissed.

3. Other businesses / past incidents

I am not suggesting the applicant is responsible for the actions of other businesses. However, the surrounding area already experiences late-night activity and disturbance, and this application would worsen that situation. The council should consider the overall impact on residents, not treat this business in isolation.

4. Public safety / crime and disorder

Late-night food premises can attract groups of people, taxis, waiting customers and anti-social behaviour, particularly in the early hours. Even if alcohol is not sold, the premises will still operate during a period when disorder and nuisance are more likely.

5. Parking and traffic

Although parking enforcement is not strictly a licensing matter, the likely increase in taxis, vehicles stopping briefly, and customers arriving late at night is part of the foreseeable disturbance caused by this application.

6. Residential setting

The fact that there are residential properties nearby is highly relevant. This premises is next door to flats, and the proposed hours are extreme. Residents should not have to accept disturbance until 5:00 a.m. simply because the applicant believes conditions can manage it.

I also note that some of the applicant's response seeks to rely on historical planning or previous commercial use of the premises. However, this licensing application concerns the proposed use now, at these hours, and its likely impact on current residents. The issue before the Licensing Sub-Committee is whether granting a licence until 5:00 a.m. is appropriate in this location, not what may have happened previously.

I therefore maintain my objection and respectfully ask the Licensing Authority to refuse the application, or at the very least to consider whether the proposed hours should be significantly reduced to protect residents from late-night nuisance.

Yours sincerely

Mary 

3.

From: [REDACTED]
Sent: 14 July 2026 11:24
To: Sian Parsons <sian.parsons@cherwell-dc.gov.uk>
Subject: RE: 67-69 Calthorpe Street

Hi Sian,

Thank you for the response but it has definitely not satisfied my concerns after all these years of noise and disturbances with food outlets.

I do not believe this one will be any different.

Thank you

Keith

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