



Application for the review of a premises licence or club premises certificate

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

*Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.*

Barclay Residents Co Ltd

(insert name of applicant)

apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 87 of the Licensing Act 2003~~ for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
Moko Bar and Kitchen 16 Broad Street	
Post town Banbury	Post code (if known) OX16 5BN
Name of premises licence holder or club holding club premises certificate (if known) Oxford Pub and Leisure Co Ltd	
Number of premises licence or club premises certificate (if known) PRM0070	

Part 2 - Applicant details

I am	Please tick "yes"
1) an interested party (please complete (A) or (B) below)	<input type="checkbox"/>
a) a person living in the vicinity of the premises	<input type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input checked="" type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input checked="" type="checkbox"/>

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

Please tick "yes"

I am 18 years old or over

Current address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Barclay Residents Co Ltd
c/o Common Ground Estate & Property Management Ltd
Sandford Gate
East Point Business Park
Oxford
OX4 6LB

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes Y

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note1)

Prevention of public nuisance

Noise nuisance

Music played in the bar continues well after 11pm, in particular on Friday, Saturday and Sunday nights when they have a disco from 10.00pm until after midnight, and creates a noise nuisance to persons living in the vicinity

Low notes and bass beats are transmitted upward through the structure of the building causing the rooms to vibrate, particularly in those flats on the first floor immediately above the bar.

The area immediately outside the bar is both the designated smoking area and used for bar tables and chairs. The door is therefore repeatedly opened increasing the noise level near the flats

The music is sufficiently loud to prevent people from sleeping, and to wake them late at night.

Smoking nuisance

The smoking area is immediately underneath the windows of six flats, which cannot therefore be opened during bar hours without allowing secondary smoke into the living area of the flats

Please provide as much information as possible to support the application (please read guidance note 2)

Construction of premises and proximity to flats



Though this photograph was taken some years ago with the bar concerned under different ownership (Rylands) it clearly shows the proximity of the bar to the six residential flats above, and others to the right.

The property was not designed with the intention of the lower part being used as a bar (indeed this was specifically excluded on the original freehold) and has therefore not been constructed with suitable internal sound insulation. Sound and vibration are transmitted upward through the building structure, especially for the bass notes of amplified music.

Noise levels

Residents in the flats have had to call the Cherwell Antisocial Behaviour Team on their night number on many occasions in view of the noise.

Specific dates where the noise was recorded as being a nuisance include:

- 3rd and 5th February - very loud, unable to sleep
- 18th and 19th February - really loud, unable to sleep
- 12th March - audible until midnight, enough to irritate if trying to sleep
- 25th March - really loud, music did not stop before 1am
- 26th March - noise level high, could hear music clearly even with TV on
- 1st April - music really loud until 1am, unable to sleep
- 2nd April - music really loud until midnight, unable to sleep
- 3rd April - live band/singer, really loud, did not finish until just after midnight
- 8th April - music very loud, did not stop until 1am
- 9th April - "so loud it was as if we had played the music in our flat". Did not stop until 1am
- 10th April - 10:30pm, live band has stopped playing but can still hear the music

Environmental Health are aware of an ongoing noise problem and have measured noise levels in Flat 9. They were called out again due to noise levels on April 2nd.

Continued on continuation sheet, page 1

Please tick yes:

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date

11/4/11

Capacity

Company Secretary

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Mrs J Kirby Barclay Residents Co Ltd c/o Common Ground Estate & Property Management Ltd Sandford Gate, East Point Business Park	
Post town Oxford	Post code OX4 6LB
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) barclayresco@gmail.com	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Application for the review of a premises licence or club premises certificate

With regard to Moko Bar and Kitchen, 16 Broad St, Banbury

Continuation sheet, page 1

Lack of mitigating actions taken by the bar

The bar owners have been approached by representatives of the residents, the managing agents, and the Antisocial Behaviour Manager, Cherwell DC. They have made it clear that they consider they are within the terms of their license and will make no effort to reduce the noise below the maximum permitted.

Information to support the application (continued)

No sound proofing materials have been installed by the licensees

No air conditioning or ventilation equipment is visible from outside the building, suggesting none has been installed by the licensees to assist in keeping the doors and windows closed.

The licensing terms for the bar include a noise limiting device. We have no way to determine what noise level it is set to, nor if it is working.

Cherwell DC Environmental Health Department has issued an Noise Abatement Notice under the Environmental Protection Act regarding the excessive noise

Smoking nuisance

The bar has no legal access to the area behind (except for a right of way) and therefore cannot use this as a designated smoking area.

Suggested remedial action

The residents of Barclay House, as represented by Barclay Residents Co Ltd, would consider a satisfactory resolution to be:

- Installation and use of an effective noise limiter to reduce the noise level from amplified music
- All music (amplified or live) to cease at 23:00
- Notice be given to residents in advance of any live music events
- Loudspeakers to be mounted on a structure separated from the walls of the building and suitably insulated so that vibrations are not transmitted through the building structure
- Erection of a canopy over the bar to deflect smoke from the flat windows

Barclay Residents Co Ltd
c/o Common Ground Estate & Property
Management Ltd
Sandford Gate
East Point Business Park
Oxford
OX4 6LB

Urban and Rural Services (Licensing)
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA



11 April 2011

Dear Sir/Madam,

Application for the review of a premises licence - Moko Bar & Kitchen, 16 Broad St

Please find enclosed a completed application requesting review of the Premises License at the above location.

This application is made by Barclay Residents Co Ltd on behalf of the residents of the flats adjoining the bar, including those located immediately above, for which the noise and disturbance produced by the current bar and its predecessor cause a regular and excessive nuisance.

Yours sincerely,
For Barclay Residents Company Ltd

J Kirby (Secretary)
N Bolas
L Greenaway
A Tyler
C Mahfound
B Gascoigne
M Lentall