

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 

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