

The Licensing Offer
South Oxfordshire District Council
135 Eastern Avenue
Milton Park
Abingdon
OX14 4SB
BY POST & EMAIL

Our Ref: IN/CAR23-28

Your Ref: 19546

02 November 2015

Dear Sirs,

Our Clients: Mr Rod Carmichael & Mrs Collette Carmichael
Address: Starbank House, 23 High Street, Thame, Oxon OX9 2BZ
Banbury Heath Ltd of Domino's Pizza Site Notice pursuant to the Licensing Act 2003

We act on behalf of the above clients who reside in the vicinity of the premises of Domino's Pizza of 19 – 19a High Street, Thame, OX9 2BZ ("the Premises") and refer to the Site Notice of Banbury Heath Ltd of Domino's Pizza pursuant to the Licensing Act 2003 ("the Act") in respect of an application that has been made to South Oxfordshire District Council ("the Council") concerning the Premises to provide late night refreshments from 9:00-00:00 hours on Sunday to Thursday and 9:00-01:00 hours on Friday and Saturday.

The Premises is a new establishment on Thame High Street ("the High Street") that is due to open shortly in the nearby future. The Premises is adjacent to our client's property (approximately 180ft), which is residential in nature.

Pursuant to the Notice and under the Act, we are instructed by our clients to file a representation to object to the application for the late night refreshments on the following licencing objectives under s4 of the Act:

The prevention of crime and disorder

Our clients reside in the heart of the High Street in Thame. The proposed opening hours of the Premises are 9:00-00:00 hours on Sunday to Thursday and 9:00-01:00 hours on Friday and Saturday. The proposed hours are un-neighbourly given the nature of their business. Opening hours beyond 23:00 hours are unacceptable to neighbouring residential properties such as those of our clients. People living close to the Premises, including our clients, fear that a new licence for late night refreshment will cause antisocial behaviour in the area. Customers that may be visiting the premises after 23:00 hours will generally consist of people who have left a licenced establishment and as a result there an inherent risk of antisocial behaviour.

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In granting the application, the Council risks causing serious problems of nuisance and disorder to the locality, which may extend for some distance from the Premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving the Premises at peak times or when queuing at fast food outlets or for public transport. Furthermore the queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people risks increasing the incidence of other criminal activities such as drug dealing, pick pocketing and street robbery.

If people stayed later in the area as a result of the increased trading hours, there would be more potential for increased crime and disorder. This includes the potential for customers to be victims of crime, which would undermine the licencing objective relating to the prevention of crime and disorder.

Public safety

Our clients fear for their safety and the safety of surrounding neighbours and believe their safety will be put at risk as a result of the unsociable hours. The customers visiting the premises will generally be inebriated and therefore may be aggressive and violent. There is also an increased risk to those using the Premises, become too drunk and suffering accidents as a result. This risks the Health & Safety of all in the locality and risks placing a heavier burden on the public services that would be called into action, such as Police and Ambulance Services.

The prevention of public nuisance

The proposed hours could lead to late night noise and disturbance to the neighbourhood by customers who will stop to visit the Premises after 23:00 hours. People living close to the Premises already suffer noise and disturbances late at night from businesses in the High Street and our clients are concerned that a new licence for a late night refreshment will cause similar problems. Anticipated noise and disturbances from customers using the outdoor areas and leaving late at night can also promote antisocial behaviour. Furthermore the late night refreshment could lead to inebriated customers queuing for food and as a result loitering and leaving litter in the area. Additionally, local services such as public transport services, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers/customers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly. In particular, the risk of littering is substantial and may result a decrease in hygiene and cleanliness standards in the Town, generally.

The Premises may also bring light pollution; bright lighting outside the premises which the applicant may have (to prevent crime and disorder) may itself give rise to light pollution for the surrounding neighbours.

Opening hours beyond 23:00 hours would encourage people to stay in the area and not disperse; this would have a negative effect on the public nuisance licencing objective, in particular noise, littering and general anti-social behaviour.

We encourage the Council to take the above representations in to consideration in accordance with the promotion of the licencing objectives (s18(3)(b) of the Act). As above, we reiterate our client's objection to the late night refreshment application. The unsociable hours for refreshments will have a detrimental effect on crime and disorder and noise nuisance in the town, with inebriated customers queuing for food. Such application will encourage customers to stay later in the High Street thus extending the noise that our clients and the local neighbours already suffer. Therefore pursuant to s18 of the Act we urge the Council to consider the licencing objectives in s4 of the Act and reject the application under s18(4)(d) of the Act as they do not further the licencing objectives.

In accordance with the Act and as a result of our clients' representation to oppose the late night refreshment application, the Council must hold a hearing to consider the representation. The Council should consider the representation and any other circumstances it considers appropriate. Therefore we look forward to hearing from you with details of the hearing date and time.

Yours faithfully



For and on behalf of
LIGHTFOOTS LLP