

NORTHAMPTON BOROUGH COUNCIL

LICENSING AUTHORITY

NOTICE OF HEARING

A Meeting of the Licensing Sub-Committee will be held on

Monday, 22 October 2012 at 11:00 am

In The Council Chamber, St. Giles Square, Northampton, NN1
1DE. The Guildhall, Northampton
to hear the relevant representations and notices raised in respect of

**Occo
15 Derngate
NN1 1TY**

PROCEDURES FOR LICENSING SUB-COMMITTEE HEARING

- **Welcome** – Chairman welcomes the Applicant, Representors, Responsible Authorities and Interested Parties and introduces members of the sub-committee (+ other officers e.g. Solicitor, Licensing Officer, Meetings Services clerk etc).
- **Reason for Hearing** – to be outlined by the **Licensing Officer** or the **Chair**.
- **Format of the hearing** – an explanation of the format of the proceedings:
 1. **Applicant** (or his/her representative) will address the sub-committee first and put their case.
 2. **The Chair** leads an examination of the **Applicant's case**. First, the panel may ask questions and then the Chair invites Responsible and Interested Parties to participate. Questions may only relate to the points made by the applicant.
 3. **The Representors** (and responsible and Interested Parties) then state their case.
 4. **The Chair** leads an examination of the **Representor's case**.

Each party will be given an equal maximum period of time in which to present their case and may, if given permission by the Chair, question any other party.

- **Summing Up**
 - By the Representors
 - By the Applicant
- **Sub-committee retires** – and may call for the Solicitor for advice if required.
- **Sub-Committee deliver their decision and reasons for their decision at the conclusion of the meeting IF:**
 1. Application for conversion of existing licence
 2. Application for conversion of existing club certificate
 3. Application by holder of justices' licence for grant of personal licence
 4. Application for conversion and variation of premises licence (including variation of DPS)
 5. Application for conversion and variation of club premises certificate
 6. Counter notice following police objection to temporary event notice
 7. Review of Premises Licence following Closure Order

In all other cases, the Sub-committee delivers its decision and reasons for its decision within five working days beginning with the day on which the hearing was held.

Agenda Item 1



Northampton Borough Council
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@northampton.gov.uk
Telephone: 01604 838545

* required information

Section 1 of 20

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

130454

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Martin

* Family name

Stevens

* E-mail

martin@hakamou.co.uk

Main telephone number

00447875564835

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House?

Yes No

* Registration number

6663228

* Business name

Manuia Bar Company Ltd

If your business is registered, use its registered name.

* VAT number

GB

9855478671

Put "none" if you are not registered for VAT.

* Legal status

Private Limited Company

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

The information given here will be saved and will be pre-filled in future forms.

Section 2 of 20

APPLICATION DETAILS

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

Continued from previous page...

Section 3 of 20

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe briefly the nature of the proposed variation

We wish to remove the pre 1995 Restaurant condition on the licence, and amend some permitted hours.

Section 4 of 20

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?
 Yes No

Section 5 of 20

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?
 Yes No

Section 6 of 20

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?
 Yes No

Section 7 of 20

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?
 Yes No

Section 8 of 20

PROVISION OF LIVE MUSIC

Continued from previous page...

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

Section 9 of 20

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

The playing of amplified music for background purposes. Not for DJ or dancing purposes.

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 10 of 20

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

Section 11 of 20

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

Section 12 of 20

PROVISION OF FACILITIES FOR MAKING MUSIC

Will the schedule to provide facilities for making music be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

5 End

Provide timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start 10:00

End 02:00

Start

End

WEDNESDAY

Start 10:00

End 02:00

Start

End

THURSDAY

Start 10:00

End 02:00

Start

End

FRIDAY

Start 10:00

End 02:00

Start

End

SATURDAY

Start 10:00

End 02:00

Start

End

SUNDAY

Start 10:00

End 02:00

Start

End

Provide a description of the type of facilities for making music that will be provided.

Will the facilities for making music be indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the provision of facilities for making music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

6

Continued from previous page...

Non-standard timings. Where the premises will be used for the provision of facilities for making music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 13 of 20

PROVISION OF FACILITIES FOR DANCING

Will the schedule to provide facilities for dancing be subject to change if this application to vary is successful?

Yes No

Section 14 of 20

PROVISION OF FACILITIES FOR ENTERTAINMENT OF A SIMILAR DESCRIPTION TO THOSE PROVIDED FOR MAKING MUSIC OR DANCING

Will the schedule to provide facilities similar in nature to those provided for making music or dancing be subject to change if this application to vary is successful?

Yes No

Section 15 of 20

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start 23:00

End 01:00

Start

End

FRIDAY

Start 23:00

End 01:00

Start

End

SATURDAY

Start 23:00

End 01:00

Start

End

SUNDAY

Start 23:00

End 01:00

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

- Indoors Outdoors Both

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Please note that we wish Tuesdays to be 23:00 to 01:00 - but this form is corrupted.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 17 of 20

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 18 of 20

HOURS PREMISES ARE OPEN TO THE MEMBERS AND GUESTS

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start 08:00

End 07:59

Start

End

SUNDAY

Start 08:00

End 07:59

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Restaurant Condition

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

These are held by the current holder - who is not available at the time of this application. The premises are not currently trading, and will not until such time as a newly varied licence is issued.

Section 19 of 20

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

- a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

If the club wishes members and their guests to be able to consume alcohol on the premises select on, if the club wishes people to be able to purchase alcohol to consume away from the premises select off. If the club wishes people to be able to do both select both.

As a responsible company we will ensure the promotion of the licensing objectives by considering them fully prior to adopting operating policy, engaging in competitive activity, and when holding promotions and events.

Any challenges identified at this time that may prevent us from upholding the Licensing Objectives will be assessed and appropriate steps taken to mitigate against such risks.

Where risks are identified that may impact other parties such as neighbours or the Police we will consult with them prior to deciding whether to proceed.

Further to this it will be our policy to monitor our performance, to repeat success and to address shortcomings as appropriate.

b) The prevention of crime and disorder

We recognise the avoidance of crime and disorder as being paramount to the successful operation of our business. Accordingly we will aim to identify individuals and situations that may lead to crime and disorder, and address with a range of options such as refusing entry/service etc, alerting the Police and other operators via the Borough Council CCTV and radio system.

In addition to the above we will employ Security Industry Association door supervisors during times that we consider to be high risk. The role of security will be to avoid disorder, and to effectively and appropriately manage any situations that may occur despite our best efforts.

We will operate a CCTV system and retain images for up to 28 days, making copies available to the Police when requested – and ensure that duty managers are trained in making such copies. We will also join and support local Pub Watch, and Borough Council Radio Link.

c) Public safety

The public safety aspect of our business is governed by the Health and Safety at Work Act 1974, the Health and Safety at Work regulations 1999, and the Fire Precautions (workplace) Regulations 1997. In the interests of Public Safety we will be upholding the requirements of these Acts and any amendments made to them.

d) The prevention of public nuisance

We recognise that our business activity has the potential to cause nuisance. We will therefore aim to ensure that noise levels are set, monitored and adjusted to avoid nuisance. We will also address litter and associated dangers by having robust policies in relation to housekeeping and in preventing customers leaving the premises with bottles or glasses, and will personally request people to consider our neighbours when leaving the premises.

e) The protection of children from harm

We will protect children from harm by strictly restricting under 18 admission into the premises to times that we feel are appropriate, and when this is the case only allow with appropriate adult supervision. An example of an appropriate time would be during food service, as part of a group eating from the menu.

At times when the predominant activity of our customers is the consumption of alcohol (such as after food service has ceased) our policy is to prohibit children from entry.

In relation to identifying people under 18 attempting to consume alcohol, we will adopt best practice guidelines included in schemes such as 'Challenge 21' and 'PASS' to assist us in compliance with the Licensing Act 2003.

Continued from previous page...

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00

Continued from previous page...

Capacity 90000 and over £64,000.00

* Fee amount (£)

ATTACHMENTS

Nature of Variation 15 Deragate	electronic
Premises plan	post
Premises Licence	post

DECLARATION

* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Digital signature

You can digitally sign the form if you wish, this will be verified and passed to the authority.

When you are satisfied that you have completed the form correctly, save it and continue with the application process. If the online application screen is no longer available in your browser, [click here](#) to resume.

OFFICE USE ONLY

Applicant reference number	
Fee paid	190.00
Payment provider reference	ELMS00000344
ELMS Payment Reference	130454
Payment status	Paid
Payment authorisation code	702923
Payment authorisation date	Aug 31, 2012
Date and time submitted	Aug 31, 2012 12:08:40 PM
Approval deadline	
Error message	
Is Digitally signed	<input checked="" type="checkbox"/>

Digital Signature Information

Signer's name	Martin Stevens
Signer's contact information	
Signing time	2012-08-30T18:30:41
Signer status	Identity Unknown - Identity Verification of the
Signature status	Signature Valid but document modified - The
Certificate issuer	C=GB,1.2.840.113549.1.9.1=#16146d61727469

Apartment 5,
Theatre Court,
Derngate,
Northampton,
NN1 1TY

P Bayliss,
Licensing Officer,
Northampton Borough Council,
The Guildhall,
St. Giles Square,
Northampton,
NN1 1DE

11/09/2012

To whom it may concern:

We are writing to you to make it clear that we oppose the planning application to turn the following address to be turned into a nightclub.

Occo, 15 Derngate, Northampton NN1 2ED.

As we have a young family we chose this area of town to reside in as it is very quiet and away from the screaming and shouting of the town centre most evenings. We feel that this will no longer be the case if this application is approved. The entrance to our building is immediately adjacent to the property in question and we will be inundated with drunk individuals hanging around outside, screaming and shouting and generally causing a nuisance. We also know that in the morning will be presented with a magnitude of rubbish, cigarette ends and vomit on our doorstep when leaving our building.

If you need any further information, please do not hesitate to contact us on the following details:

T
N
E

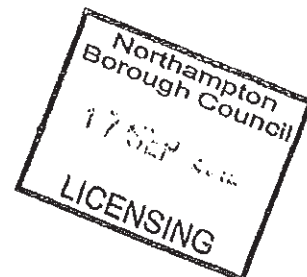
Yours sincerely,



Ben Warren



Branka Warren



Joanne Cross
13 Theatre Court
Derngate
NN1 1TY
16th September 2012

Phil Bayliss
Senior Licensing Officer
Northampton Borough Council
The Guildhall
St. Giles Square
Northampton NN1 1DE

Dear Mr Bayliss:

Re: Proposed Manuia Bar, 15 Derngate, Northampton NN1 1TY

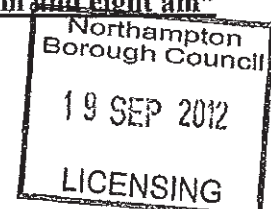
In reference to the above proposal, I would like to object in the strongest possible terms to the application for the license to sell alcohol during extended hours from the above-mentioned premises.

I own one of the apartments above the proposed bar, and have lived in Theatre Court since 2005. Over that time I have seen this area deteriorate in terms of noise and mess.

Recently a new bar opened on Castilian Street, a few doors up from our car park entrance, which has compounded the problems we already had involving smashed bottles and glasses, urine and vomit; I even came home late from work one evening and found a couple copulating in the entrance to our car park. Many of the residents including myself have had to clean up the mess left by people on a night out, both from our front entrance and the car park. I have to tell you that when that involves urine and vomit, it really is an incredibly unpleasant task. With the new proposed premises having its entrance a few doors down from our front entrance, I can only dread the results. Not only that, but when I return home as a single woman I would be very scared to have to fight my way through a crowd of drinkers and smokers to get to my front door.

Another point I would like to draw your attention to is the following clause as set out in my Leasehold agreement:

“Not to allow any radio or television or any musical instrument to be played or any music or singing to take place in the Flat so as to be an annoyance to the landlord or the tenants and occupiers of the other flats in the building **and not to allow any musical or mechanical instrument to be played or any music or singing to take place in the BUILDING AT ALL between the hours of eleven pm and eight am**”



Surely an establishment located within the same building as the apartments would have to abide by these rules themselves? This would make the opening of an all night bar a contradiction with the rules set in place for those who live there.

It is also my understanding that establishments such as the one proposed require a fire exit, which would not be possible for these premises as the rear of the building opens into the Theatre Court / Castilian Court car park, which is privately owned property and is a locked area for residents only. Not only that, but the fire exit is directly blocked by car park space Number 14, meaning the fire exit is illegal. Again, I can only imagine the damage that may be caused to vehicles which are parked there if this is flouted and bar patrons are allowed to use that exit.

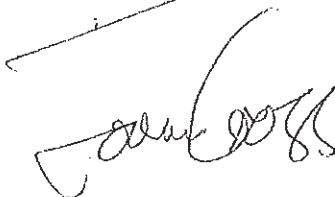
This would also have an impact on the front of the property, as the only smoking area would have to be directly on Derngate opposite the Theatre, meaning our front entrance would also become littered with cigarette butts.

I am not against this premises being turned into a legitimate business, but surely that should be a retail business, not one which compounds local residents misery. We pay our Council Tax and we deserve your protection from this kind of unnecessary intrusion. If this is allowed to go ahead, then I would think seriously about moving away from Northampton altogether.

On a final note, surely there are already enough bars and clubs in the Northampton town centre to cater for all the people who wish to go out. Why does this area need yet another all night bar when there are two around the corner in Castilian Street. I believe it would be a retrograde step, particularly opposite the Theatre.

On this basis I am requesting that you not grant a license for the proposed bar.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Joanne Cross', written over a horizontal line.

Joanne Cross

20 Theatre Court 17 Derngate Northampton NN1 1TY

P Bayliss
Licensing Officer
Northampton Borough Council
The Guildhall
St Giles
Northampton

Re variation of licensing for Occo 15 Derngate

Dear Sir,

I wish to object to any extension and change of the licensing for the above premises, including the introduction of the playing of recorded music until 2 am and the sale of alcohol until 1.30 am.

I live in Theatre Court. My husband and I chose to buy an apartment and live there because of the location: – quiet, but close to the town centre and theatre; with some beautiful old architecture and high quality shops and restaurants. To have what in effect will be a night club in this location, attracting young people with late night drinking and doubtless very noisy music is totally in inappropriate. If we had wanted to live in a street full of noise and smoke pollution into the early hours of the morning we would have bought an apartment in Bridge Street.

Since smoking is banned inside there will be smoking outside. Lovely. The pavements will be full of cigarette butts and the smoke from the cigarettes will drift up to all the flats immediately above the premises making it impossible for them to have their windows open since secondary smoking is as lethal as actual smoking. To get in our front door we will have to go through the smoke polluted atmosphere and some of the families who live here have young children.

There are already over 30 bars, pubs and clubs in the town centre as well as licensed restaurants. Bridge Street and Gold Street are already causing our police huge problems and encouraging under-age drinking, so much so that I understand they are going to have to set up a permanent position at the junction of those two streets. Do we really want to add to their already overstretched workload with yet another night club?

On the practical level there is already insufficient room for rubbish disposal bins for Theatre Court. Frequently the few that we have overflow. Trying to get into some of the designated parking areas for some residents is all but impossible. Where would the bins for all the bottles and cans go if alcohol is to be served until 1.30 am and drunk until even later?

I hope, having given the matter due your consideration, you will NOT grant this application.

Yours sincerely

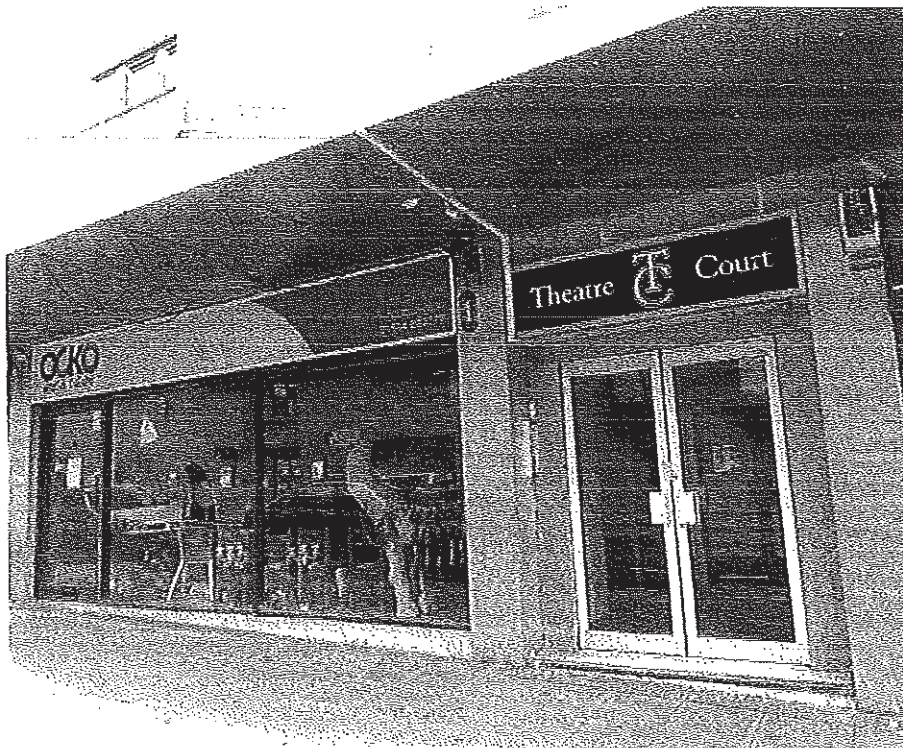
Marion Aldis

Marion Aldis M.A





Flats immediately over the proposed night club with balconies and windows



The front door to Theatre Court and its proximity to the proposed night club.

Dear Sir/Madam,

I live at number 5 Castilian Street and am writing to strongly oppose the application for licensed premises at 15 Derngate.

This will undoubtedly lead to more noise pollution in the area, especially late evening and early morning during the weekend. We have already experienced this since the opening of Borjia on Castilian Street.

I would also like to oppose the application based on anti-social behaviour, which has increased since the opening of Borjia. Again, I feel this will only get worse with the opening of another premises nearby. We regularly have smashed glass on the street, people shouting or being abusive in our street and people urinating at the side entrance to our property.

The feel of the area needs to be preserved for residents and the opening of another bar will only detract from this.

Mark Watson


Philip Bayliss

From: ... DALOW3All [REDACTED]
Sent: 12 September 2012 14:50
To: Licensing
Subject: Manuia Bar : Occo

To whom it may concern

I Farah Attia of Flat 7 Castillian Court would like to officially reject and oppose the application of Occo, 15 Derngate, whom I understand have applied for a license to extend their opening hours and activity of sale of alcohol.

Not only are we already suffering intolerably in the area from a lack of respect, decency, noise pollution, reduction in safety, broken glass, loud intolerable music through the night, fag ends, urination and puke every weekend from the disrespectful club that is already present in the area on Castillian Street.

When we initially moved into the area it was peaceful and one could actually sleep at night, not only does this club disturb our sleep for at least two nights of the week but it has disrupted the cleanliness and the safety levels in the area.

I refuse to add to this with another BAR that will only further devalue the area, reduce further the quality of life for us and I will do anything to put a firm stop to this.

I would like your advise as how best and what more we as a community must do to ensure this application is TOTALLY rejected.

Yours Sincerely
Farah Attia

Flat 7
Castillian Court
NN1 1JT

Sent from my iPhone

Philip Bayliss

To: Mark Shademan
Subject: RE: Proposed Manuia Bar, 15 Derngate, Northampton NN1 1TY

Good morning

Thank you for your email. You will receive an invitation should there be a hearing with regard to this application.

Kind regards

Phil Bayliss
Senior Licensing Officer
Northampton Borough Council
Tel 01604 837099
email: pbayliss@northampton.gov.uk

From: Mark Shademan [mailto:]
Sent: 15 September 2012 20:12
To: Phillip Bayliss
Subject: Proposed Manuia Bar, 15 Derngate, Northampton NN1 1TY
Importance: High

Dear Mr Bayliss,

Re: Proposed Manuia Bar, 15 Derngate, Northampton NN1 1TY

In reference to the above proposal, I would like to strongly reject the application for the license to sell alcohol during extended hours from the above-mentioned premises.

I own one of the apartments above the proposed bar, have lived in Theatre Court since 2005 and have seen my local area deteriorate year after year.

I am all for developing the empty units below the Theatre Court apartments with businesses which will not only help boost the economy but help to promote the beautiful town of Northampton.

I would like to briefly remind you of some of the cultural attractions the centre of Northampton has to offer and be proud of: -

- The Guildhall, which is one of the most architecturally beautiful buildings in the whole shire.
- The newly developed £2 million plus Becketts Park Marina aimed at attracting new visitors to the town.
- "78 Derngate - Charles Rennie Mackintosh Gallery". Winner of the 2008 Enjoy England Gold Award for Best Small Visitor Attraction.
- The Northampton Museum and Art Gallery which houses some of the history of the town, particularly local history and the nationally recognised shoe collection for which this town is famous.
- The Royal and Derngate Theatres, which are the main venues for arts and entertainment in Northampton. Recently the subject of a £15 million redevelopment project. (Which coincidentally are situated directly opposite the proposed 'all night bar')

I hope that you appreciate that the above list can go on and on!

I would to meet the person who in their right mind would promote the opening of an all night bar in the midst of all of the above culture and beauty! Surely Northampton deserves more than this!

I hope you can begin to understand how strongly I feel about the town I chose to live in, however, much as I am passionate about all of the above I have other reservations and concerns, which I would like to highlight.

Theatre Court already has problems relating to this type of establishment, with frequent broken bottles, glasses, urine and vomit adorning our front doorstep and rear entrance to the car park on a weekly basis.

I have in the past had to personally clean the front entrance from the after effects of excessive alcohol, i.e. vomit and urine, as have other residents who have equally been so disgusted by this. We do not wish for these types of issues to increase and we certainly do not want to promote this type of behaviour, literally on our doorstep.

Secondly, I believe that the proposed plans contradict the rules, which are in place for our leasehold agreement.

My leasehold agreement states that residents must not play music, sing, play musical instruments or allow radio or television to be of a volume, which is an annoyance to the landlord or other tenants in the building. It also states that none of the above be played within the building between the hours of 2300 and 0800 hours at all.

Surely an establishment located within the same building as the apartments would have to abide by these rules themselves? This would make the opening of an all night bar in contradiction with the rules set in place for those who live there.

It is also my understanding that establishments such as the one proposed require a fire exit, which would not be possible for these premises as the rear of the building opens into the Theatre Court / Castilian Court car park, which is privately owned property and is a locked area for residents only.

My final views on this matter are that I believe there are already enough bars and clubs in the Northampton town centre to cater for all the alcohol needs of our visitors, which is probably why most of the bars are half empty even on the most busy nights.

Please accept this letter as my strongest opposition and request to you not to grant a license for the proposed bar.

Sincerely,

Mark Shademan

(Apt 10 Theatre Court)

NN1 1TY

Re: Changes of licence for "Occo" 15 Derngate Northampton NN1 1TY

Dear Mr Bayliss,

I am writing to you to inform you of my objections against issuing a license to the proposed "Manuia" Bar.

Property values within the building range from £140k to £190k in the current climate and as so attract professional owners with incomes to support the high values. The building is designed to attract executives and is viewed as an exceptional residence at the top end of the market within the area.

I purchased my apartment some four years ago at a market price of £190K and have enjoyed every aspect that living at Theatre court has to offer. However I do feel that the proposed Bar may devalue my property due to the increased noise levels and anti social behaviour that will occur.

Having purchased my apartment on a leasehold agreement there are legally binding rules and regulations set up by the "Landlord" named as Unique Build Property Company Ltd to protect both owners / tenants and the Landlord respectively

In particular I would like to draw your attention to the following clauses as set out in my Leasehold agreement:

"Not to allow any radio or television or any musical instrument to be played or any music or singing to take place in the Flat so as to be an annoyance to the landlord or the tenants and occupiers of the other flats in the building and not to allow any musical or mechanical instrument to be played or any music or singing to take place in the BUILDING AT ALL between the hours of eleven pm and eight am"

The Building

"The building known as Newilton House 11 to 23/25 Derngate Northampton registered at H M Land Registry under Title number NN232175 of which the Flat forms part of"

In view of the above, granting a license for the proposed bar operating outside of the hours as stated above would be in breach of my Leasehold and I would be within my rights to instruct legal actions against the Landlord as would the other owners of the 19 apartments within our building. It is also my understanding that premises that have capacity for 61 or more people require two fire escapes. I would like to advise that if the intention is to use the rear access door for fire evacuation there are a few points I wish to inform you about.

Firstly the rear car park is private property to which we as owners pay ground rent and that access is restricted to residents of Theatre Court and Castillon Court. There is no public right of way with any provision for public fire evacuation. The final exit of the car park is controlled via an electronic device which only residents have access too.

The rear door of the proposed Bar opens directly onto the car park and is restricted by car park space 14 which would impede any evacuation in the event of fire as the vehicle using this space would block this exit route.

I would also like to bring to your attention that should any emergency vehicle wish to access the rear of the property it could be impeded by the fact that the main entrance to the rear has only a single yellow line on the road which means during certain times of the evening any vehicle can park across the entrance.

In view that the rear of the property is not for public use this also raises the question of a "smoking area" for the bar. The only place therefore is outside on the street to the front of the building which is directly by our front door this I find unacceptable and would not only cause obstruction but would become intolerable having to fight our way to our front door passing drinkers and smokers. Please can you confirm what provision has been requested to facilitate this requirement?

Please also note the area is not covered by the towns CCTV and that it has been poorly policed having had to call and inform the police on many occasions with regards to serious antisocial behaviour.

I would also like to raise the issue regarding the sound of empty bottles crashing into bins and inform you that Borjia are using Castillon Court to store commercial waste including glass bottles. Please could you confirm if Borjia have requested and been granted permission by H M Land registry to use the car park for the storage of commercial waste and that permissions have been granted to access the car park to collect commercial waste on behalf of Borjia. The noise levels from glass being emptied on a daily basis are unbearable and this will increase should the new bar open.

Could I also ask you to review the current licence granted to Amore lounge also located within our building and confirm back their licensing hours, as we may also have reason to seek legal proceedings should this bar operate outside of the permitted hours as stipulated within our leasehold agreement together with conformation of their rights to permit smoking and drinking on the public footpath which also causes obstruction, noise pollution and general rubbish.

I would also request what permissions have been granted / requested in respect to delivery time frames to service both Amour and the new proposed Bar Manuia together with conformation as to the agreed location to accept deliveries.

I would therefore ask you not to grant permission to provide a licence for the proposed bar.

Yours sincerely

Stephen Carter

Apt 15 Theatre Court

Louise Faulkner

From: Edward Tyler <[REDACTED]>
Sent: 14 September 2012 11:35
To: Louise Faulkner
Subject: RE: OCCO Licence

Thank you for your email, apologies I wasn't aware that I had to specify my exact objections. So I'll try again using the Licensing objectives below:

- the prevention of crime and disorder
- public safety (physical safety of the people using the premises)

This is difficult to quantify as every area is different but other areas of Northampton have a constant police presence during popular nights. So it could be argued that there will be an increase in vandalism and disorder around the Theatre Court main entrance.

- the prevention of public nuisance (eg noise, light, smells or litter)

I currently live directly above the OCCO establishment and am concerned that a license extension allowing it to remain open and play music until 8.00am will cause a constant disturbance. Additional noise will also be added as people leave and enter the establishment and gather outside in the smoking area.

Regards

Edward Tyler, Tenant of number 11 Theatre Court.

From: lfaulkner@northampton.gov.uk
To: [REDACTED]
Subject: RE: OCCO Licence
Date: Fri, 14 Sep 2012 10:13:39 +0000

Thank you for your email, unfortunately any representations made by you as an Interested Person, must relate to one or more of the Licensing Objectives in order for it to be considered by the Licensing Authority.

The four Licensing Objectives are:

- the prevention of crime and disorder
- public safety (physical safety of the people using the premises)
- the prevention of public nuisance (eg noise, light, smells or litter)
- the protection of children from harm (ie moral, psychological or physical harm)

These are the only matters that the Licensing Authority may take into consideration when determining applications and therefore if you would like your concerns about the premises to be considered by the Licensing Authority, then you may wish to write again, expressing how these premises will directly affect you or your business and why you believe that if the application were granted it would not promote the Licensing Objectives. Perhaps those other residents who have expressed their concerns to you could do the same.

Kind Regards

Louise Faulkner CHE in Licensing Law (Warwick)
Senior Licensing Officer
Northampton Borough Council

Direct Dial: 01604 838545
email: lfaulkner@northampton.gov.uk

From: Edward Tyler [mailto:edward.tyler@northampton.gov.uk]
Sent: 14 September 2012 09:27
To: Licensing
Subject: OCCO Licence

Dear Mr P Bayliss,

I would like to give notice of my opposition to the extended license request of the Manula Bar Company. Whilst I like going to bars and nightclubs I do not want to live directly above one that is open until 8.00am and nor do the other residents of Theatre Court.

Regards

Edward Tyler, Tenant of number 11 Theatre Court.

Please note that the contents of this e-mail, including any attachments thereto, may contain information which is confidential or privileged, and which is solely for the use of the recipient named above. The information contained in this e-mail, and in your reply, may be subject to disclosure under the Freedom of Information Act 2000 or other legislation, and its confidentiality cannot be guaranteed. If you are not the intended recipient, please be aware that any disclosure, copying, distribution or use of the contents of this e-mail is strictly prohibited. Northampton Borough Council, The Guildhall, Northampton, United Kingdom, NN1 1DE +44 (0)300 330 7000 www.northampton.gov.uk

Apartment 20 Theatre Court, 17 Derngate, Northampton, NN1 1TY

20 September 2012

Mr. P Bayliss
Licensing Officer
Northampton Borough Council
The Guildhall
St. Giles Square
NORTHAMPTON
NN1 1DE

Dear Sir,

Ocko, 15 Derngate, Northampton, NN1 2ED

I write with reference to the application for a variation of premises licence for Ocko Restaurant at 15 Derngate, Northampton.

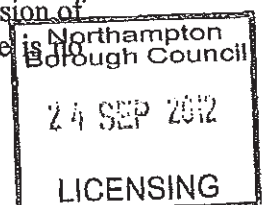
I consider this application to be inappropriate and recommend, therefore, that it be refused.

During the time that my wife and I have been resident here, Ocko was a Moroccan restaurant of some character; we entertained friends and family there on a number of occasions, and were sorry that it closed. We were not aware of any problems associated with Ocko as a restaurant.

To replace Ocko with a 24-hour bar is unacceptable and inappropriate, given that Theatre Court already has Amore Lounge as a licensed bar beneath its apartments. If the proposed change of use is granted to the Ocko premises, much of the area below our apartments will be designated drinking areas, with an even greater potentiality for the well reported problems of noise disturbance and anti-social behaviour associated with Borgia and Sazerac in Castilian Street as well as Amore Lounge in Derngate. The link between alcohol consumption and crime is proven, and police forces throughout the country are devoting huge resources to this growing problem.

I submit that the proposed licensed premises that Ocko will become, if this application is approved, will be inappropriate to this neighbourhood, which is a designated conservation area, and unnecessary, moreover, given the existing provision of pubs, bars and restaurants. Derngate has quality shops like Bang & Olufsen and Montague Jeffery, distinctive apartments in Theatre Court and Scholars Court, together with solicitors' and other professional offices; it is, therefore, a balanced mix of residential, shops and offices. A well established public house, The Mail Coach, Ask and The Vineyard restaurants, not to mention the various facilities afforded by the excellent Royal & Derngate (soon to be further enhanced by the opening of a cinema), mean that there is already more than adequate provision for social eating and drinking. The recent arrival of Borgia, Sazerac and Amore Lounge has led to widespread complaints from residents and shopkeepers that did not arise before.

There are, moreover, practical considerations that give cause for concern. Provision of waste bins is already limited owing to insufficient space to house them. There is no



spare space in the private car park that serves Theatre Court and Castilian Court, and Theatre Court residents have been refused provision of recycling bins by the local council on the grounds that there is nowhere to locate them. Problems have arisen with the disposal of cans and bottles by Amore Lounge and Borgia, a situation that can only be worsened by the activities of an additional bar. Access to the rear of the Derngate properties is via the gated entrance in Castilian Street, thus limiting the ability of emergency vehicles to respond to incidents arising in any of the premises except from Derngate itself.

We are constantly reminded by health spokespersons that passive smoking is as lethal as active smoking. Where will the smokers in Amore Lounge and the proposed new bar engage in their poisonous activity? Presumably in the outside street on Derngate. Smoke will inevitably drift up to the apartments overhead, and the pavement will be littered with butt ends which will not be cleaned up by those operating these bars. May I remind the Licensing Authority that some of the occupants of Theatre Court are children; one of our near neighbours has a 4-year old and a new baby due in November. Most of our apartments are occupied by working people, some with families. The inevitable noise disturbance that ensues from premises such as the one proposed is inimical to family life and normal working hours. The Licensing Authority should consider that Theatre Court leaseholders and tenants are subject, under the terms of their lease, to restrictions on TV, radio, music, etc., within the hours of 2300 and 0800. The proposed application ignores these sensible restrictions placed on the building for the well-being of all residents; the applicant should not be granted permission to conduct his/her business in a manner inconsistent with these regulations.

For these reasons I recommend that this application be refused.

Yours faithfully,

G. Aldis
~~XXXXXXXXXXXXXXXXXXXX~~



Philip Bayliss

From: Licensing
To: Maria Dehandschutter
Subject: RE: Proposed change of license for 15 Derngate

Dear Ms Dehandschutter

LICENSING ACT 2003 – APPLICATION NEW GRANT PREMISES LICENCE

I acknowledge receipt of your email received 25th September 2012 in respect of your representation to the application for a new premises licence with regards to **Occa, 15 Derngate, Northampton.**

Any representations made by you as an Interested Party, must relate to one or more of the Licensing Objectives and associated with the premises concerned in order for it to be considered by the Licensing Authority.

The four Licensing Objectives are:

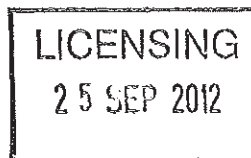
- the prevention of crime and disorder
- public safety (physical safety of the people using the premises)
- the prevention of public nuisance (eg noise, light, smells or litter)
- the protection of children from harm (ie moral, psychological or physical harm)

These are the only matters that the Licensing Authority may take into consideration when determining applications.

I will be contacting you again shortly with details of an Invitation to the Licensing Sub-Committee Hearing; in the meantime if you have any queries, please do not hesitate to contact my office on the above number.

Kind regards

Philip Bayliss
Senior Licensing Officer
Licensing Department
Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE



Phil Bayliss
Senior Licensing Officer
Northampton Borough Council
Tel 01604 837099
email: pbayliss@northampton.gov.uk

From: Maria Dehandschutter [mailto: maria.dehandschutter@northampton.gov.uk]
Sent: 25 September 2012 14:18

To: Licensing

Subject: Proposed change of license for 15 Derngate

Dear Mr Bayliss,

I am writing to you regarding the proposed change of license for 15 Derngate.

I am very concerned that, should the license be granted, myself and the other occupants of Theatre Court will experience some very unpleasant changes in our quality of life.

Having a 24 hour bar located in our building will first and foremost become a public nuisance. From earlier experience with the restaurants in the building the noise levels may become unbearable. Most of us go to work in the morning and the idea of having loud music playing, people talking loudly, etc...until uncivilised hours is very unattractive.

There are also small children living in the building, whose health should be a priority.

Further on, the possibility of smokers in front of the building will certainly affect most directly the people who have windows on that side. Secondary smoking is a real and recognised health hazard. And, of course, it will be a nuisance to have a carpet of fag-ends in front of the building. (Who would be responsible to clean those up?) By the way, having the people smoke at the back would be no option, since our cars are parked there.

Partying people can also have the unpleasant habit to leave empty bottles littering and even urinate in the street. This is a possibility of damage to the building.

Having people around the building 24/7 also means a very possible increase of crime. There are already more than enough drunken people walking the streets at night and 'inviting' even more of them by opening a 24 hour bar, may put our properties at risk.

As for the protection of children, we are aware that there is a problem of underage drinking in Northampton and giving them yet another opportunity is absolutely out of the question.

The occupants of Theatre Court and myself chose to live here because the Derngate is a nice quiet street. It is also a residential street. Having a 24 hour bar in the street does not only affect us and quite possibly the rest of the street as well, it also considerably lowers the value of the properties.

May I politely ask you to consider these objections before granting the license.

Yours sincerely,

Maria Dehandschutter

Occupier flat 3 Theatre Court

Philip Bayliss

From: Philip Bayliss
To: Laurie Sansom
Subject: RE: Changes of licence for "Occo" 15 Derngate Northampton NN1 1TY

Dear Mr Sansom.

LICENSING ACT 2003 – APPLICATION NEW GRANT PREMISES LICENCE

I acknowledge receipt of your email received 28th September 2012 in respect of your representation to the application for a new premises licence with regards to **Occa, 15 Derngate, Northampton.**

Any representations made by you as an Interested Party, must relate to one or more of the Licensing Objectives and associated with the premises concerned in order for it to be considered by the Licensing Authority.

The four Licensing Objectives are:

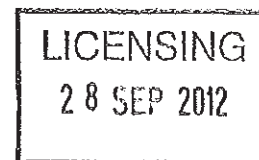
- the prevention of crime and disorder
- public safety (physical safety of the people using the premises)
- the prevention of public nuisance (eg noise, light, smells or litter)
- the protection of children from harm (ie moral, psychological or physical harm)

These are the only matters that the Licensing Authority may take into consideration when determining applications.

I will be contacting you again shortly with details of an invitation to the Licensing Sub-Committee Hearing; in the meantime if you have any queries, please do not hesitate to contact my office on the above number.

Kind regards

Philip Bayliss
Senior Licensing Officer
Licensing Department
Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE



From: Laurie Sansom [mailto:~~laurie.sansom@nbc.gov.uk~~]
Sent: 28 September 2012 17:13
To: Licensing
Subject: Re: Changes of licence for "Occo" 15 Derngate Northampton NN1 1TY

Apartment 1 Theatre Court,
17 Derngate,

Northampton,
Northants.
NN1 1TY

28th September 2012

Re: Changes of licence for "Occo" 15 Derngate Northampton NN1 1TY

Dear Mr Bayliss,

I am writing to you to inform you of my objections against issuing a license to the proposed "Manuia" Bar.

I purchased apartment 1 some six years ago as a quiet town centre home, and am concerned that the proposed Bar will devalue my property due to the increased noise levels and anti social behaviour that will occur and compromise the regeneration of this part of town as the Cultural Quarter and an attractive location for residents.

Having purchased my apartment on a leasehold agreement there are legally binding rules and regulations set up by the "Landlord" including:

"Not to allow any radio or television or any musical instrument to be played or any music or singing to take place in the Flat so as to be an annoyance to the landlord or the tenants and occupiers of the other flats in the building and not to allow any musical or mechanical instrument to be played or any music or singing to take place in the BUILDING AT ALL between the hours of eleven pmand eight am"

In view of the above, granting a license for the proposed bar operating outside of the hours as stated above would be in breach of my Leasehold and I would be within my rights to instruct legal actions against the Landlord. As the owner of the first floor apartment directly above the premises in question, the proposed licensing hours would seriously effect my quality of life and be in breach of the licensing agreement with the Landlord.

Also, if the intention is to use the rear access door to our private car park for fire evacuation I need to point out there is no public right of way with any provision for public fire evacuation. The final exit of the car park is controlled via an electronic device which only residents have access to and the rear door of the proposed Bar opens directly onto the car park and is restricted by car park space 14 which would impede any evacuation in the event of fire as the vehicle using this space would block this exit route.

As the rear of the property is not for public use this also raises the question of a smoking area for the bar. If this is to be situated at the front of the building directly by our front door it would not only cause obstruction but would also be directly underneath my living room's Juliet balcony, which would cause an unacceptable level of noise pollution for myself in particular and other residents in this quiet residential block even when only a small number of patrons were gathered. This could be expected to increase when the bar was busy and In the early hours of the morning.

Whilst all of us at Theatre Court are keen for the units directly below us not to remain vacant and welcome commercial activity to the road, I do not consider the presence of a late night bar to be an appropriate use as part of this residential block opposite the stage door of the theatre. It would result in unacceptable noise pollution, an increased level of anti-social behaviour, a potential infringement of our rights as private owners, and a breach of our current leasehold. The usage is also incompatible with the plans for Derngate to be part of the town's Cultural Quarter, providing another disincentive to older members of the community coming into the town centre to use the theatre and other facilities.

In conclusion, as the resident of Theatre Court liable to be most disrupted by this new license, and as a local

tax payer concerned that the regeneration of the town centre ensures safety and quality of life in residential areas and appropriate commercial use, I would ask you to reject this proposal as I believe it is incompatible with these aims.

Yours sincerely

Mr. Laurie Sansom.

Sent from my iPad

Louise Faulkner

From: Louise Faulkner
Sent: 17 September 2012 15:13
To: Neil Polden
Subject: RE: 15 Derngate

Hi Neil, just to clarify Martin Stevens has already confirmed that his intention was only for making music indoors.

Thanks

Louise Faulkner CHE in Licensing Law (Warwick)
Senior Licensing Officer
Northampton Borough Council

Direct Dial: 01604 838545
email: lfaulkner@northampton.gov.uk

From: Neil Polden
Sent: 17 September 2012 14:42
To: Louise Faulkner
Cc: 'martin@hakamou.co.uk'
Subject: 15 Derngate

Louise

I have attached a memo which outlines my comments. I do have concerns with regard to noise even where music is proposed in the basement. This does need clarification though. There is intention for making music outdoors until 02.00, but not sure if this is a typo? The other issue is the matter of smokers and controlling this activity and street noise from persons leaving the premises.

I have copied in Martin Stevens for information as I recently did his BBN inspection and therefore have his contact details.

Regards

Neil

Neil Polden
Senior Environmental Health Officer
Customers & Communities (Regulatory Services)

Northampton Borough Council
Westbridge Depot, St James Mill Road, Northampton, NN5 5JW
Tel: (01604) 837648 - Fax: (01604) 838755

From: Regulatory Services

To: Licensing Section, Guildhall

17th September 2012

**LICENSING ACT 2003 APPLICATION
15 DERNGATE, NORTHAMPTON**

Regulatory Services has concerns about the measures for the prevention of public nuisance. Therefore, we would object to the application on the following grounds.

It is proposed to provide recorded music until 02.00 and sale of alcohol until 01.30. The locality of the area is noted to be one where there are a number of residential units of accommodation located directly above. The location of music within the licensed venue is currently unclear (i.e. ground floor or basement), and no definition as to what constitutes background music has been provided. In addition through the provision of late licensing hours and taking into account the smoking ban, it is assumed that smokers would have to make use of the street immediately outside. Given the proposed late hours for the premises this also raises concerns with regard to street noise and that it is unlikely that this matter can be effectively controlled.

In addition I have also noted the inclusion of the provisions of facilities for making music that is listed as being an outdoor activity. I am assuming this might be a mistake on the form, but similarly I would have an objection should this be the case. Where this is to be provided internally only, some clarification is required.

The applicant has been advised of the grounds of the objection and that we are prepared to try to resolve them informally.

**N Polden
SEHO
Regulatory Services**

Louise Faulkner

From: Martin. Hakamou <martin@hakamou.co.uk>
Sent: 17 September 2012 15:33
To: Neil Polden; Louise Faulkner
Subject: RE: 15 Dergate

Hello Neil – and many thanks for copying me in on your email, which is much appreciated.

To answer the items that you have raised:

The 'outside' is an error – only inside is required.

With regard to making music – I'm quite happy to drop this completely as we won't be holding Karaoke or live music performances.

In terms of the levels of music to be played, we have agreed with the landlord to purchase the currently installed sound system, which has been in use for a number of years. It has a very small output as it is just designed to provide background music for a restaurant.

As the offer will be strictly sit-down only (no stand up drinking at all), with no DJ and no dance floor, music levels will be no louder than any other restaurant playing back ground music. We will also happily design in an 'air lock' type lobby inside the front door to prevent noise bleed as people arrive/leave.

In terms of smoking, we will not be selling cigarettes, and will not be using any external smoking furniture/heaters etc. I would point to the fact that the licence two doors down at Amore Lounge is later than we are requesting, and they are subject to having no external area also.

Our prices will be expensive, and our target is only to sell around 250 drinks and 100 meals per week, so we anticipate having low footfall and a low impact on the area. We deliberately wanted to avoid being on the drinking circuit as this is not what we will be about.

As all customers will have to settle their bill prior to leaving it is our intention to personally escort them upstairs and remind them to consider our neighbours.

I'm more than happy to have a chat on the phone, or come in and see you to see if we can come to the informal solution that you mentioned. Please let me know which you would prefer.

All the best – and thanks again

Martin

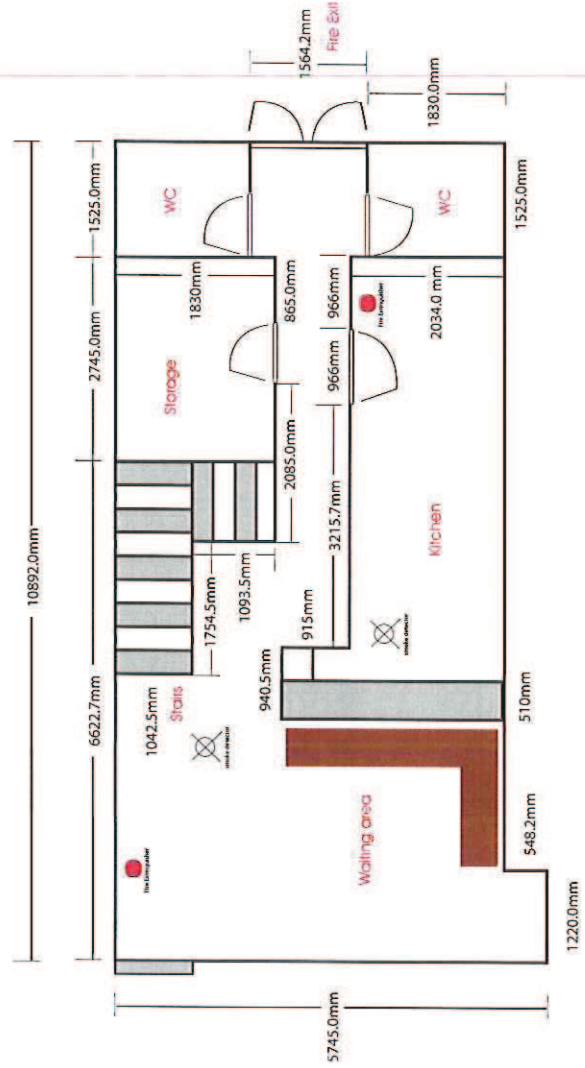
Martin Stevens
Hakamou Island Bar
Northampton and Leicester's unique night out!
www.hakamou.co.uk
martin@hakamou.co.uk
0787 556 4835
Manuia!

From: Neil Polden [<mailto:npolden@northampton.gov.uk>]
Sent: 17 September 2012 14:42
To: Louise Faulkner
Cc: 'martin@hakamou.co.uk'
Subject: 15 Dergate

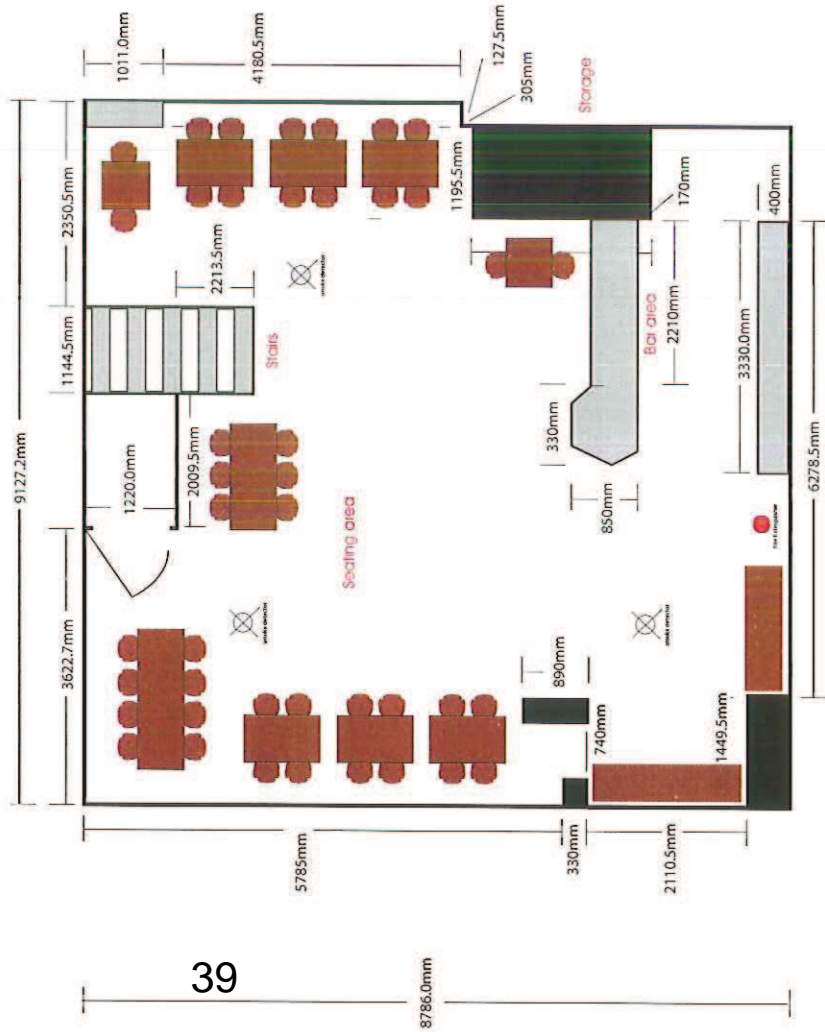
OCCO
Maurish Cuisine
 Restaurant

Scale 1:100

First Floor:



Basement:



Louise Faulkner

From: Neil Polden
Sent: 16 October 2012 14:18
To: Louise Faulkner
Cc: 'martin@hakamou.co.uk'; Paul Mallard
Subject: RE: Occo Licensing Hearing
Attachments: Occo Statement.doc

Louise

I have put together a statement for the committee to consider ahead of the hearing on Monday. As advised Paul Mallard will attend in my stead as I will be out of the office between Thursday, Friday and Monday.

I have asked Paul to review this ahead of Monday so do expect some minor changes. I did meet with Martin Stevens on Friday morning to discuss his application, which having listened to his proposals any issues from internal noise have generally been allayed. I have tried to think up some possible controls for noise from smokers and dispersal noise (with Paul) but unfortunately I cannot come up with anything that I know would be certain of controlling these types of issue save for reducing the hours. I am doubtful that this will satisfy the requirements that Martin has for his business hours.

My additional concerns are for the use that will be established by the relaxation of the existing licence as well as the current proposal that is being put forward. If the licensing committee is inclined to grant the licence, or allow a variation of hours that treads the middle ground I have come forward with a number of conditions that were discussed with Martin to suit him, but then allow a degree of control over any potential future occupiers should the business change or move on such that we do not have a situation which could create blight. These conditions I would seek to apply in any instance, i.e. licence granted with restricted hours or granted with no restriction.

On a closing point, should Martin have any additional ideas for conditions then we are open to suggestion.

Regards

Neil

Neil Polden
Senior Environmental Health Officer
Customers & Communities (Regulatory Services)

Northampton Borough Council
Westbridge Depot, St James Mill Road, Northampton, NN5 5JW
Tel: (01604) 837648 - Fax: (01604) 838755

From: Louise Faulkner
Sent: 16 October 2012 09:16
To: Neil Polden
Subject: RE: Occo Licensing Hearing

Thanks Neil

Louise Faulkner CHE in Licensing Law (Warwick)
Senior Licensing Officer
Northampton Borough Council

Direct Dial: 01604 838545
email: lfaulkner@northampton.gov.uk

Occo Statement

This statement is written in support of the objection lodged by Environmental Health in respect of the application made to extend the hours for the vacant Occo restaurant at 15 Derngate.

The proposed extension seeks to remove the restaurant condition and extend the hours for sale of alcohol and provision of recorded music until 01.30 and 02.00 respectively. The concerns that have been raised are on the grounds of public nuisance due to noise from the operations of the premises and street noise from customers, i.e. smokers and dispersal on closing.

A meeting was recently held with the applicant Martin Stevens of Manuia Bar Company Ltd on 12/10/12 to discuss his proposals in more detail and explain EH's reasoning for the objection.

Mr Stevens explained he seeks to remove the restaurant condition to attract customers who wish to have a drink only, and/or to allow customers to continue drinking after service of a meal. Presently the licence only permits sale of alcohol with a person taking a meal.

It is proposed that the business shall operate whereby the sale of alcohol relies upon table service only and that there will be no provision of a bar from where customers can order drinks. It is not proposed to be a vertical drinking establishment, and the capacity of the premises will be determined by seating only. All bills will be settled by customers upon vacating the premises. It is understood that the way in which the business is being set up is that the intention is to attract a specific type of clientele which would be considered less likely to cause the sorts of issues associated with some town centre licensed premises, e.g. noise and antisocial behaviour.

With regard to noise from the within the premises itself, it is considered that this issue can be controlled by way of suitable conditions to restrict the volume of music to background levels and by limiting the maximum capacity of the premises to 65, as proposed by the applicant

Limiting music to background levels would appear to be acceptable to the applicant. In addition, the majority of customers will be seated within the basement area and therefore concerns that noise transmission from the ground floor to the flat located immediately above will be assuaged. It is proposed that seating for a maximum of 12 customers will be provided on the ground floor.

However concerns still remain with regard to control of noise from customers in the street. This is specifically related to smokers who, as a result of the smoking ban, are now required to smoke outdoors, and also to noise from customer arrival/dispersal through the night, but

particularly around closing time. This section has considered what controls could be implemented that would allow the application to go ahead without restriction, but has been unable to identify suitable controls other than a reduction in the proposed hours.

We have further concerns that inadequate control could lead to a decline of the area. Taking a longer term view of the implications of the licence extension and the removal of the restaurant condition there is an opportunity for the premises to change into a bar rather than a restaurant. The flexible licensing system simplifies the process of transferring the licence from one person to another and one person's use of a licensed premises can be quite different.

In order to offer a clearer explanation of the line of thinking of EH the following situations have been considered:

- The application in its current format for an extension of hours for sale of alcohol and provision of regulated entertainment is granted. The premises begin trading and, as a result of good management controls, the premises operate with any disruption to its immediate neighbours.
- Unfortunately the business fails and the business is sold. The premises are leased to another proprietor and the licence transferred into their name. This person, however, has a different business model, which is more akin to the typical bar in Northampton with music at entertainment levels and a higher turnover of alcohol. As a 2 am licence has already been granted the new occupier commences trading and is subject to noise complaints.

Some concerns might be dealt with by suitably worded conditions, which can be applied to the premises licence. However, there is no practical way of dealing with noise from smokers outside the premises or dispersal from the premises at closing time, other than a reduction in hours. Therefore, should the committee be minded to grant the extension we would respectfully suggest that the following conditions be applied to the Licence.

- The capacity of the premises shall be limited to 65 persons (referred to as customers), with no more than 12 customers being allowed to occupy the ground floor at any time.
- Customers shall only be served whilst seated at a table.
- Recorded music shall be played at background levels only and the music noise level shall be controlled by means of a compressor-limiter under the sole control of the DPS.

Background music is a music played at a level that would not interfere with normal conversation between two individuals when 1m apart.

- There shall be no dance floor or dancing.
- Musical entertainment shall not be provided by a DJ.
- Customers shall not be permitted to take drinks outside.
- No seating shall be provided outside for customers.
- No change to the hours currently permitted.

Louise Faulkner

From: Martin. Hakamou <martin@hakamou.co.uk>
Sent: 17 October 2012 17:17
To: Neil Polden; Louise Faulkner
Cc: Paul Mallard
Subject: RE: Occo Statement
Attachments: 15 derngate residents letter.docx

Hello Neil

Thanks for copying me in once again.

Please be aware that I have also assured the residents in writing (copy attached) of the following actions to reduce potential for noise disturbance:

Bins will not be emptied outside after 7pm

Delivery of stock will be limited to after 10am and before 6pm – with no deliveries at weekends.

I'm comfortable with these also becoming conditions as appropriate.

Best wishes

Martin

Martin Stevens
Hakamou Island Bar
Northampton and Leicester's unique night out!
www.hakamou.co.uk
martin@hakamou.co.uk
0787 556 4835
Manuia!

From: Neil Polden [<mailto:npolden@northampton.gov.uk>]
Sent: 17 October 2012 10:03
To: Louise Faulkner
Cc: 'martin@hakamou.co.uk'; Paul Mallard
Subject: FW: Occo Statement

Louise

Paul has amended my statement to suit his style of reading.

Regards

Neil

Neil Polden
Senior Environmental Health Officer
Customers & Communities (Regulatory Services)

Northampton Borough Council
Westbridge Depot, St James Mill Road, Northampton, NN5 5JW
Tel: (01604) 837648 - Fax: (01604) 838755

From: Paul Mallard
Sent: 17 October 2012 09:58
To: Neil Polden
Subject: Occo Statement

Hi,

Have translated it into Mallard-speak and added some amendments.

See if I haven't lost anything in translation.

Paul

Please note that the contents of this e-mail, including any attachments thereto, may contain information which is confidential or privileged, and which is solely for the use of the recipient named above. The information contained in this e-mail, and in your reply, may be subject to disclosure under the Freedom of Information Act 2000 or other legislation, and its confidentiality cannot be guaranteed. If you are not the intended recipient, please be aware that any disclosure, copying, distribution or use of the contents of this e-mail is strictly prohibited. Northampton Borough Council, The Guildhall, Northampton, United Kingdom, NN1 1DE +44 (0)300 330 7000 www.northampton.gov.uk

10th September 2012

Manuia Bar Company Ltd
1 Wood Street
Northampton
NN1 2ED

Re: 15 Derngate (formerly Occo Restaurant).

Dear resident

I have recently applied for a variation of licence at the above named premises and would like to explain, and possibly offer reassurance, to you with regard to our plans.

As you may know, we already own Hakamou Bar on Abington Street, which we have operated for three years. We have a reputation for a fun and safe night out due to our careful planning and management of the venue, along with never holding drink promotions. Our plan is to do something very different from Hakamou at 15 Derngate – but I feel it's worth giving you our background to illustrate that we are conscientious and experienced operators.

Our plan for 15 Derngate is modelled on neighbourhood bars and eateries found in Berlin and Barcelona etc. It will be seating and table service only, will have no dance floor or DJ, and will serve unique cocktails with light and tasty food. This will typically attract people who want to socialise in couples/small groups, and whom want an alternative to what's currently available in the town.

There will only be 52 seats in the basement, and 12 disabled-friendly seats on the ground floor. This is fewer seats than the previous restaurant had, and NONE of the tables will be visible externally.

The bar industry normally needs to attract many customers due to high costs and low prices. We only need to sell 280 drinks and 120 meals a week to meet with our modest requirement. We will only have four staff at weekends, and NO door staff or outside queuing - as our business won't attract circuit drinkers or large numbers of people.

To allay any other concerns, the following may also be helpful to you:

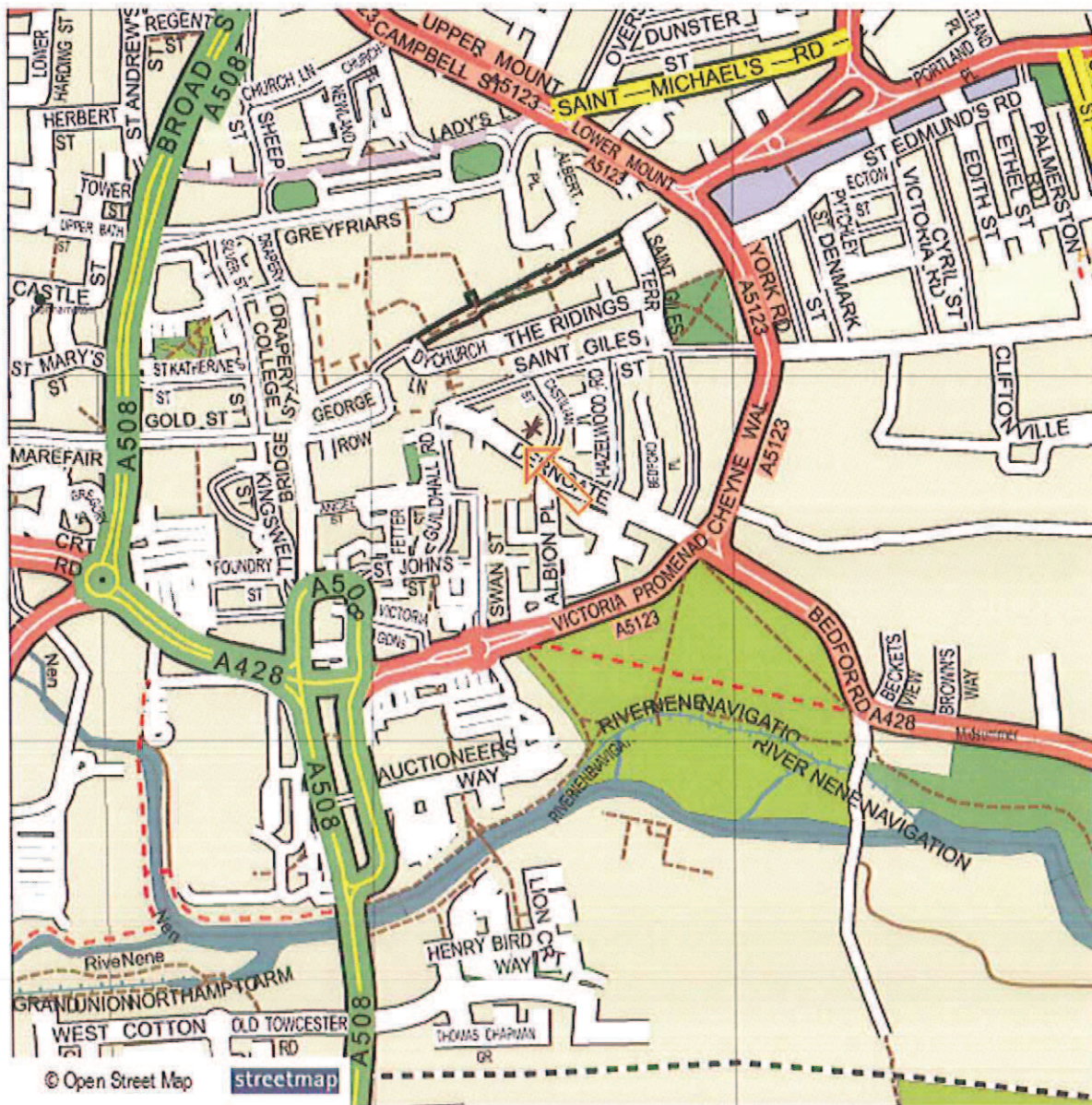
- We will never empty any bins after 7pm (and will sell no bottled drinks such as lager, so there will be very little waste and never the sound of empty bottles crashing into a bin).
- We will never take deliveries before 10am, or after 6pm (and never beer barrels).
- Music will never be played above background levels.
- All customers leaving late will be personally escorted up to the door and reminded to consider our neighbours.

We feel that to meet market demand we only require the 1.30 licence that we have requested. This is somewhat earlier than the licence at the 150 capacity Amore Lounge in the same building, and an hour and a half earlier than the 230 capacity Borjia to the rear on Castillian St.

In short, we will have a very discreet presence and genuinely feel that we have something to add to the area. If you would like to discuss any aspect of our proposal please feel free to call me on my mobile: 07720677108.

Best wishes

Martin Stevens



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LOCAL AUTHORITY



Licensing Section
 The Guildhall
 St Giles Square
 NORTHAMPTON
 NN1 1DE

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

OCCO

15 Derngate, Northampton, NN1 1TY.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- entertainment facilities for making music
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday-Saturday	10:00am	Midnight
	Sunday	Noon	11:30pm
I. Provision of facilities for making music (Indoors)	Monday-Saturday	10:00am	Midnight
	Sunday	Noon	11:30pm
L. Late night refreshment (Indoors)	Monday-Saturday	10:00am	Midnight
	Sunday	Noon	11:30pm
M. The sale by retail of alcohol for consumption ON the premises only	Monday-Saturday	10:00am	Midnight
	Sunday	Noon	11:30pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday-Saturday	10:00am	12:30am
Sunday	Noon	Midnight

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON the premises only



Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Ardshir Mehrabadi

12 Whilton Lodge, Whilton, Daventry, Northamptonshire, NN11 5EH.
Telephone 01604 629797

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Ardshir MEHRABADI

12 Whilton Lodge, Whilton, Daventry, Northamptonshire, NN11 5EH.
Telephone 01604 629797

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL

Licence No. 05AM-34UC-DL8X-KJKQ

Issued by Daventry

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

Mandatory conditions where licence authorises supply of alcohol

- (1) No supply of alcohol may be made under the premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

RESTAURANT CONDITIONS

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to his meal.

Suitable beverages other than intoxicating liquor, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

Licensing Act 2003

This licence is granted on the condition that the restrictions contained within the enactments specified under the Licensing Act 2003 Schedule 8 (1 & 6) are adhered to.

