

Cherwell District Council

Licensing Sub - Committee meeting

Date of Meeting 22 June 2022

Objection to Temporary Event Notice at 117 Bicester Road, Gosford, Kidlington, OX5 2PX

Report of Richard Webb Assistant Director Regulatory Services

This report is public

Purpose of report

To consider the objection to a Temporary Event Notice application made by Cherwell District Council Environmental Health Responsible Authority, under Section 104 (2) of the Licensing Act 2003.

1.0 Recommendations

This Sub-Committee has the power to determine this application in accordance with the provisions of the Licensing Act 2003, and the Council's Statement of Licensing. The Sub-Committee may:

- 1.1 Issue the Temporary Event Notice as applied for.
- 1.2 Issue a counter Notice under Section 105 (2)(b) of the Licensing Act 2003, rendering all licensable activities unlawful.
- 1.3 Issue conditions to the Temporary Event Notice under Section 106 A (2) of the Licensing Act 2003

2.0 Introduction

- 2.1 Cherwell District Council Licensing Authority received an application for a Temporary Event Notice (TEN) on 6 June 2022.
- 2.2 Whilst under consultation the Licensing Authority received an objection for this TEN, on the 8 of June 2022, from the Responsible Authority of Cherwell District Council Environmental Health.
- 2.3 This objection was submitted in line with the licensing objective of the prevention of a Public Nuisance, and was based on the history of noise complaints, and a noise

abatement notice having been issued to the landowner, under the Environmental Health Act 1990.

3.0 Report Details

- 3.1 The TEN was applied for by Mr James Nelson, who requested the licensable activities of the provision of late-night refreshment between the hours of 12 noon on Saturday 30 July 2022 to 01:00 am on Sunday 31 July 2022.
- 3.2 The TEN listed the site of the licensable activities as taking place at 117 Bicester Road, Gosford, Kidlington, OX5 2PX, and further describes the area as a pasture back paddock used for Landscapers.
- 3.3 The event is described as a private birthday party with an attendance of 250 people. It is noted that the TEN application is dated with the incorrect month of submission by Mr Nelson.
- 3.4 The date of application submission is listed as being 6 July 2022, however this was clarified as being 6 June 2022, through the on-line submission date received by the Licensing Authority.
- 3.5 A copy of the TEN application is attached to this report as appendix **A**
- 3.6 On 8 June 2022 the Licensing Authority received an objection from the Responsible Authority of the Councils Environmental Health represented by Officer Neil Whitton.
- 3.7 The objection outlined the reasons for the objection, in line with the licensing objective of the Prevention of a Public Nuisance, based on a previous TEN and a history of events having been held in the applied for area.
- 3.8 A copy of Mr Nelson previous TEN application is attached to this report as appendix **B**.
- 3.9 A copy of the Environmental Health objection email is attached to this report as appendix **C**.
- 3.10 A copy of the Environmental Health reasons for the objection and site timeline report is attached as appendix **D**.
- 3.11 A copy of the Environmental Health noise nuisance letter dated 18 August 2021 is attached to this report as appendix **E**.
- 3.12 A copy of the Environmental Health Noise Abatement letter dated 20 August 2021 is attached to this report as appendix **F**.
- 3.13 A copy of the land registry for the site is attached to this report as appendix **G**.
- 3.14 A copy of the site area map is attached to this report as appendix **H**.

A	Temporary Event application	Dated 6 July 2022
B	Temporary Event Notice	Event date 3 to 5 June 2022
C	Applicant notification of an objection (email)	
D	Environmental Health objection report	Dated 10 June 2022
E	Environmental Health letter to landowner	Dated 18 August
F	Noise Abatement Notice letter	Dated 20 August 2021
G	Land Registry details	Dated 31 July 2021
H	Site area map	

4.0 Conclusion and Reasons for Recommendations

4.1 When carrying out its licensing function the Sub-Committee must have regard to the promotion of licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm.

4.2 The Sub-Committee should also have regard to the Council Statement of Licensing, and the Secretary of State's Guidance.

4.3 Should the Sub Committee believe that one or more of the licensing objectives may be breached by allowing all, or part of this application, they must act to prevent such a breach.

5.0 Consultation

5.1 Thames Valley Police Licensing had no objections to the application.

5.2 Cherwell District Council Environmental Health objected to the application.

6.0 Alternative Options and Reasons for Rejection

6.1 As part of the TEN application process, when an objection from a responsible Authority is received the licensing authority must hold a hearing, if relevant representations are received.

It must take such steps as it considers appropriate for the promotion of the licensing objectives, which are:

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

6.2 The steps the Sub-Committee can take are to:

- Issue the TEN Notice as applied for;
- Issue the TEN Notice with amended hours, licensable activities, or noise level restrictions.
- Reject the TEN Notice application if it is considered necessary in order to promote the licensing objectives

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising directly from this report

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Legal Implications

7.2 The decision must comply with the Licensing Act 2003, the statutory guidance issued pursuant to section 182 of the Licensing Act and the Council's Statement of Licensing Policy.

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8.0 Decision Information

Key Decision (Executive reports only; state N/A if not Executive report)

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

Kidlington East

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

Cllr Eddie Reeves portfolio holder – Safer Communities.

Document Information

Appendix number and title

- A Temporary Event application, Dated 6 July 2022
- B Temporary Event Notice, Event date 3 to 5 June 2022
- C Applicant notification of an objection (email)
- D Environmental Health objection report, Dated 10 June 2022
- E Environmental Health letter to landowner, Dated 18 August
- F Noise Abatement Notice letter, Dated 20 August 2021
- G Land Registry details, Dated 31 July 2021
- H Site area map

Background papers

- None

Report Author and contact details

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