

# Public Document Pack



**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Committee: Licensing Sub Committee**

**Date: Wednesday 22 June 2022**

**Time: 12.30 pm**

**Venue: Bodicote House, Bodicote, Banbury, Oxon OX15 4AA**

## **Membership**

Councillor Andrew Beere  
Councillor Douglas Webb

Councillor George Reynolds

## **AGENDA**

- 1. Appointment of Chairman of the Sub-Committee**
- 2. Declarations of Interest**

Members are asked to declare any interest and the nature of that interest that they may have in any of the items under consideration at this meeting.

**Note:** Any Member with a disclosable pecuniary interest will not be able to participate in the hearing, and should therefore notify the Assistant Director Law, Governance and Democratic Services in advance so that arrangements may be made for an alternate Member to attend.

- 3. Objection to Temporary Event Notice at 117 Bicester Road, Gosford, Kidlington, OX5 2PX (Pages 5 - 36)**

Report of Assistant Director Regulatory Services

### **Purpose of Report**

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

### **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. This Sub-Committee may:

- 1.1 Issue the Temporary Event Notice as applied.
- 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

**Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.**

## **Information about this Meeting**

### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwell-dc.gov.uk](mailto:democracy@cherwell-dc.gov.uk) or 01295 227956 prior to the start of the meeting.

### **Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

### **Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates**

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

### **Evacuation Procedure**

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

### **Access to Meetings**

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

### **Mobile Phones**

Please ensure that any device is switched to silent operation or switched off.

### **Queries Regarding this Agenda**

Please contact Aaron Hetherington / Emma Faulkner, Democratic and Elections  
democracy@cherwell-dc.gov.uk, 01295 227956

**Yvonne Rees**  
**Chief Executive**

Published on Tuesday 14 June 2022

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## **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**.

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

## **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

Kelly Wheeler, Finance Business Partner 01295 221570  
[kelly.wheeler@cherwell-dc.gov.uk](mailto:kelly.wheeler@cherwell-dc.gov.uk)

### 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.

Helen Lolas, Solicitor and Team Leader, Legal Services, 07801 400941  
[Helen.Lolas@cherwell-dc.gov.uk](mailto:Helen.Lolas@cherwell-dc.gov.uk)

## 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**

Christine Pegler  
Lead Licensing Enforcement Officer, Cherwell District Council  
Telephone: 01295 753744  
[Chris.pegler@cherwell-dc.gov.uk](mailto:Chris.pegler@cherwell-dc.gov.uk)

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## APPENDIX A

Page: 1. Personal Details of Premises User (Please read note 1)

### 1. Your Name

Title

mr

Surname

nelson

Forenames

James

### 2. Do you have any previous names

No

### 3. Date of Birth

[REDACTED]

### 4. Place of birth

[REDACTED]

### 5. National Insurance Number

[REDACTED]

### 6. Your Address (we will use this for correspondence) unless you tell us otherwise)

I cannot find my property

Did you find your address in the look up

No

Address Line 1

[REDACTED]

Address Line 2

[REDACTED]

Address Line 3

[REDACTED]

Town/City

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[REDACTED]  
Postcode

[REDACTED]  
Telephone - Daytime

[REDACTED]  
Telephone - Evening

[REDACTED]  
Telephone - Mobile

[REDACTED]  
Email

Do you have alternative address for correspondence?

No

Page: 2. The Premises (must be within the Cherwell District)  
Premises Address/Location

Does the premises have a postcode?

Yes

Postcode

117 Bicester Road, Gosford, Kidlington, OX5 2PX

Did you find the address in the lookup?

No

Premises Address Line 1

117 Bicester rd,

Premises Address Line 2

Gosford

Premises Address Line 3

Kidlington

Premises Town/City

## APPENDIX A

kidlington

Premises Postcode

ox5 2px

Does the premises have a premises licence or club premises certificate in relation to the premises (or any part of the premises)?

No

If you intend to only use part of the premises at this address or intend to restrict the area to which the notice applies please give a description and details below. (Please read note 3)

the back paddock

Please describe the nature of the premises below. (Please read note 4)

landscapers yard with green pasture at end

Please describe the nature of the event below. (Please read note 5)

a private birthday party

Page: 3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (Please tick all licensable activities you intend to carry on). (Please read note 6)

The provision of late night refreshment

Please state the dates on which you intend to use these premises for licensable activities (Please read note 9)

July 30th 2022

State the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)

12:00 - 1:00

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)

250

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment.

12:00 - 1:00

Page: 4. Personal Licence Holders (please read note 14)

Do you currently hold a valid personal licence?

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No

Page: 5. Previous temporary event notices you have given. (Please read note 15)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are not giving this temporary event notice

Yes

If yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in the same calendar year

1

Have you already given a temporary event notice for the same premises in which the event period: ends 24 hours or less before the event period proposed in this notice?

No

Have you already given a temporary event notice for the same premises in which the event period: begins 24 hours or less after the event period proposed in this notice?

No

Page: 6. Associates and business colleagues. (Please read note 16)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

Has any associate of yours already given a temporary event notice for the same premises in which the event period ends 24 or less before the event period proposed in this notice

No

Has any associate of yours already given a temporary event notice for the same premises in which the event period: begins 24 hours or less after the event period proposed in this notice?

No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: ends 24 hours or less before the event period proposed in this notice?

No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: begins 24 hours or less after the event period proposed in

## APPENDIX A

this notice?

No

Page: 8. Condition. (Please read note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises

I understand

Page: 9. Declarations (Please read note 19)

The information contained in this form is correct to the best of my knowledge and belief.

Yes

I understand that it is an offence to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount

I understand

and to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both

Yes

Signature

james nelson

Date

Wed 6th Jul 2022

Name of person signing

James nelson

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## APPENDIX B

Page: 1. Personal Details of Premises User (Please read note 1)

### 1. Your Name

Title

mr

Surname

nelson

Forenames

james

### 2. Do you have any previous names

No

### 3. Date of Birth

[REDACTED]

### 4. Place of birth

[REDACTED]

### 5. National Insurance Number

[REDACTED]

### 6. Your Address (we will use this for correspondence) unless you tell us otherwise)

I cannot find my property

Did you find your address in the look up

No

Address Line 1

[REDACTED]

Address Line 2

[REDACTED]

Address Line 3

[REDACTED]

Town/City

**APPENDIX B**

██████████  
Postcode

██████████  
Telephone - Daytime

██████████  
Telephone - Evening

████████████████████  
Email

Do you have alternative address for correspondence?

No

Page: 2. The Premises (must be within the Cherwell District)  
Premises Address/Location

Does the premises have a postcode?

Yes

Postcode

117 Bicester Road, Gosford, Kidlington, OX5 2PX

Did you find the address in the lookup?

No

Premises Address Line 1

land next hebbons fair ground land

Premises Address Line 2

117 bicester rd

Premises Address Line 3

gosford

Premises Town/City

kidlington

Premises Postcode

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ox5 2px

Does the premises have a premises licence or club premises certificate in relation to the premises (or any part of the premises)?

No

Please describe the nature of the premises below. (Please read note 4)

yard for landscaper

Please describe the nature of the event below. (Please read note 5)

family celebration of the queens jubilee

Page: 3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (Please tick all licensable activities you intend to carry on). (Please read note 6)

The provision of late night refreshment, Are you giving a late temporary event notice (Please read note 8)

Please state the dates on which you intend to use these premises for licensable activities (Please read note 9)

3rd june - 5th june

State the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)

15:00 - 3:00

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)

150

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment.

15:00 - 3:00

food music and drinks

Page: 4. Personal Licence Holders (please read note 14)

Do you currently hold a valid personal licence?

No

Page: 5. Previous temporary event notices you have given. (Please read note 15)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are not giving this temporary event notice

## APPENDIX B

No

Have you already given a temporary event notice for the same premises in which the event period: ends 24 hours or less before the event period proposed in this notice?

No

Have you already given a temporary event notice for the same premises in which the event period: begins 24 hours or less after the event period proposed in this notice?

No

Page: 6. Associates and business colleagues. (Please read note 16)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

Has any associate of yours already given a temporary event notice for the same premises in which the event period ends 24 or less before the event period proposed in this notice

No

Has any associate of yours already given a temporary event notice for the same premises in which the event period: begins 24 hours or less after the event period proposed in this notice?

No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: ends 24 hours or less before the event period proposed in this notice?

No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: begins 24 hours or less after the event period proposed in this notice?

No

Page: 8. Condition. (Please read note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises

I understand

Page: 9. Declarations (Please read note 19)

The information contained in this form is correct to the best of my knowledge and belief.

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Yes

I understand that it is an offence to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount

I understand

and to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both

Yes

Signature

james nelson

Date

████████████████████

Name of person signing

james nelson

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## APPENDIX C

On 8 Jun 2022, at 14:04, Neil Whitton <Neil.Whitton@cherwell-dc.gov.uk> wrote:

Dear Mr Nelson,

As an officer of the local authority exercising environmental health functions I hereby give notice that an objection is made to the above application for a Temporary Event Notice under the Public Nuisance Objective. This is based on the history of noise complaints about the site when events have taken place which led to the service of an abatement notice under the Environmental Protection Act 1990 in August 2021 on the landowner.

The licensing department will be in touch with you with the next steps.

Kind Regards

Neil Whitton BSC, MCIEH

Environmental Health Officer

Environmental Health and Licensing

Cherwell District Council

Tel - 01295 221623

Email - Neil.Whitton@cherwell-dc.gov.uk

<http://www.cherwell.gov.uk/>

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Follow us on Twitter @Cherwellcouncil

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Whilst the Council has taken every reasonable precaution to minimise the risk of computer software viruses, it cannot accept liability for any damage which you may sustain as a result of such viruses. You should carry out your own virus checks before opening the e-mail(and/or any attachments).

Unless expressly stated otherwise, the contents of this e-mail represent only the views of the sender and does not impose any legal obligation upon the Council or commit the

## **APPENDIX C**

Council to any course of action.

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Unless expressly stated otherwise, the contents of this e-mail represent only the views of the sender and does not impose any legal obligation upon the Council or commit the Council to any course of action..



## APPENDIX D

### **Timeline and reasons for objection to TEN Application - 22/TEN 16110 - Os Parcel 5987 Adj River Cherwell And, Hampton Gay And Poyle, Oxfordshire**

Neil Whitton – Environmental Health Officer, Environmental Protection Team, Cherwell District Council

10<sup>th</sup> June 2022

This site first came to our attention at New Year in 2020/21 when the Police attended an event at the site with 150 to 200 people attending in breach of the lockdown rules at the time. The event was stopped and a man from Hackney was later given an FPN for £10000 for organising the event. No TEN application was received for this event, however as the police had dealt with the matter at the time it was considered that there was no further action for us to take.

Between the 31<sup>st</sup> July 2021 and 2<sup>nd</sup> August 2021 the department received 4 service request from separate local residents regarding loud music coming from the site on a repeated basis and lasting either all night or late into the night and causing them a nuisance by preventing sleep. I was given these service request to investigate and also contacted by the local TVP neighbourhood supervisor – PC Scott – stating that they had received complaints about events at the site as well.

One of the complainants replied and sent me the following information regarding complaints had made up to this point to TVP:

12/9/20	URN number: 632	GON-47717-20-4343-C	Online Submission: 101-0261444
23/5/21	Incident number: INC-20210523-0264		Online Submission: 101:0493178
25/7/21			Online Submission: 101:0437675
1/8/21	Incident number: INC-20210731-2574		Online Submission: 101:0179150

On the 4<sup>th</sup> August 2021 I visited the site but was unable to gain entry but could see that there was a marquee to the rear of the site. Having obtained a land registry search (copy attached) the owner was stated to be a Stephen Saunders of [REDACTED]. I drove to Wytham to try to find Mr Saunders so I could discuss the matter with him, but I found that the address was the village Tea Room/Shop and they had owned it for 17 years and Mt Saunders did not live there.

I then contacted PC Scott who is the Kidlington Neighbourhood Supervisor for Thames Valley Police and he advised that they had also received complaints and that he had some addresses for Mr Saunders we could visit together. We arranged to visit together on the 18<sup>th</sup> August 2021.

Over the weekend of the 13<sup>th</sup>/14<sup>th</sup> August we received further contact that another “rave/party” had been held at the site, including recordings of bass music at approx. 11pm on the 13<sup>th</sup> August and at approx. 09.20am on the 14<sup>th</sup> August which stated that the music hadn’t stopped all night.

On the 18<sup>th</sup> August 2021 I carried out a joint visit with PC Scott to the site and gained access. We found the landowner – Stephen Saunders – on the site in the back of van. We had a discussion with Mr Saunders who said that he hosted parties for friends and didn't charge for entry. We explained that we had both received a number of noise complaints and that I was minded to serve an abatement notice that if breached meant that we could prosecute and seize equipment. Mr Saunders

## APPENDIX D

said that he didn't want to cause a nuisance for anybody and that he had one "end of season" party left in three weeks time. I advised that in my opinion this was the wrong place for such parties with sound systems and both PC Scott and I stated that we felt they should stop.

Mr Saunders told me his address was [REDACTED]. PC Scott wasn't sure of this so when we left, we visited that address and the man there told us that Mr Saunders sometimes stayed there but that his main address was on the other side of Kidlington. PC Scott said this tied in with intel he had that Mr Saunders lived at [REDACTED].

I also handed Mr Saunders a warning letter regarding the matter (copy attached).

Due to Mr Saunders stating that he was hosting an end of season party I discussed the matter with my line manager and decided that it was likely that further events would cause a statutory nuisance and therefore on the 20<sup>th</sup> August 2021 I served an abatement notice under the Environmental Protection Act on Mr Saunders for the likely occurrence of a nuisance (copy attached) with a covering letter giving my reasons why. This was hand delivered by myself to the site and both addresses Mr Saunders above.

Across the weekend of the 9<sup>th</sup>/10<sup>th</sup> April 2022 we received contact from 4 residents regarding further complaints about music from the site causing a nuisance (including recordings received via the noise app). On receipt of these I sent a letter to Mr Saunders advising of the complaints and reminding him of the abatement notice (copy attached).

On the 4<sup>th</sup> May 2022 my colleague Jim Guest received an application for a TEN (22/TEN 15910) from Mr Nelson for an event on 3<sup>rd</sup> June to 5<sup>th</sup> June 2022. On the 11<sup>th</sup> May Jim had a conversation about the event the notes of which are below:

*"Spoke with JAMES NELSON, event organiser. He advised that the party is a joint 40th birthday plus they are incorporating the jubilee. They will have a band in the daytime and a sound system with a DJ at night. There is a 10 ft bund on the site which they will put everything behind and orientate everything to face the A34. The band will not play into the evening and the DJ will have a reasonably small soundsystem, but will be under instruction to knock the volume down at 23:00. They will have someone on the gate with a decibel meter the entire night to monitor the noise and, after 23:00 will walk down to the nearest sensitive receptor 158 m away and check that the noise is inaudible.*

*I advised that a failure to observe these processes, or a string of complaints, would be likely to cause problems if they wanted to have any future events on this site. He advised that the owner of the site is his friend and wants to have future events, so they will follow everything outlined above"*

Despite the above assurances I received 6 contacts from local residents via email complaining that the noise from the event went on until 4am (when it was licensed until 3am) and prevented sleep in their properties. On receipt of these complaints, I wrote to Mr Saunders again and with a copy sent to Mr Nelson (copy attached) advising that based on these complaints I would be objecting to any future TEN applications at the site.

However, Mr Nelson had already applied for this TEN and therefore I raised the objecting on Public Nuisance grounds based on the history of noise issues from site and it's impact on the local community. In his response to my email informing him of this (copies of both attached) Mr Nelson said that "I'm confident you had no complaints from last Friday".

I feel that despite Mr Nelson doing all he believed that he could to prevent noise disturbance from the event on the 3<sup>rd</sup> June, the fact that we received a number of complaints only re-enforces that

## **APPENDIX D**

this site in my opinion is not a suitable location for events such as these, hence my objection to this TEN application.

It should also be noted that should the event be granted and take place, if an officer witnesses a breach of the abatement notice then a prosecution could be taken forwards for that breach as well as equipment being used to cause the nuisance being seized to abate the nuisance.

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**Regulatory Services & Community Safety**

Richard Webb – Assistant Director



**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

The Landowner/Event Organiser  
OS Parcel 5987 Adj River Cherwell And  
Part Of A34 By Hampton Gay And Poyle  
Hampton Gay And Poyle  
Oxfordshire

*Bodicote House*  
*Bodicote*  
*Banbury*  
*Oxfordshire*  
*OX15 4AA*

*www.cherwell.gov.uk*

<b>Please ask for</b>	Neil Whitton	<b>Our ref</b>	21/06457/NSMUS
<b>Direct Dial</b>	01295 221623	<b>Email</b>	neil.whitton@cherwell-dc.gov.uk

18th August 2021

Dear Sir/Madam

**Environmental Protection Act 1990 Part III**  
**Antisocial Behaviour Crime and Policing Act 2014**  
**Complaint Alleging Nuisance at OS Parcel 5987 Adj River Cherwell And Part Of A34 By Hampton Gay And Poyle Hampton Gay And Poyle Oxfordshire**

I write to advise you that a complaint has been received about noise nuisance from this land due to regular unlicensed events taking place.

We have received several complaints from local residents, as have the Police, and have started an investigation. This investigation may involve the use of noise monitoring equipment to gather evidence; as well as diary sheets being completed by those who are being affected by the noise. In addition to this the council also operates an out of service and you could be visited by officers.

Should a nuisance be found to be occurring under the above legislation then the council has a duty to take action to ensure that the problem ceases. This could include the service of an abatement notice, a fixed penalty notice or prosecution. If an abatement notice is breached then the equipment being used to cause the nuisance may also be seized to stop the nuisance occurring.

However, I hope that this letter will resolve matters. If you wish to discuss this letter then please contact me on the number given above. A copy of our noise policy and procedure can be found at <http://www.cherwell.gov.uk/index.cfm?articleid=1742>

Yours faithfully

Neil Whitton  
Environmental Protection Officer

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**Regulatory Services & Community Safety**

Richard Webb – Assistant Director

**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIREStephen Saunders  
[REDACTED]*Bodicote House  
Bodicote  
Banbury  
Oxfordshire  
OX15 4AA**www.cherwell.gov.uk*

<b>Please ask for</b>	Neil Whitton	<b>Our ref</b>	21/06457/NSMUS
<b>Direct Dial</b>	01295 221623	<b>Email</b>	neil.whitton@cherwell-dc.gov.uk

20<sup>th</sup> August 2021

Dear Mr Saunders

**Environmental Protection Act 1990 Part III  
Complaint Alleging Nuisance at OS Parcel 5987 Adj River Cherwell And Part Of A34 By  
Hampton Gay And Poyle Hampton Gay And Poyle Oxfordshire (also known as Casa Açido).**

I write further to my letter of the 18<sup>th</sup> August that I handed to you on my visit to the above site with PC David Scott of Thames Valley Police on the afternoon of the 18<sup>th</sup> August.

At that visit we discussed the issue surrounding the events who have been holding at the site mainly around the complaints surrounding noise from loud music. During that discussion you informed me that you were planning to hold another “end of season” event in early September.

Because of this and the likelihood that nearby residential properties will be disturbed please find enclosed an abatement notice served on the likely occurrence that a statutory nuisance will occur should you host that and any future events at the site.

I have served the notice on you at this address as this is the address you gave us as your home address when we spoke to you. I shall also be delivering a copy to [REDACTED], [REDACTED] as I believe that you have an interest in that property. A copy of the notice shall also be delivered to the site.

I will be sharing the notice with PC Scott and other partner agencies.

Yours faithfully

Neil Whitton  
Environmental Protection Officer

CC: PC David Scott, Thames Valley Police.

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## Official copy of register of title

Title number ON176187

Edition date 25.04.1995

- This official copy shows the entries on the register of title on 31 JUL 2021 at 19:38:12.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 31 Jul 2021.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Gloucester Office.

### A: Property Register

This register describes the land and estate comprised in the title.

OXFORDSHIRE : CHERWELL

- 1 (25.04.1995) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being land on the East side of Bicester Road, Hampton Gay and Poyle.

### B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

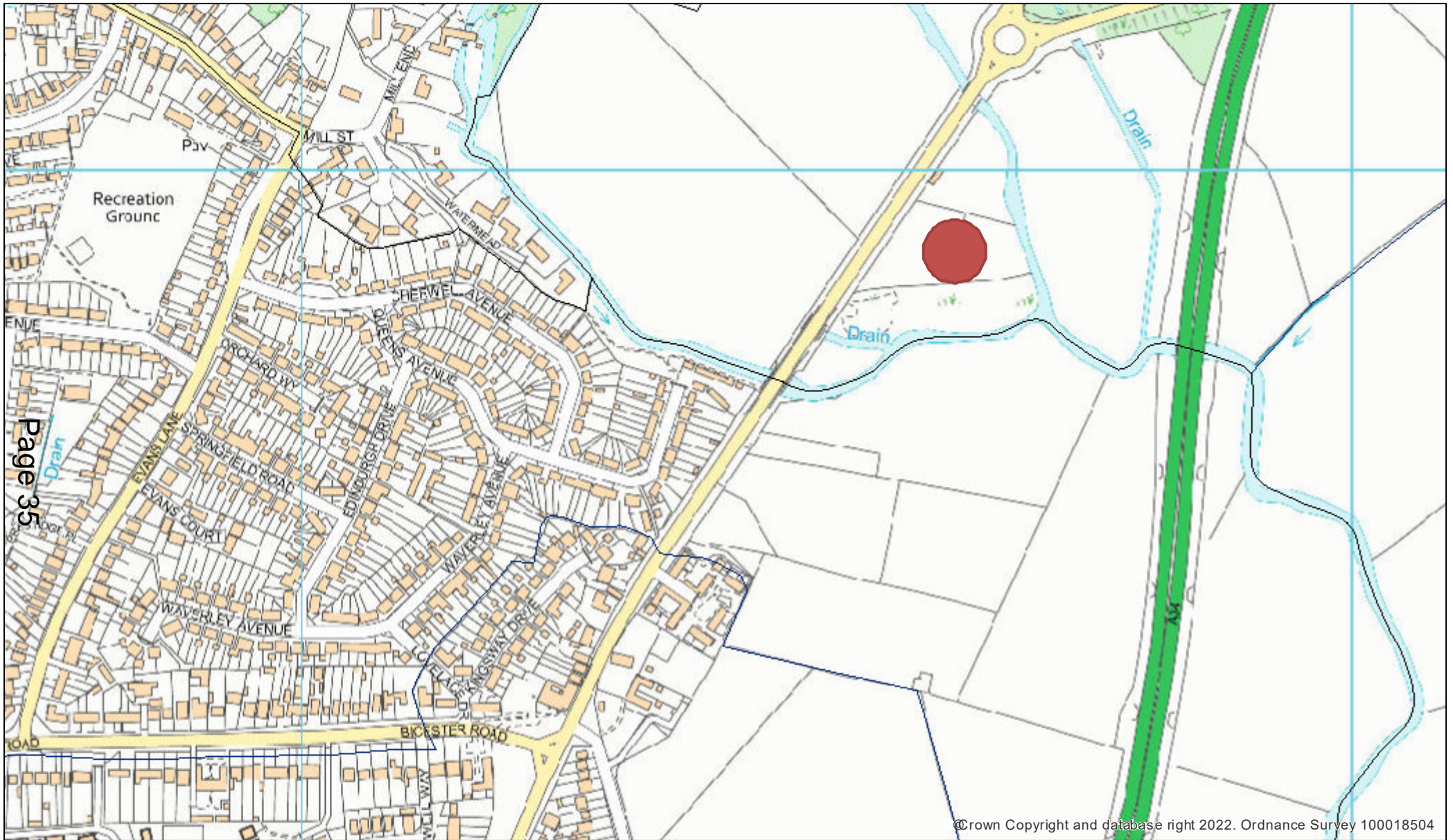
#### Title absolute

- 1 (25.04.1995) Proprietor: STEPHEN JOHN SAUNDERS of [REDACTED], [REDACTED],

#### End of register

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# Site Location Plan - Red Circle Marks Site Location



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