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Cherwell District Council

Licensing Sub Committee

Minutes of a meeting of the Licensing Sub Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 22 June 2022 at 12.30 pm

Present:

Councillor Andrew Beere
Councillor George Reynolds
Councillor Douglas Webb

Officers:

Christine Pegler, Licensing Enforcement Lead
Lucy Hetherington, Licensing Officer
Neil Whitton, Environmental Health Officer (virtual)
Syma Akhtar, Solicitor
Aaron Hetherington, Democratic and Elections Team Leader
Emma Faulkner, Democratic and Elections Officer

1 Appointment of Chairman of the Sub-Committee

The Membership of the Licensing Sub-Committee for this meeting was Councillors Andy Beere, George Reynolds and Douglas Webb.

Resolved

- (1) That Councillor Douglas Webb be appointed Chairman of the Licensing Sub-Committee.

2 Declarations of Interest

There were no declarations of interest.

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

The Sub-Committee considered an objection to a Temporary Event Notice at 117 Bicester Road, Gosford, Kidlington, OX5 2PX.

The objection had been submitted from the Responsible Authority of Cherwell District Council Environmental Health.

Resolved

- (1) As set out in the attached determination letter.

The meeting ended at 1.24 pm

Chairman:

Date:

Law & Governance

Shahin Ismail
Monitoring Officer &
Assistant Director of Law, Governance & Democratic Services



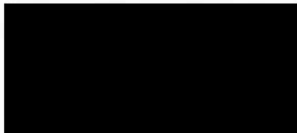
Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

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Mr James Nelson



Via email

Please ask for:	SYMA AKHTAR	Direct Dial:	01295 753 701
Email:	syma.akhtar@Cherwell-DC.gov.uk	Our Ref:	S A/
Your Ref:		Fax:	01295 263143
Date:	22nd June 2022		

Dear Mr Nelson

Licensing Sub-Committee hearing 22nd June 2022

Objection to Temporary Event Notice at 117 Bicester Road, Gosford, Kidlington, OX5 2PX/ the back paddock, landscapers yard with green pasture at the end/OS Parcel 5987 Adj River Cherwell And Part of A34 by Hampton Gay and Poyle Oxfordshire

Application submitted on 6.6.22.

I write to confirm the outcome of the above hearing.

You failed to attend the Licensing Committee. The Licensing Committee decided to proceed in your absence, as set out S182 Statutory Guidance Licensing Act 2003.

Report of the Licensing Officer

The Licensing Sub-committee listened carefully to the presentation of the report by the Licensing Officer. The Licensing Officer confirmed that one representation had been received during the consultation period objecting to the application from Environmental Health Department.

The Licensing Officer confirmed the statutory licensing objectives as: -

1. The prevention of crime and disorder;
2. Public safety;
3. The prevention of public nuisance;
4. The protection of children from harm.

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The Licensing Officer explained that the proposed event is planned for 30th July 2022 is a birthday party for 250 guests at 17 Bicester Road, Gosford, Kidlington, OX5 2PX (site address as above) is planned for one day and one night from 12 noon until 1.00 am 31st July 2022. The application is for a Temporary Event Notice.

The Licensing Authority

Ms Pegler explained that she received an objection to the temporary events notice on the grounds of public nuisance. Ms Pegler set out her reasons, the history of noise complaints and an abatement notice being issued on the landowner under the Environmental Health Act 1990.

The Environmental Health Officer

Mr Whitton stated that he received complaints about the notice and noise recordings. He was satisfied that the noise amounted to a public nuisance.

There has been a history of noise nuisance at the location. An abatement notice and warning letter had been served.

Chronology

New year 2021/21 an event was held, and the police were in attendance. A party had been held in breach of the lockdown rules. The organiser of the event was issued with a fixed penalty notice.

During the period 31st July to 2nd August 2021 the council received four complaints about loud music from the site lasting all night or late into the night.

During the period 13th – 14th August the council received further complaints about the noise level.

On 20th August 2021 an abatement notice was served.

On 9th- 10th April 2022 the council received four complaints about noise and recordings via the noise apps.

On 21st April 2022 a further warning letter was sent.

A Temporary Notice Events Application was granted for an event on 4th – 5th June. The event was until 3am. This Notice was breached the event continued up until 4.00 am.

The Application

The Licensing Sub Committee had sight of the application submitted by Mr Nelson.

Mr Nelson proposed to hold a birthday party on 30th July 2020.

Summing Up & Deliberation

All parties summed up their arguments and confirmed that they had had sufficient opportunity to address the Sub-committee, subsequent to which the Sub-committee retired to make its decision.

The Determination

The Licensing Sub-committee has carefully considered the written application and the oral submissions opposing the application received during the consultation period.

The Sub-committee carefully listened to the oral representations made to it.

The Sub-committee recognised that it must consider the application by reference to the objectives of the Licensing Act 2003; the statutory section 182 Licensing Act 2003 guidance, the Council's licensing policy and judicial authority.

The Sub-committee considered that the site is not a suitable location for an event. The noise levels are a public nuisance affecting the local residents. An abatement notice and warning letters have been served there has been a previous breach of a Temporary Notice Event.

The Sub-committee issues a counter Notice under Section 105 (2) (b) of the Licensing Act 2003, rendering all licensable activities unlawful.

Appeal

The applicant, a responsible authority or any other person has a right to appeal this decision by giving notice to the magistrates' court within a period of 21 days beginning with the day upon which notification of the determination was given.

Any appeal should be made to Oxford Magistrates Court, The Court House, 52 Speedwell Street, Oxford, OX1 1RZ

Yours faithfully 



Mr Douglas Webb

Chairman of the Licensing Sub Committee