

Monday, 27 September 2021

Tel: 01993 861522

e-mail - democratic.services@publicagroup.uk

LICENSING PANEL

You are summoned to a meeting of the Licensing Panel which will be held in the Council Chamber, Woodgreen, Witney OX28 1NB on **Tuesday, 5 October 2021 at 2.00 pm.**



Giles Hughes
Chief Executive

To: Members of the Licensing Panel

Councillors: Councillor Mike Cahill, Councillor Norman MacRae MBE and Councillor Lysette Nicholls (Councillor Steve Good, in reserve).

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted. By participating in this meeting, you are consenting to be filmed.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Democratic Services officers know prior to the start of the meeting.

AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest**
To receive any declarations from Members of the Committee on any items to be considered at the meeting.
3. **Participation of the Public**
To receive any submissions from members of the public, in accordance with the Council's Rules of Procedure.
4. **Temporary Event Notice - Siege of Orléans, Carterton (Pages 3 - 28)**
Determination of an objection notice submitted by Environmental Regulatory Services in relation to a temporary event notice for an event at The Siege of Orleans, Giles Centre, Alvescot Road, Carterton, Oxfordshire.
Report
Annex A, B, C, D, E

WEST OXFORDSHIRE DISTRICT COUNCIL

LICENSING PANEL

5 OCTOBER 2021

**DETERMINATION OF AN OBJECTION NOTICE SUBMITTED BY ENVIRONMENTAL
REGULATORY SERVICES IN RELATION TO A TEMPORARY EVENT NOTICE FOR AN
EVENT AT THE SIEGE OF ORLEANS, GILES CENTRE, ALVESCOT ROAD, CARTERTON,
OXFORDSHIRE**

REPORT OF THE GROUP MANAGER OF RESIDENTS' SERVICES

(Contact: Andrea Thomas, Tel: (01993) 861000)

(The Panel's decision on this matter will be a resolution)

I. PURPOSE

- I.1. To determine an Objection Notice submitted by Environmental Regulatory Services in relation to a Temporary Event Notice ("the TEN") for an event at the Siege of Orleans, Carterton, Oxfordshire.

2. RECOMMENDATIONS

- (a) To permit the licensable activities as stated in the Notice.
- (b) To permit the licensable activities as stated in the Notice subject to imposing relevant Conditions that are imposed on the Premises Licence that are necessary to promote the licensing objectives.
- (c) To serve a Counter Notice on the premises user and not permit the licensable activities to go ahead.

3. BACKGROUND

3.1. Annexes

- Annex A – Copy of Temporary Event Notice
- Annex B – Objection Notice from Environmental Regulatory Services
- Annex C – Copy of Premises Licence for Siege of Orleans
- Annex D – Location of premises
- Annex E – Copy of the Licensing Procedures

3.2. Under the Licensing Act 2003 ("the Act"), there is a system of permitted temporary activities which is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the Licensing Authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the "premises user") gives notice to the Licensing Authority of the event (a "Temporary Event Notice" or "TEN").

3.3. A TEN was submitted by Mr Chris Jones on the 22nd September 2021 (copy at Annex A) to provide entertainment and the sale of alcohol (on and off the premises) from

1600hrs to 0100hrs at the Siege of Orleans, Giles Centre, Alvescot Road, Carterton, Oxfordshire ("the premises") on the 7th, 8th and 9th October 2021.

- 3.4. A three working day consultation has been undertaken with the Responsible Authorities in accordance with the Act. No objections have been received from Thames Valley Police.
- 3.5. On the 24th September 2021 an Objection Notice was received from Operational Services. A copy is attached at Annex B.
- 3.6. The Siege of Orleans currently holds a Premises Licence which was issued by West Oxfordshire District Council on the 16th April 2015. A copy of the Premises Licence is attached at Annex C.
- 3.7. The premises are situated in the centre of Carterton as seen on the plan at Annex D.
- 3.8. Video footage has been gathered by WODC Officers when recent TENs were in place at the premises. This footage will be played at the meeting.
- 3.9. Mr Jones has had sight of the representation from Operational Services and also seen the video footage prior to this meeting. At the time of writing this report no response had been received from Mr Jones.

4. OPTIONS

- 4.1. That the Licensing Panel is asked in light of the information provided, to consider the TEN and determine whether to;
 - To permit the licensable activities as stated in the Notice.
 - To permit the licensable activities as stated in the Notice but subject to imposing relevant conditions that are imposed on the Premises Licence that are necessary to promote the Licensing Objectives.
 - To serve a Counter Notice on the premises user and not permit the licensable activities to go ahead.

5. NATIONAL GUIDANCE

- 5.1. The Secretary of State's Guidance requires Licensing Authorities, following receipt of an Objection Notice, to hold a hearing to determine whether the licensable activities as stated in the Notice would undermine the Licensing Objectives and whether the event should take place.

6. FINANCIAL IMPLICATIONS

- 6.1. Any appeals to the Magistrates' Court could result in the Council having to bear legal costs to defend its action.

7. LEGAL IMPLICATIONS

- 7.1. The Licensing Authority is required to serve any Counter Notice at least 24 hours prior to the intended event going ahead;
- 7.2. There is a right for the applicant for the TEN to appeal the service of a Counter Notice to a Magistrates' Court within 21 days of service but no appeal can be brought later than 5 working days before the day on which the event specified in the TEN begins.

Group Manager of Resident Services

(Author: Andrea Thomas, Tel: (01993 861000) Direct Number ;

EMail: andrea.thomas@publicagroup.uk)

Date: 28 September 2021

Background Papers:

West Oxfordshire District Council's Statement of Licensing Policy – 2016

S.182 Secretary of States Guidance April 2018

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**West Oxfordshire
Temporary Event Notice
Licensing Act 2003**

For help contact
ers@westoxon.gov.uk
Telephone: 01993 861000

* required information

Section 1 of 9

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

☐ Yes ☒ No

Applicant Details

* First name

* Family name * E-mail

Main telephone number 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 A sole trader is a business owned by one person without any special legal structure.

☐ Applying as an individual 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 ☒ Yes ☐ No Note: completing the Applicant Business the UK with Companies section is optional in this form.

House?

Registration number

Business name registered name.

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

Legal status

If your business is registered, use its

Continued from previous page...

Your position in the business

DIRECTOR

United Kingdom

The country where the headquarters of your

Home country business is located.

Registered Address

Address registered with Companies House.

Building number or name

5 GILES CENTRE

Street

ALVESCOT ROAD

District

City or town

CARTERTON

County or administrative area

OXON

Postcode

OX18 3DH

Country

United Kingdom

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

☐ Yes

☒ No

* Your date of birthApplicant

must be 18 years of age or older

This box need not be completed if you are an

National Insurance number individual not liable to pay UK national insurance. Place of birth

Correspondence Address

☒ Yes

☐ No

required. Select “No” to enter a completely new set of details.

5 GILES CENTRE

ALVESCOT ROAD

CARTERTON

OXON

OX18 3DH

United Kingdom

Is the address the same as (or similar to) the address given in section one? If “Yes” is selected you can re-use the details from section one, or amend them as

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

☒ Yes ☐ No

required. Select “No” to enter a completely new set of details.

Are the contact details the same as (or similar to) those given in section one? If “Yes” is selected you can re-use the details from section one, or amend them as

E-mail
Telephone number
Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.
Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#) * Does the premises have an address?

☒ Yes ☐ No

Address

☒ Yes

☐ No

required. Select “No” to enter a completely new set of details.

5 GILES CENTRE

ALVESCOT ROAD

CARTERTON

OXON

OX18 3DH

United Kingdom

Is the address the same as (or similar to) the address given in section one? If “Yes” is selected you can re-use the details from section one, or amend them as

- *

Building number or name
- *

Street
- District
- *

City or town
- County or administrative area
- *

Postcode
- *

Country
- *

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?
- ☐ Neither

☒ Premises licence

* Premises licence number

Location Details

* Provide further details about the location of the event

WITHIN THE BAR & OUTSIDE

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

Describe the nature of the premises below [\(see also guidance on completing the form, note 4\)](#)

LICENSED BAR

Describe the nature of the event below [\(see also guidance on completing the form, note 5\)](#)

Additional late night opening hours on Thursday 7th October, Friday 8th October and Saturday 9th October
Live music on Friday night and DJs on Friday and Saturday. . Last orders on Friday and Saturday to be 00:30 with closing at 01:00
Guests to be moved inside from 11pm onwards with extended outside area collapsed down into 6 tables to remain in use in the close area outside of the premises under the tent to act as a smoking area until last orders Doorstaff to be present on all evenings.
Drug measures in place inline with a zero tolerance position.

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LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises ([see also guidance on completing the form, note 6](#)):

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment ([See also guidance on completing the form, note 7](#)).
The provision of late night refreshment
- ☒
- ☐ The giving of a late temporary event notice
working days but no earlier than 9 working days before the event.

Late notices can be given no later than 5

[\(See also guidance on completing the form, note 8\).](#)

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

[\(see also guidance on completing the form, note 9\)](#)

Event start date 07 / 10 / 2021
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Continued from previous page...

Event end date

10 / 10 / 2011
dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 10\)](#)

17:00 on Thursday 7th October until 1:00 on
Friday 8th October
16:00 on Friday 8th October until 01:00 on
Saturday 9th October
~~12:00 on Saturday 9th October until 01:00 on~~
Sunday 10th October

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 cannot exceed 499. activities,

100

[\(see also guidance on completing the form, note 11\)](#)

Note that the maximum number of people intend to carry on licensable including any staff, organisers or performers [\(see also guidance on](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both [\(see also guidance on completing the form, note 12\)](#):

- ☐ On the premises only
- ☐ Off the premises only
- ☒ Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

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

There will be a live solo performer with their own amp on Friday 8th , with their sound level set below the required level A DJ will play on both evenings upstairs, with their sound levels also set below the required level.

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid ☒ Yes ☐ No personal ☐ licence?

Provide the details of your personal licence below.

Issuing licensing authority

WEST OXON COUNCIL

Continued from previous page... Licence number

PL/728

Date of issue

30 / 05 / 2008
dd mm yyyy

Any further relevant details

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same ☒ Yes ☐ No calendar year as the event for which you are now giving this temporary event notice?

State the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year

Have you already given a temporary event notice for the same premises in which the event period:

- a) ☐ Ends 24 hours or less before; or ☐ Yes
☒ No
 b) ☐ Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the ☐ Yes ☒ No event for which you are now giving a temporary event notice?

Continued from previous page...

Has any associate of yours already given a temporary event notice for the same premises in which the event

period: YesNo ☐ a) Ends 24 hours or less ☒ before; or

b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a

temporary event notice for ☐ an YesNo event in the same calendar year as the event for which you are now giving a temporary event notice? ☒

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 ☐ YesNo period: ☒

a) Ends 24 hours or less before; or

b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

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.
This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

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

* I understand that it is an offence:

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

(ii) 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 (6) months, or to both.

Continued from previous page...

☐

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

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/west-oxfordshire/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

ERS Operations wish to object to the Tens licence W/21/00799/PTENL application submitted as we feel that allowing the Tens to go ahead would contravene the objectives set out by the Licensing Act to prevent public nuisance from occurring. ERS have received complaints regarding the Siege and noise over the past two months. We have sent a letter to The Siege to inform them of the most recent complaints received. ERS and licensing recently carried out some evening monitoring and observations on site. Noise from amplified sound was witnessed escaping from the premises and front of the premises after 11pm. In Law after 11pm, this time is defined as 'night time hours' when there is a heightened expectation that local residents would not wish to be disturbed from people or music noise coming from the premises.

We are aware that there are speakers on the external façade of the premises, which amplifies the level of audible noise outside. One of the complaints received comes from a residential building that is approximately 30 meters away from the premises, with windows in a direct line of sight of the premises. There have been other noise complaints which we have received over the past few events. We currently do not believe there to be a 'noise limiter' within the premises set at a level to control loud amplified music noise breakout. Nor is there an acoustic lobby in place around the front entrance doors to contain the noise created by people or music breakout. It is this combination of people noise and amplified music from speakers on the front façade and from within the premises that is the source of the problem

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LICENSING ACT 2003

PART A – PREMISES LICENCE



Premises Licence Number

006484

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Siege of Orleans
The Giles Centre
Alvescot Road
Carterton
Oxfordshire
OX18 3DH

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Supply by Retail of Alcohol	Every day	11:00 - 23:00
Recorded Music	Every day	11:00 - 23:00 Non Standard Timings

The opening hours of the premises

Every day 11:00 - 23:00

Non Standard Timings

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On

Name, (registered) address, telephone number and email (where relevant) of holder(s) of premises licence

Mr Christopher Jones
22 Corbett Road
Carterton
Oxfordshire
OX18 3LD

Email address chrisjones231079@yahoo.com

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 authorises for the supply of alcohol

Mr Christopher Jones

Telephone No. 07789 840332

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence No.: PL/728

Licensing Authority: West Oxfordshire District Council

Signature of Issuing Officer:



Michelle Bignell (Mrs)
Service Leader
Licensing and Business Support
Environmental and Regulatory Services

Date of Determination: 16th April 2015

Date of Issue: 11th December 2020

(See Annexes and Plans attached for conditions relating to this Licence)

Issuing Authority

West Oxfordshire District Council, Woodgreen, Witney, Oxon OX28 1NB

Annex 1 – Mandatory conditions

1. No retail sale or supply of alcohol may be made under this 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 retail sale or supply of alcohol under this must be made or authorised by a person who holds a personal licence.

Annex 2 – Conditions consistent with the Operating Schedule

Zero tolerance to drugs

Emergency lighting to be fitted above the exits

First Aid kit on the premises

Notices displayed asking that patrons leave quietly

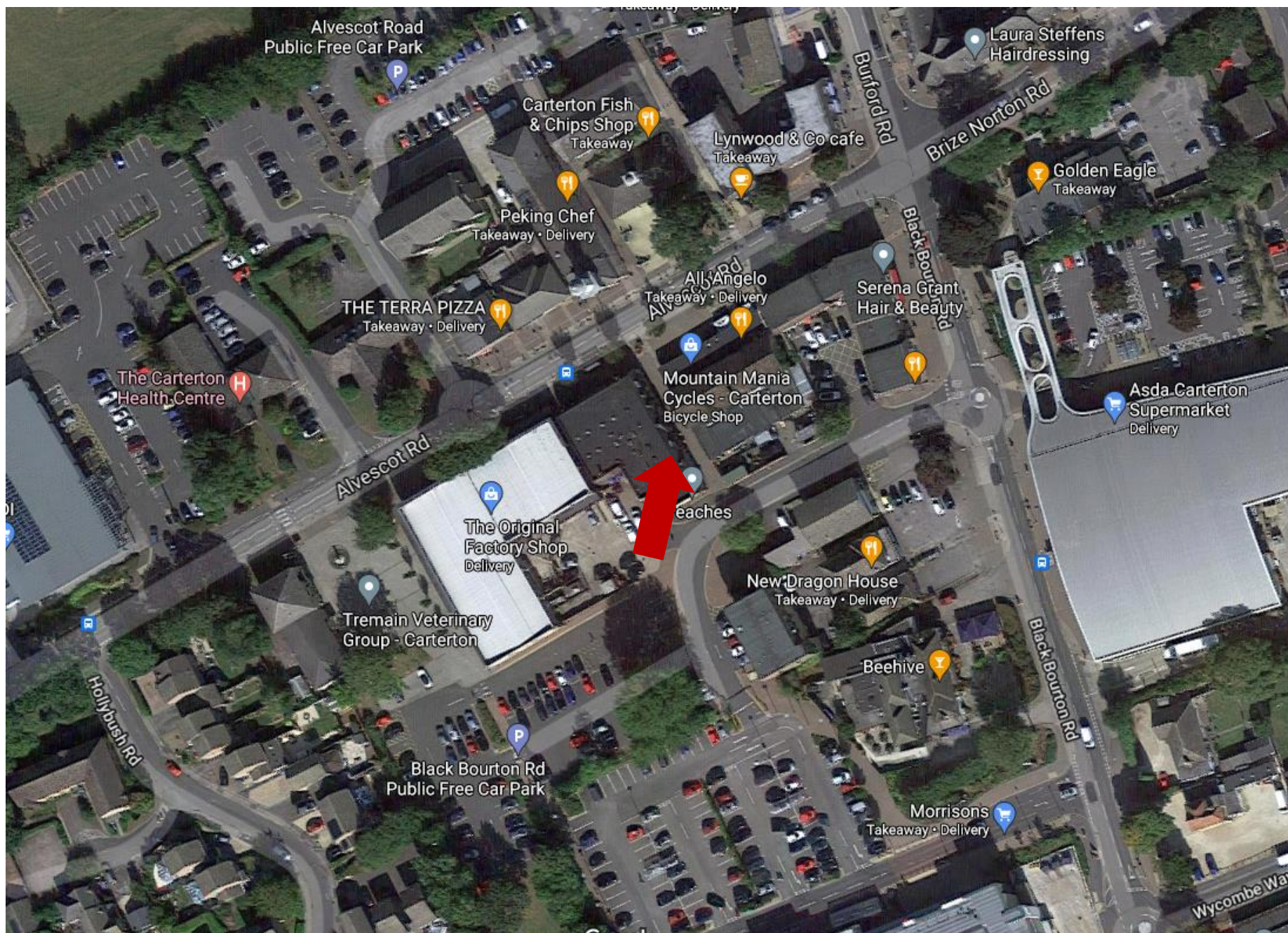
No unloading of goods before 10 am

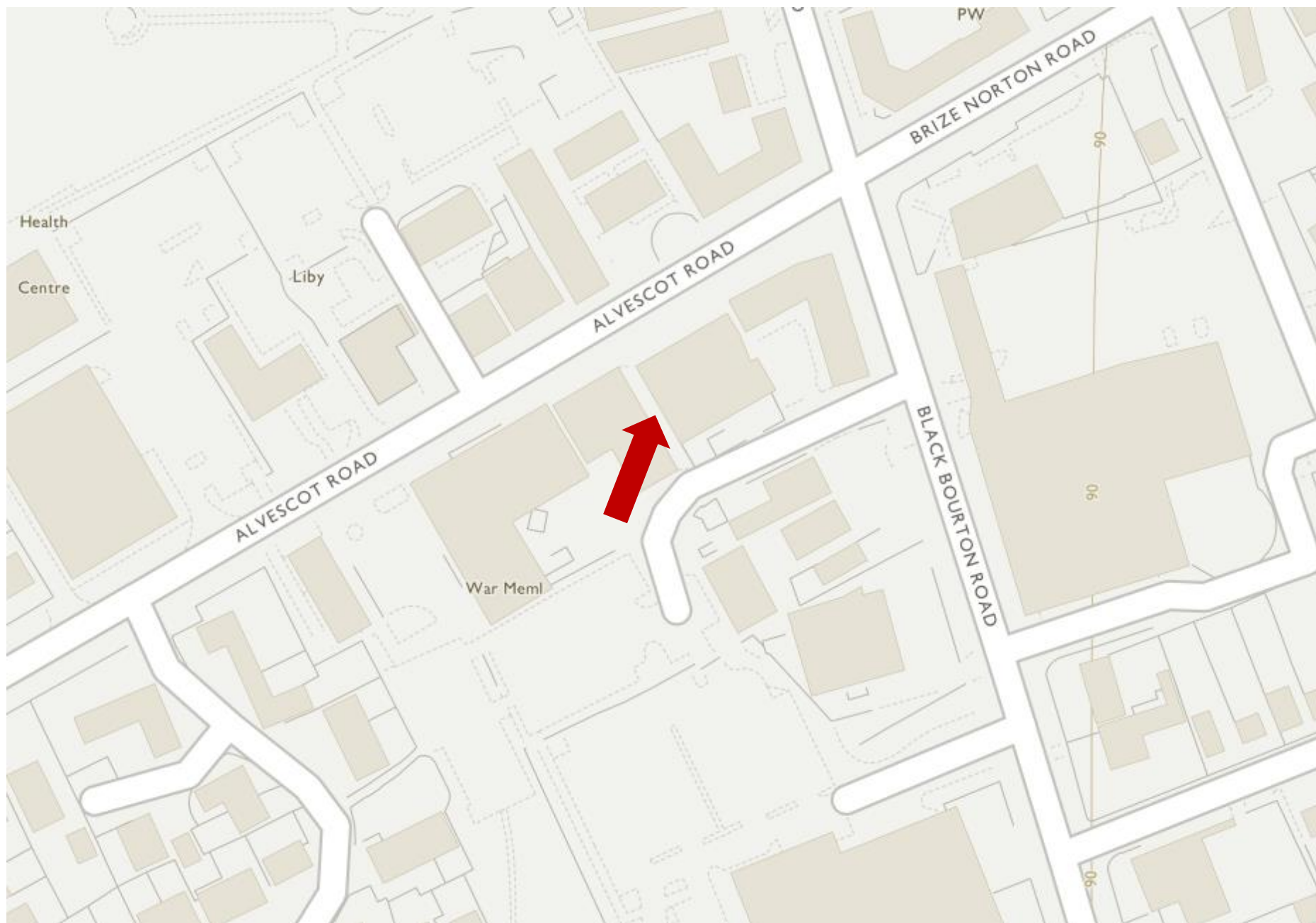
Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 – Plans

AS SUBMITTED WITH THE APPLICATION

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LICENSING PANEL – 5th October 2021PROCEDURE – DETERMINATION OF AN OBJECTION NOTICE TO A TEMPORARY
EVENT NOTICE

MR CHRIS JONES – THE SIEGE OF ORLEANS, GILES CENTRE, CARTERTON

1.	Identification of persons present (Officers and Members to be introduced).	
2.	Officer to take Members through the report and advise of any new information.	
3.	Premises User (Mr Chris Jones) invited to present their intended event.	
4.	Panel to ask questions of the Premises User on their intended event.	
5.	Operations to present their objection in relation to the intended event.	
6.	Panel to ask questions of the Operations Officer in relation to their objection.	
7.	Premises user to ask questions of the Operations Officer.	
8.	Panel to ask questions of both parties if applicable.	
9.	Operations Officer invited to make any final submissions.	
10.	Premises User invited to make any final submissions. The Premises User must always have the last word.	
11.	Parties retire to allow the Panel to make its decision.	
12.	On return, the Chair of the Panel to notify the Premises User of the decision, and advise that this will be confirmed in writing outlining the reasons for the decision.	

(end)

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