

WEST OXFORDSHIRE DISTRICT COUNCIL

LICENSING PANEL

22 JULY 2021

**DETERMINATION OF AN OBJECTION NOTICE SUBMITTED BY THAMES VALLEY POLICE
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.)

1. PURPOSE

To determine an Objection Notice submitted by Thames Valley Police in relation to a Temporary Event Notice ("the TEN") for an event at the Siege of Orleans, Carterton, Oxfordshire.

2. RECOMMENDATION

- to permit the licensable activities as stated in the Notice;
- 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;
- to serve a Counter Notice on the premises user and not permit the licensable activities to go ahead.

3. ANNEXES

Annex A – Copy of Temporary Event Notice

Annex B – Objection Notice from Thames Valley Police

Annex C – Copy of Premises Licence for Siege of Orleans

Annex D – Location of premises

Annex E – Copy of Police Report

Annex F – Submission by Mr Chris Jones, premises user

Annex G – Copy of the Licensing Panel procedures

4. BACKGROUND

- 4.1. 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").

- 4.2. A TEN was submitted by Mr Chris Jones on the 8th July 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 24th and 25th July 2021 for 100 people per evening.
- 4.3. A three working day consultation has been undertaken with the Responsible Authorities in accordance with the Act. No objections have been received from Environmental Health or the Covid Team at West Oxfordshire District Council.
- 4.4. On the 12th July 2021 an Objection Notice was received from Thames Valley Police. A copy is attached at Annex B.
- 4.5. 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.

Site Description

- 4.6. The premises is situated in the centre of Carterton as seen on the plan at Annex D.

Representations

Thames Valley Police

- 4.7. Please see attached report attached at Annex E from Ian Wares, Licensing Officer for Thames Valley Police, which also provides a copy of a letter that was sent to the premises re drug swabbing results in May 2021.

Chris Jones (premises user)

- 4.8. Mr Jones has submitted a response to the report submitted by Thames Valley Police. A copy is attached at Annex F

NATIONAL GUIDANCE

- 4.9. The Secretary of State's Guidance requires Licensing Authorities, following receipt of an Objection Notice, to hold a hearing to determine whether the event would undermine the licensing objectives and whether the event should take place.

PROCEDURES

- 4.10. A copy of the Procedure for this meeting is attached at Annex G.

5. OPTIONS

That the Licensing Panel is asked, in light of the information provided, to consider the TEN application 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.

6. LEGAL IMPLICATIONS

- 6.1 The Secretary of State's Guidance requires Licensing Authorities, following receipt of an Objection Notice, to hold a hearing to determine whether the event would undermine the licensing objectives and whether the event should take place.
- 6.2 The Licensing Authority is required to serve any Counter Notice at least 24 hours prior to the intended event going ahead.
- 6.3 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.

7. FINANCIAL IMPLICATIONS

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

8. BACKGROUND DOCUMENTS

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

S.182 Secretary of States Guidance April 2018

Group Manager of Resident Services

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