

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)

1. PURPOSE

- 1.1. 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 or 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

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Date: 28 September 2021

Background Papers:

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

S.182 Secretary of States Guidance April 2018