

LICENSING SUB-COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 13 AUGUST 2014

Councillors Present: Peter Argyle (Chairman), Adrian Edwards and Andrew Rowles

Substitute: Tony Linden

Also Present: Emilia Matheou (Environmental Health & Licensing) and Liz Patient (Solicitor), Jo Watt (Member Services Officer)

PART I

1. **Declarations of Interest**

There were no declarations of interest received.

2. **Application No. 14/01053/LQN, Newbury College, Monks Lane, Newbury**

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application No. 14/01053/LQN submitted by Marstons Plc in respect of premises at Newbury College, New Build, Monks Lane, Newbury, RG14 7TD.

In accordance with the Council's Constitution, Emilia Matheou (Licensing Officer, West Berkshire Council), Mr John Gaunt, Mr John McElholm and Mr Dave Walker (representing the Applicant) and Councillor Alan Agutter, Greenham Parish Council (objector) addressed the Sub-Committee on this application.

Ms Matheou, in addressing the Sub-Committee, raised the following points:

- West Berkshire Council's Licensing Service received an application made under Section 17 of the Licensing Act 2003 for a new premises licence to be granted for the premises at Newbury College, New Build, Monks Lane, Newbury, Berkshire, RG14 7TD. The application was submitted on 25th June 2014.
- The Responsible Authorities had been advised of the application on 25th June 2014.
- The application was for the sale by retail of alcohol (both on and off premises sales), Monday to Thursday from 10.00 to midnight, Friday and Saturday 10.00 to 01:00 and Sunday 11:00 to midnight. Regulated entertainment (Films, indoor sporting events, live and recorded music and performances of dance) and the provision of Late Night Refreshment had been applied for based on the same timings as the sale of alcohol.
- The 28 day consultation period ran until 23rd July 2014.
- The application had been advertised in accordance with the regulations with blue notices displayed at the premises (witnessed by an officer on 1st July 2014) and by publishing in a local newspaper, the Newbury Weekly News on 3rd July 2014.
- During the statutory consultation period, representations had been received from Greenham Parish Council on 9th July 2014.
- No representations had been received from the Responsible Authorities.
- No information had been received to indicate that mediation had taken place.

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Mr John Gaunt (representing the applicant) requested that copies of the proposed food menu for the premises and the Marston's Inns and Taverns Alcohol and Social Responsibility Statement be given to the Sub-Committee. With the agreement of the Sub-Committee and Councillor Alan Agutter, the objector, copies of the above documents were circulated.

Mr John Gaunt (representing the applicant), in addressing the Sub-Committee, raised the following points:

- Marston's Plc had opened around 20-25 new pubs a year over the last five years, nation wide. The establishments were all traditional food led operations with the emphasis heavily on the dining element of the trade. For this reason, the applicant was happy with the request for regulated entertainment to be limited to no more than 12 occasions a year, mainly during the festive season.
- Based on the sales figures of other Marston's premises, it was anticipated that the trade of the new establishment would be broken down as follows:

70% - food sales

20% - alcohol sales

10% - soft drink and coffee sales

Only 3-6% of the total sales were expected to be from stand alone drinkers.

- With the exception of the objection from Greenham Parish Council, there had been no other objections made and importantly, none of the Responsible Authorities, including Thames Valley Police had made representations.
- With regard to concerns regarding any loss of amenity for local residents, the Sub-Committee noted that the pub would be screened by a busy road and large bank that would provide a physical barrier between the premises and local residents.
- The objector had made no suggestion that Marston's Plc was not a well run operation. With over 700 premises across the country, the business could not be successful if it was irresponsible in its approach.
- With regard to concerns raised regarding the prevention of Crime and Disorder, there was no evidence that this type of food led establishment would lead to the type of unacceptable behaviour suggested by the objector. As regulated entertainment would be limited to 12 occasions per year, this would further reduce the chances of illegal and anti social activities.
- With regard to concerns raised regarding public safety, the Sub-Committee noted that highways issues were dealt with under the planning remit and were not relevant to the licensing application. A car park providing 60 spaces for customers would be in operation. In addition, the existing gates to the Newbury College site would be moved closer to the college to ensure their site could still be secured.
- The Parish Council had also raised concerns regarding the prevention of public nuisance. With regard to noise from the premises, double glazing would be in place, along with a lobby that would form part of the main entrance and exit to the premises. On the twelve occasions when entertainment took place then noise levels would be monitored closely by pub staff.
- With regard to the concerns raised regarding the prevention of children from harm, the Sub-Committee noted that Marston's Inns operated 'Challenge 21' in all their establishments and also used a company called 'Serve Legal' to visit each of their premises to ensure the necessary policies and procedures were operating correctly.

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- To conclude the Sub-Committee were asked to consider the evidence they had before them in coming to their decision. Mr Gaunt summed up by saying that Marston's was a responsible operator, there would be a minimum of 'stand alone drinkers', there had been no representations from the Responsible Authorities and the establishment would be a food led concern.

Councillor Andrew Rowles said that he noted that regulated entertainment would be limited to twelve times a year but asked why it had been requested until 01:00 on a Friday and Saturday night both inside and outside. In response, Mr Gaunt said that the external speakers would be for background music only but the applicant would be happy to remove the external speakers.

In response to a question from Councillor Adrian Edwards, Mr Gaunt said that Marston's pubs were family led establishments and children would be allowed on the premises. Mr Gaunt went on to say that whilst it was legal for 16 and 17 year olds to have a drink with their meal when being supervised by an adult, this was not the policy at Marston's Inns and no one under the age of 18 would be allowed to purchase or consume alcohol on the premises. In addition, all waiting staff would be trained to ensure that this was the case. In response to a further question from Councillor Edwards, Mr Gaunt said that it was not the current policy of Marston's Inns to have a notice on their menus to explain that 16 and 17 year olds were not permitted to drink alcohol with their meal but this could be done in this particular establishment if requested. Challenge 21 would also be operation.

In response to a question from Councillor Peter Argyle, Mr Gaunt confirmed that notices would be displayed asking customers to leave the premises quietly to minimise disruption to the local residents.

Councillor Alan Agutter, Greenham Parish Council (objector), in addressing the Sub-Committee, raised the following points:

- With regard to the prevention of crime and disorder, most of the proposed customers would be leaving the premises on foot and the provision of signage was not sufficient to ensure that local residents were not disturbed by noise and rowdiness.
- On the issue of public safety, and in particular traffic issues, the local roads were already over loaded and the proposed development at Sandford would only add to this situation. The Newbury College access road was already busy with young people and adults and this would be added to by lots of people arriving and leaving the proposed pub.
- The Parish Council had concerns about why door supervisors would be required and if there would be the need to for the police to be on stand by in a similar way to the town centre pubs.
- With regard to the prevention of children from harm, the Sub-Committee noted that the Government Health Agency had stated that alcohol related illnesses and injuries cost the country around £21 billion a year. The location of a public house next to a college gave a very poor message to young people. In addition to the college, the Castle School and a nursery were also based on the site and shared the same access road.
- There were concerns regarding the need for accommodation on the second floor of the premises and whether this was an attempt by the applicant to develop the building further with perhaps hotel accommodation in mind.
- The Sub-Committee was asked to note that there were already five public houses within a one mile radius and the Parish Council questioned why it was necessary to have another one.

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Councillor Andrew Rowles said the proposed establishment was a long way outside the town centre and therefore questioned the concerns regarding the disorder problems sometimes associated with the town centre pubs. In response, Councillor Agutter acknowledged that at the current time this might not be a problem but with a large scale housing development proposed at Sandford the situation could be very different.

In response to a question from Councillor Adrian Edwards, Councillor Agutter said that the college was far closer to the proposed premises than The Bell and The Gun public houses were to the Park House School on Andover Road.

In summing up, Mr John Gaunt (representing the applicant) clarified the following points:

- The highways and traffic issues were not relevant as they were planning matters.
- Marton's Inns had premises in a variety of locations across the country and the close proximity to the College was not seen as a problem.
- Door supervisors would only be employed on particular occasions when it was deemed necessary and would not be a regular feature.
- The premises would be built in accordance with Building Regulations.
- The number of other public houses in the vicinity was not relevant to the application and 'need' should not be a consideration for the Sub-Committee.
- There was no intention to extend the planned accommodation on site and the proposed bedrooms were purely for staff use.

Having taken the representations into account, the Licensing Sub-Committee **RESOLVED** that Application reference 14/01053/LQN in respect of premises at Newbury College, New Build, Monks Lane, Newbury, RG14 7TD be granted subject to the conditions set out in the operating schedule and any relevant mandatory conditions as prescribed by the Licensing Act 2003 or secondary legislation, for the reasons set out in the Decision Notice.

3. **Application No. 14/01060/LQN, Wokefield Park, Mortimer Reading**

The Sub-Committee considered a report (Agenda Item 2(2)) concerning Licensing Application No. 14/01060/LQN submitted by De Vere Venues Group Limited in respect of premises at Wokefield Park, Goodboys Lane, Mortimer, Reading. RG7 3AH.

In accordance with the Council's Constitution, Emilia Matheou (Licensing Officer, West Berkshire Council), Ms Sally Hills and Mr Dave Longcake (representing the Applicant) and Mr Chris Faulkner (objector) addressed the Sub-Committee on this application.

Ms Matheou, in addressing the Sub-Committee, raised the following points:

- West Berkshire Council's Licensing Service received an application made under Section 17 of the Licensing Act 2003 for a new premises licence to be granted for De Vere Venues Group Ltd, Wokefield Park, Goodboys Lane, Mortimer, Reading, RG7 3AH. The application was submitted on 26th June 2014.
- The Responsible Authorities were advised of the application on 26th June 2014.
- The application was for a new premises licence to replace the existing Premises Licence for Wokefield Park ref: 14/01154/LQN. The proposed licensable activities at the premises were regulated entertainment (plays, films, live and recorded music and performances of dance), the provision of Late Night Refreshment both indoors, the sale by retail of alcohol both on and off sales all in accordance with the times set out in the agenda. In addition, alcohol sales for residents were requested for 24 hours a day.

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- The 28 day consultation period ran until 24th July 2014.
- The application was advertised in accordance with the regulations with blue notices displayed at the premises (witnessed by an officer on 10th July 2014) and by publishing in a local newspaper, the Reading Post on 2nd July 2014.
- During the statutory consultation period, representations were received from:
 1. Mr Chris Faulkner on 21st July 2014
 2. Mr Keith and Mrs Sue Rockhill on 22nd July 2014
 3. Mr Andy and Mrs Debbie Fisher on 23rd July 2014
 4. Mr Gavin Ferguson on 23rd July 2014

One representation (from a Mr and Mrs Davies) had been received on 26th July 2014 which was outside the 28 day consultation period and was therefore not included in the agenda. However, Mr and Mrs Davies were invited to attend the meeting.

- No representations had been received from the Responsible Authorities.
- An informal mediation meeting organised by the applicant's agent took place on Monday 28th July 2014 and all the objectors were invited to discuss their concerns. The meeting was also attended by Mr Dave Longcake, Designated Premises Supervisor, Sarah Gander (Sales Director for De Vere Venues Group Ltd and a Licensing Officer from West Berkshire Council.

Following mediation the agent acting for De Vere venue consulted with her clients and taking on board the concerns of the objectors, offered the following amendments to the application:

1. Amend the start time for alcohol to 10.00 am Monday to Sunday rather than 8.00 am as requested on the application.
2. Reduce the regulated entertainment to start at 7.00 pm on Monday to Thursday, and from 12.00 noon on Friday, Saturday and Sunday rather than 10.00 am for all days as requested on the application.
3. Outside live music in a marquee to finish by midnight (Friday and Saturday) rather than 2.00 am as requested on the application.
4. Recorded music in a marquee to finish by 1.00 am (Friday and Saturday) rather than 2.00 am as requested on the application.

Following mediation, Mr and Mrs Rockhill and Mr Ferguson withdrew their objections. The Sub-Committee noted that Mrs Fisher was unable to attend the meeting and had asked for her emailed comments to be taken into account. With the agreement of all the parties, the email from Mrs Fisher was circulated to the Sub-Committee.

In response to a question from Councillor Peter Argyle, Ms Matheou said that the current opening hours operating hours for Wokefield Park were as follows:

Live and Recorded music:

19:00 – 12:00 midnight – Monday to Thursday

19:00 – 01:00 – Friday and Saturday

19:00 – 12:00 midnight – Sunday

Sale of alcohol:

10:00 – 12:00 midnight – Monday to Thursday

19:00 – 01:00 – Friday and Saturday

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19:00 – 12:00 midnight – Sunday

Ms Sally Hills (representing the applicant), in addressing the Sub-Committee, raised the following points:

- Rather than applying for a variation to the existing licence, De Vere venues had submitted an application for a new premises licence as the changes requested were thought to have been too significant for a variation.
- For personal reasons, the current Designated Premises Supervisor, Darren Townsend would be leaving Wokefield Park and would be replaced with by Mr Dave Longcake.
- The premises had been located at Wokefield Park for some years and mainly constituted a conference centre and golf course.
- The application for a new premises licence with extended hours was driven by customer demand and the need to extend the usage of the premises. Currently the venue used a large number of Temporary Events Notices to cover events with extended hours and it was hoped that the new licence would remove this requirement.
- The applicant had arranged a meeting with all the objectors (including those whose objection was out of time) to the application on 28th July 2014. As a result of the meeting, the Regional Director of De Vere Venues had suggested a number of amendments to the original application in response to the concerns raised by the objectors. The Management of Wokefield Park had also undertaken to address a number of concerns raised by local residents that were unrelated to the licensing application.
- In response to the concerns raised at the mediation meeting, the applicant had offered to amend the application, as set out in the Licensing Officer's report above.
- The objectors had raised the issue of noise at Wokefield Park despite no complaints being made to Environmental Health for over a year. A number of measures had been put in place to deal with noise issues including signage asking customers to leave the venue quietly. Particular measures had been put in place to deal with noise escaping from the Maple Suite which had been identified as a particular problem.

In response to a question from Councillor Andrew Rowles, Mr Longcake said that in a twelve month period there might be three marquee events on the front lawn and a small number of weddings on the back lawn. There had been no complaints received regarding noise from the marquees when they were used.

Following an additional question, Mr Longcake confirmed that three large air conditioning units were in place in the Maple Suite to ensure the doors remained closed to limit the escape of noise.

Mr Chris Faulkner (objector), in addressing the Sub-Committee, raised the following points:

- The objectors had questioned why it was necessary for a conference centre to have a licence with such extensive alcohol and entertainment hours for 365 days a year.
- Mr Faulkner was one of the closest neighbours to Wokefield Park, living 1.5 miles from the venue and the noise was very obvious. There was concern about the effect of the noise levels on local residents and businesses which included a dairy farm to the south where work started at around 5.00 am.

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- It was felt that dealing with events using Temporary Events Notices was preferable to granting a licence that allowed events to take place as often as the venue wished.
- The postcode for the venue was incorrect and that had had considerable impact on the local residents. Guests of Wokefield Park requested directions on a frequent basis and traffic problems were caused in the narrow lanes around the venue.
- The venue had been operating as a hotel despite not having the necessary C1 permissions to allow this. However, Mr Faulkner added that the venue was no longer referred to as a hotel on its website.
- Several different events could be held on one day at the venue, resulting in hundreds of people arriving and leaving the venue. Again this caused significant problems in to the roads around Wokefield Park.
- Mr Faulkner said he had made a number of representations to the management of the hotel over the years and had been told that the resources had not been available to deal with the issues.
- Local residents had not been informed when the venue had applied for Temporary Events Notices over the years.

In response to a question from Councillor Andrew Rowles, Mr Faulkner said he had last complained to the venue two months previously regarding a man who had knocked on his door at 1.30 am asking for directions to Wokefield Park.

Mr Faulkner had said that he had lived in his property for 25 years and the problems associated with the venue had escalated as the business had grown.

In response to a question from Councillor Adrian Edwards, Mr Faulkner said his property was slightly north east of the venue.

In summing up, Sally Hills (representing the applicant) made the following points:

- Legally the licence holder was not required to inform local residents regarding Temporary Events Notices.
- The planning consent and postcode issues were not relevant to the licensing application
- Noise concerns were relevant and valid in some respects and as a result, the De Vere venues management had put measures in place to deal with the escape of noise.

In response to a question from Councillor Andrew Rowles, Sally Hills said that the Regional Director was working on issues to do with the incorrect postcode.

Mr Chris Faulkner informed the Sub-Committee that at the mediation meeting on 28th July 2014, the applicant had been asked to withdraw the application until mutual trust had been established with neighbours then reapply.

Having taken the representations into account, the Licensing Sub-Committee **RESOLVED** that Application reference 14/01060/LQN in respect of premises at Wokefield Park, Goodboys Lane, Mortimer, Reading, RG7 3AH be granted subject to the conditions as amended by the applicant and detailed below, as well as the relevant mandatory conditions of the Licensing Act 2003 or secondary legislation.

The amendments to the operating schedule were as follows:

Box J: Sale of Alcohol

Monday-Thursday 10:00 – 01:00

Friday-Saturday 10:00 – 02:00

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Sunday 10:00 – 00:00

Box A: Plays; Box B: Films; Box E: Live Music; Box F: Recorded Music; Box G: Performances of dance; Box H: Anything of a similar description to that falling within box (e), (f) or (g)

Monday-Thursday 19:00 – 01:00

Friday-Saturday 12:00 – 02:00

Sunday 12:00 – 00:00

Box E: Live Music (Outside in a marquee)

Friday-Saturday 12:00 – 00:00

Box F: Recorded Music (in a marquee)

Friday-Saturday 12:00 – 01:00

(The meeting commenced at 2.00 pm and closed at 3.35 pm)

Name

Date of Signature

Name

Date of Signature

Name

Date of Signature