

Notice of Meeting



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Licensing Sub-Committee

Tuesday, 20th August, 2019 at 10.00 am

in Council Chamber Council Offices
Market Street Newbury

Members Interests

Note: If you consider you may have an interest in any Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Friday, 09 August 2019

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

If you require further information about this Agenda, or to inspect any background documents mentioned in the reports, please contact Moira Fraser / Maria Legge.

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk

(The Swan, High Street, Streatley, Reading, Berkshire, RG8 9HR)



WestBerkshire
C O U N C I L

To: Councillors Peter Argyle (Chairman), Jeff Beck and Tony Linden
Substitute: Councillor Adrian Abbs

Agenda

Part I

Page No.

- 1 **Declarations of Interest**
To receive any declarations of interest from Members.
- 2 **Schedule of Licensing Applications**
- (1) **Application No. 19/00888/LQN, The Swan at Streatley** 5 - 44
Proposal: Variation to a Premise Licence
Location: The Swan, High Street, Streatley, Reading, Berkshire, RG8 9HR
Applicant: Rare Birds Hotels Limited

Sarah Clarke
Head of Legal and Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Rare Bird Hotels Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
TBC

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
The Swan Hotel
High Street

Post town
Streatley

Postcode
RG8 9HR

Telephone number at premises (if any)

Non-domestic rateable value of premises

£174250

Part 2 – Applicant details

Daytime contact
telephone number

E-mail address (optional)

Current postal address if different
from premises address

2nd Floor 47-57 Marylebone Lane

Post town
London

Postcode
W1U 2NT

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? ☒ Yes

☐
No

If not, from what date do you want the variation to take effect?

| DD | MM | YYYY |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The application proposes to delete the following condition from the recently granted premises (condition 13 on the attached decision notice):

"There shall be no consumption of alcohol on the area referred to as The Island and marked as The Island on Plan No J420-CD-A2-08/B."

No other changes to the permitted hours, activities or conditions are sought or implied.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3)

Please tick all that apply

- | | |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☐

In all cases complete boxes K, L and M

A

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| Plays Standard days and timings (please read guidance note 8) | | | Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 5) | | |
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| Tue | | | | | |
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| Wed | | | <u>State any seasonal variations for performing plays</u> (please read guidance note 6) | | |
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| Fri | | | <u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
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| Films Standard days and timings (please read guidance note 8) | | | Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 5) | | |
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| Tue | | | <u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6) | | |
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| Wed | | | <u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
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| Indoor sporting events Standard days and timings (please read guidance note 8) | | | <u>Please give further details</u> (please read guidance note 5) |
| Day | Start | Finish | |
| Mon | | | |
| Tue | | | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6) |
| Wed | | | |
| Thur | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7) |
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| Boxing or wrestling entertainments Standard days and timings (please read guidance note 8) | | | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 5) | | |
| Mon | | | | | |
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| Tue | | | | | |
| | | | <u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6) | | |
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| | | | <u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
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| Live music Standard days and timings (please read guidance note 8) | | | <u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 5) | | |
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| | | | <u>State any seasonal variations for the performance of live music</u> (please read guidance note 6) | | |
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| | | | <u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
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| Recorded music Standard days and timings (please read guidance note 8) | | | Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 5) | | |
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| Tue | | | <u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6) | | |
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| Wed | | | <u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
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| Performances of dance Standard days and timings (please read guidance note 8) | | | <u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4) | | Indoors <input type="checkbox"/> |
| | | | | | Outdoors <input type="checkbox"/> |
| | | | | | Both <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 5) | | |
| Mon | | | | | |
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| Tue | | | | | |
| Wed | | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 6) | | |
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| Fri | | | <u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
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| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8) | | | Please give a description of the type of entertainment you will be providing | | |
| Day | Start | Finish | <u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | <u>Please give further details here</u> (please read guidance note 5) | | |
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| Wed | | | | | |
| Thur | | | <u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6) | | |
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| Fri | | | | | |
| Sat | | | <u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
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| Late night refreshment Standard days and timings (please read guidance note 8) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 5) | | |
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| Tue | | | State any seasonal variations for the provision of late night refreshment (please read guidance note 6) | | |
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| Wed | | | Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7) | | |
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| Supply of alcohol Standard days and timings (please read guidance note 8) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 9) | On the premises | <input type="checkbox"/> | |
| | | | | Off the premises | <input type="checkbox"/> | |
| | | | | Both | <input type="checkbox"/> | |
| Day | Start | Finish | <u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6) | | | |
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| Thur | | | | | | <u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7) |
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| <p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>None</p> |
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| Hours premises are open to the public Standard days and timings (please read guidance note 8) | | | <u>State any seasonal variations</u> (please read guidance note 6) |
| Day | Start | Finish | |
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| Thur | | | <u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7) |
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Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

"There shall be no consumption of alcohol on the area referred to as The Island and marked as The Island on Plan No J420-CD-A2-08/B."

Please tick as appropriate

- I have enclosed the premises licence ☐
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
The premises licence has not yet been issued.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

With the exception of the condition set out in the variation description above, all conditions currently attached to the premises licence shall continue to have effect should the application be permitted.

b) The prevention of crime and disorder

Please refer to box a) above.

c) Public safety

Please refer to box a) above.

d) The prevention of public nuisance

Please refer to box a) above.

e) The protection of children from harm

Please refer to box a) above.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. **Electronic Submission - LA to serve RA's** ☐
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

| | |
|-----------|---|
| Signature | <i>Thomas and Thomas</i> |
| Date | 05/07/2019 |
| Capacity | Thomas & Thomas Partners LLP as solicitors on behalf of the applicant |

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

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|-----------|--|
| Signature | |
| Date | |
| Capacity | |

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|---|--------|---------------|----------|
| Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) TOM/AC/STR.25.45 Thomas & Thomas Partners LLP 38a Monmouth Street | | | |
| Post town | London | Post code | WC2H 9EP |
| Telephone number (if any) | | 020 7042 0410 | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) acatlin@tandtp.com | | | |

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or

wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.

- **Live music:** no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - **Recorded Music:** no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - **Dance:** no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - **Cross activity exemptions:** no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.

West Berkshire District Council

Public Protection Partnership, Environmental Health & Licensing, Council Offices, Market Street,
Newbury, Berkshire RG14 5LD
Tel: (01635) 519184 Fax (01635) 519172

Licensing Act 2003 Premises Licence

Uniform Ref: 19/00888/LQN

Premises licence number 19/00225/LQN

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

The Swan at Streatley
High Street, Streatley, Reading, Berkshire, RG8 9HR

Licensable activities authorised by the licence

Exhibition of Films
Recorded Music
Performance of Dance
Other Similar Entertainment
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Exhibition of Films

Monday to Saturday: 09:00 to 02:00
Sunday: 09:00 to 00:00

Activity will take place Indoors/Outdoors : **Both**

Further Details: Unrestricted for hotel guests and their bona fide guests.
Hours for Outdoors Monday to Saturday from 09:00 to 00:00; Sunday from 12:00 to 23:00

Seasonal Variations: All licensable activities to be permitted from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Recorded Music

Monday to Saturday: 23:00 to 00:30

Activity will take place Indoors/Outdoors : **Indoors**

Further Details: Unrestricted for hotel guests and their bona fide guests.

Seasonal Variations: All licensable activities to be permitted from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Performance of Dance

Monday to Saturday: 09:00 to 02:00

Sunday: 09:00 to 00:00

Activity will take place Indoors/Outdoors : **Both**

Further Details: Unrestricted for hotel guests and their bona fide guests.

Hours for Outdoors Monday to Saturday from 09:00 to 00:00; Sunday from 12:00 to 23:00

Seasonal Variations: All licensable activities to be permitted from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Other Similar Entertainment

Monday to Saturday: 09:00 to 02:00

Sunday: 09:00 to 00:00

Activity will take place Indoors/Outdoors : **Both**

Further Details: Unrestricted for hotel guests and their bona fide guests.

Hours for Outdoors Monday to Saturday from 09:00 to 00:00; Sunday from 12:00 to 23:00

Seasonal Variations: All licensable activities to be permitted from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Late Night Refreshment

Monday to Saturday: 23:00 to 00:30

Further Details: Residents and their bona fide guests 24 hours 7 days a week

Seasonal Variations: All licensable activities to be permitted from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Supply of Alcohol

Monday to Saturday: 09:00 to 00:30

Sunday: 09:00 to 23:00

Alcohol On/Off Premises: **Both**

Further Details: All sales of alcohol between 9am and 11am will be ancillary to a table meal.

All sales of alcohol between 23:00 and 00:30 Monday to Saturday will be ancillary to a table meal or to those attending a private pre- booked function.

Residents and their bona fide guests 24 hours 7 days a week

Seasonal Variations: All licensable activities to be permitted from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

The opening hours of the premises

Monday to Saturday: 09:00 to 01:00

Sunday: 09:00 to 23:30

Further Details: Residents and their bona fide guests 24 hours 7 days a week.

A strict no entry policy shall be imposed on members of the public from 23:00 to 01:00
Monday to Saturday and from 23:00 to 23:30 on Sundays

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

On /Off Sales : **BOTH**

Part 2

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

Rare Birds Hotels Limited
47 Marylebone Lane, 2nd Floor, London, W1U 2NT

Registered number of holder, for example company number, charity number (where applicable)

08258851

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Markus Savage
[REDACTED]

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

11618 London Borough Of Tower Hamlets

Date: 29th July 2019

Signed:



Authorised Officer

Licence granted 10/04/2019
DPS Variation 17/06/2019

Annex 1 - Mandatory conditions

Premises - Supply of Alcohol

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

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 (in force 1 October 2014)

3.
 - 1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - 2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - a) a holographic mark, or
 - b) an ultraviolet feature.

6. The responsible person must ensure that -
 - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml;
 - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

7.
 - (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (2) For the purposes of the condition set out in paragraph 1 -
 - a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where—

- (i) **P** is the permitted price,
 - (ii) **D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4)
- 1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - 2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Premises - Door Supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
2. But nothing in subsection (1) requires such a condition to be imposed-
 - a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - b) in respect of premises in relation to -
 - i. any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - ii. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under the Act).
3. For the purposes of this section-
 - a) security activity means an activity to which paragraph 2(1)(a) of the Schedule applies, and
 - b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of the Schedule.

Premises - Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where-
 - a) the film classification body is not specified in the licence, or
 - b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section children means persons aged under 18; and film classification body means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Annex 2 - Conditions consistent with the operating Schedule dated 26/02/2019

1. Number of persons permitted within the premises replaced by condition 22 in the conditions imposed after the Hearing on 04/04/2019.
2. The Public Entertainment Licence Conditions dated 1st of July 1992, in respect of places of Public Entertainment shall be deemed to be incorporated into this schedule and to form part of it, so far as the same are applicable to the licensed premises.
3. When persons in wheelchairs or other disabled persons are admitted to the premises the Licensee shall ensure that adequate measures are taken to enable such persons to evacuate the building in an emergency, in a manner safe and without undue delay and does not cause obstruction to other members of the public or employees using the premises.
4. The Appendix entitled Testing and Certification within the enclosed document should be complied with in its entirety with checks and inspections being carried out by the appropriate person at the required times and such log entries as are specified being made. All logs, inspection certificates or documentation shall be available for inspection by any authorised officer of the Council, Fire Brigade or Police at their request.
5. All escape doors are to be kept free of fastenings at all times the premises are being used for licensed events.
6. All escape routes are to be kept free of obstruction at all times.

Condition agreed with Environmental Health 02/04/2019

The windows and doors must be closed when there is regulated entertainment except for access and egress.

Conditions agreed with Thames Valley Police 02/04/2019

Duplicated by conditions set after Hearing 04/04/2019

Annex 3 - Conditions attached after a hearing by the licensing authority held on 04/04/2019

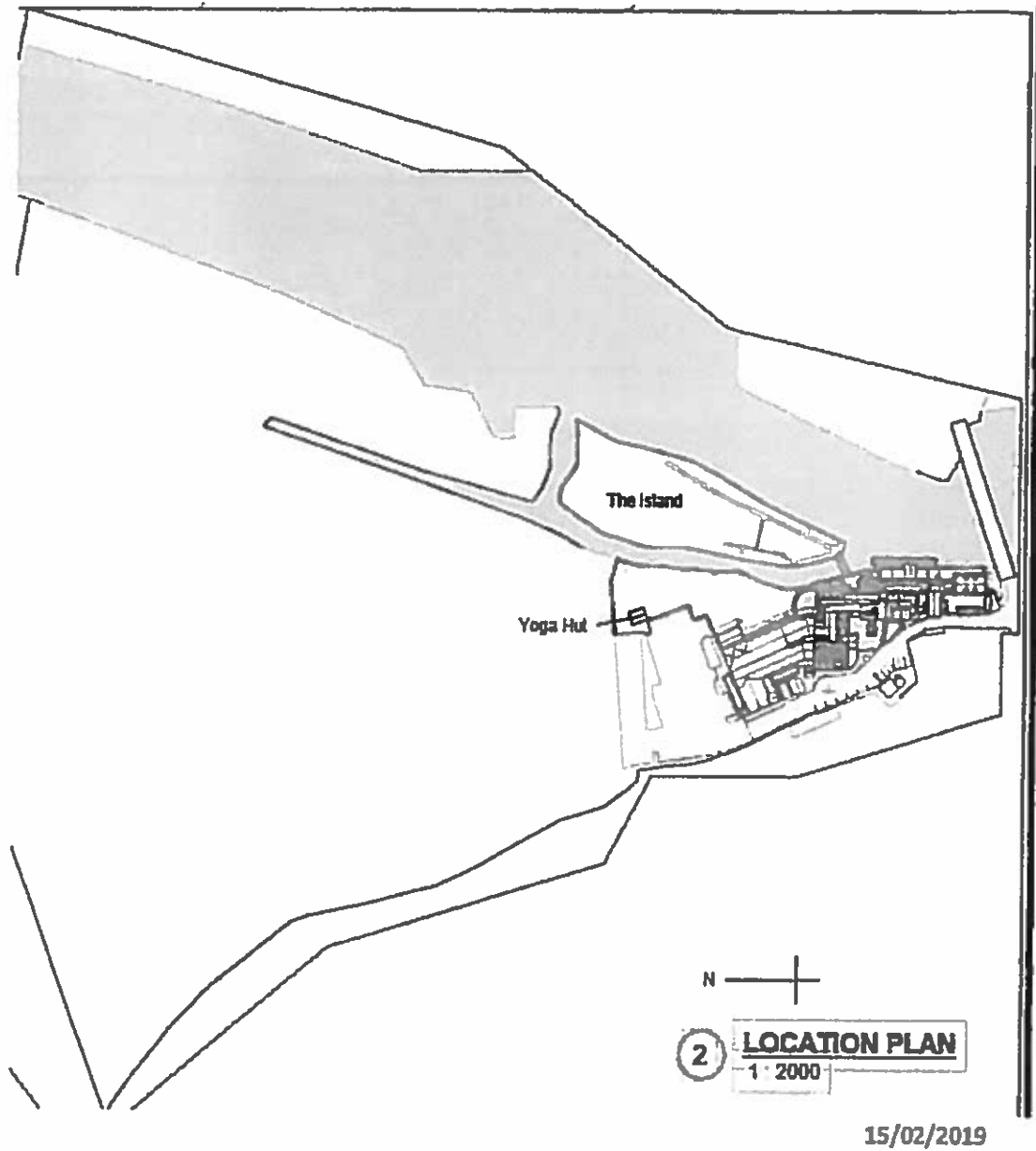
1. The premises licence holder shall ensure that a refusal log (either written or electronic) is in operation at the premises. All staff involved in the sale of alcohol shall be trained in how to use and maintain the log. The log shall contain a description of the person attempting to purchase alcohol, the time the said person attempted to purchase alcohol, the reason for refusing the person alcohol and the name of the staff member dealing with the refusal. The log shall be signed off weekly by the Designated Premises Supervisor or nominated representative and shall be made available for inspection to officers of West Berkshire District Council and Thames Valley Police.
2. An incident log (either written or electronic) shall be used, maintained and kept at the premises. The log shall record any incident that undermines the promotion of the licensing objectives and any incident that involves police attendance at the premises. The log should contain a description of incident, time of the incident, action taken in relation to the incident and a description of any person involved in the incident. The incident log shall be made available to authorised officers of Reading Borough Council and Thames Valley Police upon request.
3. Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not be limited to: the premises age verification policy, the law relating to underage sales, dealing with refusal of sales, proxy purchasing, recognising valid identity documents not in the English language, identifying attempts by intoxicated persons to purchase alcohol, identifying signs of intoxication, conflict management, how to identify and safeguard vulnerable persons who attend and leave the premises, identifying signs of drug usage and prevention and the four licensing objectives. Such training sessions are to be documented and refreshed every six months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised officer of Thames Valley Police and West Berkshire District Council upon request.
4. The Premises Licence Holder and/or Designated Premises Supervisor shall ensure that all staff complete training in Child Sexual Exploitation that is of a standard agreed with Thames Valley Police and West Berkshire District Council training package within 28 days of employment and a signed record of their training shall be maintained. Refresher training in relation to CSE shall formally take place once every three months and signed records of this training and signed records of this training shall be maintained. These records shall be kept for a minimum of two years of the date of the training and shall be made available to any authorised officer of Thames Valley Police or an authorised officer of West Berkshire District Council.
5. The Premises Licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV. There shall be at least one camera positioned at each entry and exit point to monitor any external areas to the premises. Data recordings shall be made immediately available to an authorised officer of West Berkshire District Council or a Thames Valley Police officer, together with facilities for viewing upon request. Recorded images shall be of such a quality as to be able to identify the recorded person.
6. A sign advising customers that CCTV is in use shall be positioned in a prominent position. A fully trained person who can operate the system shall be available at all times when the premises is open to the public.

7. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, military ID or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) are to be accepted as identification.
8. Notices advertising the Challenge 25 policy shall be displayed in prominent positions on the premises.
9. Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly. Staff shall be available to assist in the dispersal of customers from 22:00 each evening.
10. The Premises Licence Holder shall ensure that no noise shall emanate from the premises, nor vibration be transmitted through the structure of the premises which gives rise to undue disturbance to local residents.
11. All external doors & windows must be kept closed from 21.30, other than for access and egress, when events involving amplified music or speech are taking place so as not to cause disturbance to nearby residents and businesses
12. All external doors shall be fitted with a self- closing mechanism other than external fire doors.
13. There shall be no consumption of alcohol on the area referred to as The Island and marked as The Island on Plan No J420-CD-A2-08/B
14. During operating hours the licensee or nominated representative shall be available to receive and respond to nuisance related complaints a contact number shall be readily available to residents upon request.
15. An entry, closure and dispersal policy for controlling the opening and closing of the premises and the departure of customers from the premises at the conclusion of the licensed activities shall be put in place and shall be actively operated. The policy shall be in written format and made available upon request to an authorised officer of West Berkshire District Council and Thames Valley Police.
16. All staff shall quit the premises in a quiet and orderly manner.
17. Before any person is employed at the premises sufficient checks will be made of their bona fides to ensure they are legally entitled to employment in the UK. Such checks will include: Proof of identity (such as a copy of their passport), nationality, current immigration status and employment checks. Copies of any relevant documents produced by an employee will be retained on the premises and kept for a minimum period of one year. Employment records as they relate to the checking of a person's right to work will be made available to an authorised officer of West Berkshire District Council or Thames Valley Police upon request.
18. A minimum of 2 SIA licensed door supervisors shall be employed at the premises whenever the sale of alcohol takes place after 00:00 Monday to Sunday. These door supervisors shall be employed on a Monday to Sunday trading period from 2100hrs until the last customer/ resident has left the premises. These licensed door supervisors shall be employed solely for vetting, regulating, controlling and

supervising patrons on or within the immediate vicinity of the premises and to ensure the maintenance of good order, public safety and security.

19. A register of Door Staff shall be kept. The register will show the following details:
full SIA registration number, date and time that the Door Supervisor commenced duty countersigned by the Designated Premises Supervisor or Duty Manager, date and time that the Door Supervisor finished work, countersigned by the Designated Premises Supervisor or Duty Manager, any occurrence or incident of interest involving crime & disorder or public safety must be recorded giving names of the Door Supervisor involved. In addition a record of the number of patrons on site shall be made half hourly in the door register, training records, ID Photo and scan of SIA badge and a record of the DPS/ management checking the validity of all SIA badges holders working at the premises (SIA Website checks)
20. When door supervisors are employed at the premises they shall be easily identifiable and display their badges in high visibility arm bands.
21. The Designated Premises Supervisor (DPS) and Premises Licence Holder (PLH) shall ensure that a policy relating to the safe removal of persons from the premises and/or its immediate vicinity by staff and door supervisors shall be put in place and actively operated. The policy shall be in written format and made available upon request to an authorised officer of West Berkshire District Council and Thames Valley Police. This shall include but not be limited to: persons who have been identified by staff as being vulnerable or at risk, persons who are refused entry to the premises or refused service within the premises and persons who are ejected from the premises.
22. The number of persons permitted within the premises shall not exceed:
Coppa Club Restaurant and Bar - 300
Events Space - 200
Hotel Bar - 75
23. When persons in wheelchairs or other disabled persons are admitted to the premises the Licensee shall ensure that adequate measures are taken to enable such persons to evacuate the building in an emergency, in a manner safe and without undue delay and does not cause obstruction to other members of the public or employees using the premises.
24. The Appendix entitled 'Testing and Certification' should be complied with in its entirety with checks and inspections being carried out by the appropriate person at the required times and such log entries as are specified being made. All logs, inspection certificates or documentation shall be available for inspection by any authorised officer of the Council, Fire Brigade or Police at their request.
25. All escape doors are to be kept free of fastenings at all times the premises is being used for licensed events.
26. All escape routes are to be kept free of obstruction at all times.

THE SWAN AT STREATLEY – OVERVIEW LOCATION PLAN



**From: James Emerson
Enid Worsley**

**Millers Close,
Goring,
RG8 9BS**

Licensing, Public Protection Partnership,
Council Offices,
Market Street,
Newbury,
Berkshire,
RG14 5LD

**Mobile: [REDACTED]
E-mail: [REDACTED]**

13 July 2019

Dear West Berks Licensing,

Re: 19/00888/LQN

We object to the above application to delete the following condition from the recently granted premises license (condition 13 of **19/00225/LQN**) "There shall be no consumption of alcohol on the area referred to as The Island and marked as The Island on Plan No J420-CD-A2-08/B".

We live in a property separated from the Thames by the Ridgeway path and we have shared use of a river garden (Gardiner Trust River Garden) even nearer to the Swan. We are within hearing range of the Swan at Streatley, however trees stop us seeing it. The Island is nearer to us than any other part of the Swan.

We object because

- 1) Consumption of alcohol by Swan guests will encourage noise which would potentially disturb us (and other neighbours).
- 2) The Island is very visible crossing the Goring-Streatley bridge and is currently a pleasant looking riverside green area. Having it full of drinkers will diminish the currently lovely prospect (which has often been described as iconic).
- 3) Nothing has changed since 19/00225/LQN was granted on 4 April 2019 and the application gives no rationale for the requested change.

Yours Sincerely,

James Emerson and Enid Worsley

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Emilia Matheou

From: Chris Cox [REDACTED]
Sent: 16 July 2019 15:20
To: Amanda Ward
Subject: Re: Application to vary licence at the Swan, Streatley 19/00888/LQN

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

This seems very similar to the withdrawn application, No 19/00758/LQN. Please attach my previous remarks to the new application, and advise when the hearing is.

Many thanks, Chris Cox

----- Original Message -----

From: Amanda Ward
To: [REDACTED]
Sent: Tuesday, July 09, 2019 10:50 AM
Subject: Application to vary licence at the Swan, Streatley 19/00758/LQN

Dear Christine

I write further to your email dated 30th June 2019.

I can confirm that application reference 19/00758/LQN in relation to the Swan has been withdrawn. A new application received has been received and can be viewed by clicking on the link

provided: <http://www.westberks.gov.uk/CHttpHandler.ashx?id=42496&p=0>

Please note the last date to submit representations are the 2nd August 2019.

Kind Regards

Amanda

Amanda Ward

Lead Officer Licensing

Public Protection Partnership

A shared service provided by Bracknell Forest Council, West Berkshire Council and Wokingham Borough Council.

☎ (01635) 519976 (external) ☎ Ext no 2976 amanda.ward@westberks.gov.uk

Please note I do not work on Wednesdays

From: Chris Cox [REDACTED]

Sent: 30 June 2019 13:13

To: Licensing <Licensing@westberks.gov.uk>

Subject: Application to vary licence at the Swan, Streatley 19/00758/LQN

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

NUNS ACRE RIVER GARDEN LIMITED

20 MAR 2019

RECEIVED

Culture & Environmental Protection,
Council Offices, Market Street,
Newbury RG14 5LD

25 MAR 2019

RECEIVED

Nuns Acre,
Goring,
Reading,
RG8 9BE

20 March 2019

Dear Sirs,

Re: Notice of Application for Premises Licence 19/00225/LQN – The Swan, Streatley

I am writing on behalf of Nuns Acre River Garden Ltd, a company which owns land on the Goring bank, nearly opposite to The Swan Hotel. The land is owned and occupied by local residents as a garden for quiet leisure.

Having seen the proposed licensing hours, I wish to protest against them in the strongest terms, for the following reasons.

The hotel is in a residential area, which is also an Area of Outstanding Natural Beauty. Allowing the provision of live music and alcohol until 1am nightly from Monday to Saturday would prove a noise nuisance to local residents in both Streatley and Goring, and, together with the request to serve alcohol and refreshments at late hours implies that the hotel will not be a place of tranquil enjoyment, but providing night club facilities.

Being so close to the river, any noise coming from the hotel can be heard along the valley for at least a mile in each direction.

As well as noise from the music, noise from people and cars leaving the hotel in the early hours of the morning is unacceptable.

The Notice of Application does not make clear whether the provision of all music and refreshments will be confined to within the hotel. In the past, music in marquees on the site has caused many sleepless nights to the residents of Goring, and led to complaints to the previous owners of The Swan.

Whilst I appreciate that premises frequently apply for long hours without the intention of using them on a regular basis, rather than apply for occasional extensions, once granted, the hours can be used at any time without further consultation. The late amendment of the requested hours has given little time for consideration of the proposals, and I question whether this, and the original proposal, has been adequately notified to the two local communities, and a proper response time allowed.

For these reasons, I would ask that this application is refused.

Yours faithfully

Mrs Christine Cox
Director

Christine Cox
On behalf of the 38 shareholders of Nuns Acre Limited

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Amanda Ward

From: Chris Cox <[REDACTED]>
Sent: 16 July 2019 15:20
To: Amanda Ward
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Many thanks, Chris Cox

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To: [REDACTED]
Sent: Tuesday, July 09, 2019 10:50 AM
Subject: Application to vary licence at the Swan, Streatley 19/00758/LQN

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Please note the last date to submit representations are the 2nd August 2019.

Kind Regards

Amanda

Amanda Ward

Lead Officer Licensing

Public Protection Partnership

A shared service provided by Bracknell Forest Council, West Berkshire Council and Wokingham Borough Council.

☎ (01635) 519976 (external) ☎ Ext no 2976 amanda.ward@westberks.gov.uk

Please note I do not work on Wednesdays

From: Chris Cox [mailto:[REDACTED]]

Sent: 30 June 2019 13:13

To: Licensing <Licensing@westberks.gov.uk>

Subject: Application to vary licence at the Swan, Streatley 19/00758/LQN

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Dear Sirs,

We note with dismay that the owners of The Swan are not able to accept the decision already given regarding their licence. It seems that the owners now hope to scrape away, getting whatever little extra that they can, hoping that we will all get tired of objecting, or be on holiday!

We refer to our earlier objections to the hours and extent of the licence originally requested, and can only reiterate the points already made. The riverside area where it is now proposed to allow drinking is extensive, and sound will carry widely. The extent to which noise carries in the village was demonstrated recently when a local public house held an outside event, the noise of which could be heard nearly half a mile away. This was a one-off, and not a problem being in the day, but shows that outside gatherings on the river, especially on quiet evenings and nights can be very intrusive. We suspect that, if this extension is given, it will be followed by one for music, so this can be used as an events area.

The Swan has also said that it is not accepting the decision regarding its car park, which whilst disconnected from this application, seems to demonstrate that the owners are prepared to carry on until they get their way in whatever matter they feel best for business. In the meantime they try to advertise that they are acting in the best interests of local people. Sadly, the needs of each cannot always be reconciled.

Please note our objections to any further extensions of the licence, and advise when the hearing will be, and the outcome.

Yours faithfully,

Christine Cox

On behalf of the 38 shareholders of Nuns Acre Limited

This email and any attachments to it may be confidential and are intended for the use of the individual to whom it is addressed. Any views or opinions expressed may not necessarily represent those of West Berkshire Council. If you are not the intended recipient of this email, you must neither take any action based upon its contents, nor copy or show it to anyone. Please contact the sender if you believe you have received this e-mail in error. All communication sent to or from West Berkshire Council may be subject to recording and or monitoring in accordance with UK legislation, are subject to the requirements of the Freedom of Information Act 2000 and may therefore be disclosed to a third party on request.