

LICENSING SUB-COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 18 MAY 2020

Councillors Present: Adrian Abbs, Graham Bridgman and James Cole

Substitute: Tony Linden

Also Present: Laura Knowles (Trainee Solicitor), Suzanne McLaughlin (Senior Environmental Health Officer) and Amanda Ward (Lead Officer - Licensing), Moira Fraser (Democratic and Electoral Services Manager) and Jude Thomas (Principal Policy Officer (Corp Prgm))

PART I

3 Declarations of Interest

There were no declarations of interest received.

4 Application No. 20/00133/LQN - Pinchington Hall, Crookham Hill, Crookham Common, RG19 8DQ

Councillor James Cole, Chairman, welcomed those in attendance and asked the clerk, Jude Thomas, to remind Members and other attendees of the format and protocol of Council meetings held via Zoom.

All attendees confirmed they had heard the proceedings so far.

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application 20/00133/LQN in respect of Pinchington Hall, Crookham Hill, Crookham Common, RG19 8D.

In accordance with the Council's Constitution, Amanda Ward (Licensing Officer, West Berkshire Council), Linda Beechey-Smith (Applicant), Michael Bloomfield (Objector), Joe Atkinson (Objector), John Boyd (Objector, representing Thatcham Town Council), Simon Fisher (Objector), Robin Weihs (Objector), Craig Garrod (Objector), Kate Powell (Environmental Health Officer, West Berkshire Council) and Councillor Steve Ardagh-Walter (Ward Councillor) addressed the Sub-Committee on this application.

All attendees confirmed they could hear each speaker prior to each presentation.

Licensing Officer Representation

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

- The Licensing Authority had received an application, from Mrs Linda Beechey-Smith, for a new premises licence for the premises in relation to Pinchington Hall, Crookham Hill, Crookham Common, Thatcham, RG19 8DQ. This application had been recorded under reference number 20/00133/LQN on the 6 March 2020.
- Pinchington Hall was a large newly renovated manor house set in private grounds. The hall had several large rooms suitable for social and business functions including civil weddings, corporate functions and meetings, small music events (both indoors and in the grounds), art exhibitions, private parties, open air cinema, product launches and TV and film shoots. The hall also had six bedrooms and five bathrooms and separate cloakroom facilities. It was proposed that alcohol would be provided and consumed in the main sitting rooms on the ground floor and the lower ground floor in the cinema room and games room.

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- The 28 day consultation period ran from 6 March 2020 to 2 April 2020. Responsible Authorities, Ward Members and the Parish Council were advised by email on the 6 March 2020.
- The application sought to obtain the following provisions of regulated entertainment:
 - **Films:** 11:00 to 23:00 hours Monday to Sunday both indoors and outdoors.
 - **Live Music:** 11:00 to 23:00 Monday to Thursday, Friday and Saturday 11:00 to 02:00 and Sunday 12:00 to 00:00 (Midnight) both indoors and outdoors.
 - **Recorded Music:** 11:00 to 23:00 Monday to Thursday, Friday and Saturday 11:00 to 02:00 and Sunday 12:00 to 00:00 (Midnight) both indoors and outdoors.
 - **Late Night Refreshment:** 23:00 to 00:00 (Midnight) Thursdays, 23:00 to 02:00 Friday and Saturdays, indoors only
 - **Supply of Alcohol:** 11:00 to 23:00 Monday to Thursdays, 11:00 to 02:00 Friday and Saturdays and 11:00 to 00:00 (Midnight) on Sundays. For consumption on the premises only.
 - **With non-standard timings:** For some pre-booked events, e.g. weddings, the finish time to be extended by one hour. To permit the sale of alcohol 24 hours daily to residents and bona fide guests of the hotel.
 - **Hours premises to be open to the public:** 06:00 to 23:30 Monday to Thursdays, Friday and Saturdays 06:00 to 02:30 and Sundays 06:00 to 00:30.
 - **With non-standard timings:** For some pre-booked events, e.g. weddings, the finish time to be extended by one hour. To permit the sale of alcohol 24 hours daily to residents and bona fide guests of the hotel.
- Ms Ward confirmed that the application has been advertised in accordance with the regulations, with the required blue notices being placed at the premises and checked by an officer from the Public Protection Partnership on the 11 March 2020, and that an advert had been placed in the Newbury Weekly News on the 12 March 2020.
- Ms Ward also confirmed that, during the 28 day statutory consultation period, which ran from the 6 March until 2 April, the Licensing Authority had received the following responses:
 - Fire Authority – No Representation had been received.
 - The Chief Officer of Police Thames Valley – TVP had agreed additional conditions with the applicant, details of which could be found on pages 35 - 44 of the hearing pack.
 - Environmental Health - Representation had been received from Kate Powell, details of which could be found on page 33 of the hearing pack.
 - The Local Enforcement Agency for the Health and Safety at work etc. Act 1974 – No Representation had been received.
 - The Weights and Measures Authority/Trading Standards – No Representation had been received
 - Children's Safeguarding Board - No Representation had been received.
 - Public Health - No Representation had been received
 - Home Office Immigration - No Representation had been received.
 - Planning - No Representation had been received.
 - The Licensing Authority – No Representation had been received.

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- The Licensing Authority had received a representation from Thatcham Town Council, details of which could be found on pages 27 - 32 of the hearing pack.
- Ms Ward further confirmed that 24 objections had been received from residents. Details of these representations could be found on pages 45 - 132 of the hearing pack.

All attendees confirmed they had heard the proceedings so far.

Questions to Licensing Officer

Councillor Graham Bridgman asked for clarity regarding the rooms in which alcohol would be provided and consumed, as the application had been unclear. Ms Ward confirmed that the application had included both the premises and outside areas and that alcohol would be consumed throughout.

Councillor Bridgman also asked for clarity regarding the absolute finish times for licensable activity. Ms Ward confirmed that the revised conditions proposed by Thames Valley Police (as detailed on page 39 of the agenda) had been agreed by the applicant.

Councillor Bridgman further questioned whether Mrs Beechey-Smith, as the designated premises supervisor, held a personal licence and Ms Ward confirmed that this was the case.

Councillor Adrian Abbs asked whether the intention was that gaming machines would be present on site as the application was contradictory and it was agreed that clarity would be sought from the applicant.

Councillor James Cole questioned which activities would not be pre-booked and it was agreed that clarity on this issue would be sought from the applicant.

In response to Councillor Abbs' question, Councillor Bridgman asked for clarity as to whether the premises licence included gaming machines and Ms Ward confirmed that two machines were allowed under a premises licence.

All attendees confirmed they had heard the proceedings so far.

Applicant Representation

Mrs Beechey Smith, in addressing the Sub-Committee, raised the following points:

- The house was a beautifully renovated six-bedroomed property, but it had been empty for the three years, since the renovation, as the current owner had been unable to secure a buyer or tenant and Mrs Beechey-Smith was already working with the owner to ensure sympathetic use of the building.
- The intention was to use the building for high-end events e.g. small exclusive ticketed music events, small weddings and for private hire.
- If events were not run by Mrs Beechey-Smith's company, two weeks prior notice would be required to allow checks to be carried out to ensure that the hirers were meeting the requirements of her company.
- Attendee numbers to music events were expected to be approximately 50 to 100.
- Organised events would not be continuing into the early hours but the consumption of alcohol might continue at private events or by residents.
- Gaming machines would not be present at the premises as they would not fit with the type of venue they were trying to create.

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- All activities would take place to the right hand side of the building; the wedding room on the left hand side would only be used for wedding ceremonies. The bar area was situated in the cellar.
- A sound consultant would be engaged to advise on noise management.
- There would be no general access for the public.
- The licensable hours on the application were those the applicant had been advised to apply for but revised hours had since been agreed with Thames Valley Police.
- All staff would be trained in Health and Safety, and the Fire Authority had not expressed any concerns with regard to the application.
- Staff would be trained in the compliance with regulations regarding the sale of alcohol.
- In addition to music and film events, it was also expected that the premises would be hired for weddings, corporate events and small residential gatherings through Airbnb.
- All parking would be within the premise boundary and not on the road and a taxi phone line would be available to guests for booking.
- It was not the intention to hold large events.
- Film events would take place early.
- Alcohol consumption would be inside the building after 23:00.
- Alcohol consumption outside would be limited and no glasses would be allowed outside.
- If there were any concerns regarding potential security around the presence of celebrities for music meet and greet events, the advice of the police would be sought.
- Defibrillation equipment would be installed on site and could be used by others in the locality.
- In conclusion, the applicant stated that the building was beautiful and should not be allowed to remain empty.

All attendees confirmed they had heard the proceedings so far.

Questions to Applicant

Councillor Cole asked the applicant whether all events would be pre-booked and she confirmed that this was the case.

In response to a further question from Councillor Cole, the applicant explained that permanent parking would be available for 16 cars and further parking could be provided for another 25 vehicles on a grassed area, should it be required. It was envisaged that parking for larger events would be pre-booked and there would be no parking on the road.

Councillor Abbs asked for clarity regarding the situation of outside events with regard to the adjacent houses and the applicant stated that the closest plot would be plot 9 which was approximately 32 metres from the designated quiet area.

Councillor Abbs also asked whether CCTV would be in operation and the applicant confirmed that it would be in all areas, inside and out.

In response to a further question from Councillor Abbs, the applicant confirmed that all conditions stipulated by Thames Valley Police would be met.

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Whilst acknowledging that the hearing was addressing issues of Licensing only, in order to fully understand the intention for the use of the building, Councillor Bridgman asked whether the applicant had applied for a 'change of use' under planning legislation. The applicant confirmed that she was currently taking planning advice as she wanted to ensure that she acquired the correct consent, but that, should the property not be rented or sold, the extant permission was in place.

Councillor Bridgman asked for clarity as to what the intention was for night-time outdoor events as the application, as it stood, would allow for up to 5,000 people. He also asked for clarity with regard to how much of the grounds would be used. The applicant confirmed that 'up to 5,000 people' was a standard measure for licensing applications and that a limited section of the lawned area to the right of the building was intended for use. She stated that the maximum number of people they would allow to attend events was 120.

Councillor Bridgman stated that local residents might be concerned because the red line depicting external activity on the plan encompassed the whole of the site. The applicant explained that she had followed guidelines in making the application in order to be fully transparent but that she did not intend that activities be spread across the whole of the site.

Councillor Bridgman also asked why the application included a request for live and recorded music outside up until 23:00 because this would not need to be licensed for up to 500 people. The applicant explained that she had not understood this and repeated that the intention was to hold high-end, acoustic events for a small number of invited, or ticketed, guests.

In answer to a further question from Councillor Bridgman seeking clarity on alcohol provision and consumption, the applicant confirmed that Thames Valley Police had attended the premises and provided advice and that the bar would be situated in the cellar and, although attendees could move within the premises with alcohol, none would be allowed in the wedding room. The applicant further confirmed that only plastic glasses would be allowed outside.

Councillor Bridgman also asked for details of fire exits and the applicant confirmed that a fire exit was situated in the cinema room in the basement and that this would be clearly signed.

Councillor Abbs sought clarification with regard to toilet facilities on site, given that the application allowed for up to 5,000 people. It was established that, although there were six bathrooms and two cloakrooms in the property, only three would be available if the guestrooms were occupied.

Councillor Abbs then asked for a definition of 'acceptable noise levels' and how it was intended that it would be enforced. The applicant confirmed that advice was being sought from a noise consultant and that, if the music was not acoustic, noise limiters would be utilised.

In answer to a further comment from Councillor Abbs, regarding the website and Facebook page, the applicant confirmed that no events had already taken place at the premises.

Mr Joe Atkinson asked how many weddings were planned and the applicant confirmed that nothing was currently booked and that numbers were unknown.

Mr Atkinson also asked about the expected maximum number of attendees at a wedding and the applicant explained that it was likely to be approximately 100, as the property was not suitable for large parties.

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In answer to a further question from Mr Atkinson as to how many musical events were expected and on what days, the applicant confirmed that they were likely to take place on Fridays and Saturdays and that they were intended to be exclusive private events for specific artists for 50 to 100 guests.

Mr Atkinson asked the applicant about her experience in hospitality events and she confirmed that she had no experience but that her husband had a number of contacts within the music industry. When asked why her husband was not the licensee, the applicant explained that it was she that had been made aware of the building and she would be taking advice from others experienced in event planning.

In answer to a question about the proximity of entertainment to the new build plots (specifically nos. 10, 13 and 18) on Mr Atkinson's site, the applicant stated that the walls were thick and that there were no windows in the bar area, just one in the games area and one that would be used as a fire escape in the cinema room, both of which were double glazed. Mr Atkinson stated his concern that the basement area was open plan and that the double glazing on the sash windows was not of a soundproofing quality. The applicant responded that the number of people in the bar area would be limited, the area was central to the building and without windows and that it was not expected that it would cause a major noise disturbance. Mr Atkinson stated his concern that noise would travel from the basement to the window area.

Mr Atkinson asked whether a full fire alarm system would be in place and the applicant confirmed that it would and that the Fire Authority had not raised any objections to the application.

In answer to a further question, from Mr Atkinson, regarding vehicle movement, the applicant stated that it would be dependent on the event and that, if parking was limited, more taxis would be required but that it was intended that the company used their nine-seater vehicle to transport guests to local hotels, if required. The applicant also confirmed that the gates would be left open until the last guest left to allow a smooth exit.

Mr Atkinson asked the applicant whether a member of staff would remain on site for events and it was confirmed that they would for all other than Airbnb bookings.

Mr Atkinson queried whether or not the owner of Pinchington Hall supported the application for a change of use. *This question was repeated for the benefit of Councillor Abbs who had been unable to hear the question.* The Chairman stated that that was a planning matter and therefore not relevant to this application.

Councillor Cole asked whether the applicant would accept a limitation on numbers of attendees and the applicant agreed to 120.

Mr Mike Bloomfield asked for clarity, following Thames Valley Police's amended conditions, as to the final hour of live music or cinema and the applicant confirmed that it was intended that all outside music or cinema events ended at 23:00 and inside ones at 00:00 although guests might stay on longer. The extra hour in the police conditions was to cover all eventualities.

Mr Simon Fisher asked whether the applicant intended to monitor the groups booking the property through Airbnb and the applicant confirmed that any groups booking through Airbnb would have to abide by the company's rules. She further confirmed that she would view single sex bookings with caution and someone could be accommodated on site if there were any concerns.

Mr Atkinson sought clarity as to the accommodation provided for the staff member and the applicant stated that suitable private accommodation, with kitchen and toilet facilities was available. The accommodation would also be used as an office. The toilet could be

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used by guests whilst it was an office but not once the onsite staff member started to use it as a bedroom. At this point there would only be two toilets available to non-residents.

Councillor Abbs sought clarity as to the latest time that outdoor live music would be allowed, given the applicant had accepted Thames Valley Police's amended terms of 22:00 on Sundays and 23:00 on other days. The applicant confirmed that these amended terms had been accepted in full.

In answer to a question from Councillor Bridgman, the applicant confirmed that staff would not be on site as a matter of course and the bar would not be open when used for Airbnb bookings. It was agreed that any Airbnb booking would sit outside this application as guests would bring their own alcohol.

For clarity, Councillor Bridgman stated that the issue with the times laid out by the police was the 02:00 finish on Friday and Saturday for Live and Recorded Music indoors and the applicant confirmed that a 00:00 (midnight) finish was acceptable.

In answer to a further question from Mr Atkinson, the applicant confirmed that the bar would be locked up for Airbnb guests, although the basement area would remain open.

All attendees confirmed that they had heard the proceedings so far.

The meeting was adjourned at 12:04 and recommenced at 12:11.

Objector Representation

Mr Bloomfield, in addressing the Sub-Committee, raised the following points:

- He believed that the Licensing Application should be rejected because he believed that Pinchington Hall was an unsuitable location for the entertainments business that the Licence would support.
- Pinchington Hall was in a countryside location next to a nature reserve but with over 400 people living within a three quarter-mile radius. There were 140 dwellings for the elderly at Crookham Park and across the road from Pinchington Hall was a hospital for clients with severe mental health issues, Thornford Park, with beds for 140 patients. This was a quiet and peaceful rural location.
- Musical taste was individual choice and individuals were in control of this choice in their own homes. If the premises became a music venue, the noise from the venue would impact on the surrounding countryside and those who lived in it.
- In the past, music had carried 3.7 miles from Wasing Park to Crookham Common.
- Amplified music created sound waves and the applicant had no means of preventing this polluting the locality.
- Hospitals were places for rest and recuperation and he believed that a 'tranquil' atmosphere was particularly important for a secure hospital like Thornford Park whose patients had a wide spectrum of serious mental health issues. Staff strove to keep patients calm but this would be compromised with loud late night parties taking place next door. The hospital's autistic patients, who were especially sensitive to loud noise, would suffer.
- All local residents had a right to reasonable peace and quiet in the evenings and at weekends. Mr Bloomfield believed that it was completely wrong for a licence to be granted that permitted a business to emit music from 11:00 until midnight, 1:00 or 2:00 the following day.
- If Pinchington Hall was to hold events for several hundred people, the local transport infrastructure would not cope. There was no public transport so staff and guests

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would mostly come by car but there was concern as to where they would park. The access point to the venue was on a blind bend at the top of Crookham Hill. If vehicles backed-up, accidents could occur. Cars approaching from the other direction would also back-up and have to cross on-coming traffic. This traffic congestion would be just metres away from the sole access point to the hospital. There was no street lighting, were a number of z-bends and, after long hours of alcohol being served, Mr Bloomfield felt that this would be extremely dangerous, once guests departed.

- There were plenty of purpose built soundproofed venues for parties and functions, with transport infrastructure and police support, in urban areas and two in the countryside, the Wasing Estate and Highclere Castle, both significantly larger than Pinchington Hall. In Mr Bloomfield's opinion, it was not an appropriate location for large party events, endless hours of alcohol consumption and amplified music.
- Mr Bloomfield believed that the application was ill-conceived, inconsiderate and anti-social. To site a party venue opposite a psychiatric hospital, next to an estate of family homes, abutting a nature reserve and with several hundred residents nearby, seemed ill-conceived and risked the health and well-being of the local community.
- He urged the panel not to approve the application in any form.

Mr Atkinson, in addressing the Sub-Committee, raised the following points:

- He owned the site adjacent to the premises, on which he was building 14 family homes.
- The owner of Pinchington Hall had stated, by email, that he would not allow the tenant to apply for a 'change of use' of the premises and that he would terminate the tenancy if they did so.
- He felt that, as events could not be held without planning consent for 'change of use', and the owner would not allow such an application to be made, this demonstrated a lack of experience on the part of the applicant.
- Plots 8, 9, 10 and 13 were within 5m of the boundary of the premises and it was, therefore, impossible not to cause a nuisance and disturbance to those residents.
- He felt that the application was highly irresponsible.

Parish Councillor Boyd, in addressing the Sub-Committee, raised the following points:

- He was the Chairman of the Highways and Planning Committee for Thatcham Town Council and, as such, had consulted with all members of the committee.
- He had received cross-party support for the objection from all members of the committee.
- Thatcham Town Council took the views of residents seriously and support of these residents was the driving force behind the objection.

All attendees confirmed that they had heard the proceedings so far.

Questions to Objectors

Councillor Bridgman explained to Mr Atkinson that his statement had related to Planning issues but that the panel could consider Licensing issues, and the four principles, as laid out at the start, only.

With reference to Mr Atkinson's written objection, Councillor Bridgman asked about the statements around Disclosure and Barring Service (DBS) checking and criminal record vetting, suggesting that they were not reasonable or relevant to the Licensing application.

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Mr Atkinson accepted that the majority of his statement had referred to Planning issues but was concerned about the welfare of children on the new estate and that this might be an issue for buyers.

Councillor Bridgman suggested that, if this was a real issue, this would also be the case in circumstances where housing was built near pubs.

In response, Mr Atkinson, stated that the issue was being forced on residential properties and that pubs were, generally, in existence prior to residential properties being built. He stated that child safety was very important to families and that this premises was potentially very harmful to children.

The applicant stated that the house had been in existence, in various non-residential guises, since Victorian times.

All attendees confirmed they had heard the proceedings so far.

Responsible Authority Representation – Environmental Health Officer

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

- She was employed by the Public Protection Partnership as an Environmental Health Officer within the Compliance and Enforcement team.
- She had achieved chartered status and also held a post graduate diploma in Acoustics and Noise Control.
- Accepting that some issues had been addressed by the new terms set out by Thames Valley Police, the aspects of the application that raised concerns for her were:
 - Films outdoors until 11:00 pm 7 days a week
 - Live and recorded music indoors and outdoors until 11:00 pm Mon-Thurs, 2:00 am Fri-Sat and Midnight Sunday

This would, in effect, permit events/functions every evening and until the early hours each weekend.

- From the plans it appeared that there were adjacent residential properties less than 100m away and, without any effective control measures in place, they could be significantly affected by noise from the proposed licensable activities and she would anticipate complaints of public nuisance.
- The area appeared to be semi-rural in nature, certainly not a town centre location, and there would be low background noise levels. As a result, events of this nature were likely to generate noise which would stand out against the background noise level in the area, particularly later into the evening and in the early hours. Bass beats from music would travel long distances and were able to penetrate through windows. This could be particularly intrusive when people were trying to sleep. Noise from films could often cause annoyance due to sudden and unpredictable sound effects such as fight scenes, car chases etc.
- In Ms Powell's professional opinion, the proposed hours for outdoor music and cinema events were unacceptable for this location and were likely to give rise to complaints of public nuisance.
- It was not only noise late at night that had the potential for public nuisance but it was likely that noise from outdoor events and even indoor events, if not well managed, could cause public nuisance due to the frequency that they could take place, if effective controls were not in place.

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- Ms Powell drew the Panel's attention to page 19 (box d) of the agenda, where the applicant had been asked to provide details of the steps that she intended to take to meet the licensing objective, 'the prevention of public nuisance'; Ms Powell felt that there was very little information included in the application regarding how the applicant intended to manage noise from the activities on site.
- The only information provided was that a staff member would monitor, at all times, and sound levels would be checked but it was not clear what training staff would receive, how they would establish acceptable noise levels and what action would be taken in the event of any issues. Ms Powell stated that she would expect to see much greater detail on how it was intended to manage this, in practice, for an application of this nature.
- Ms Powell would have expected a Noise Management Plan (NMP) to have been submitted which identified the potential sources of noise from the proposed activities, considered who was likely to be affected, and identified the specific control measures that would be put in place to manage each type of event, as different control measures would be necessary for different activities. Ms Powell stated that she would be able to share an example of an NMP with the applicant.
- Any NMP would then need to be agreed with Environmental Health and reviewed annually, or when complaints were received.
- Ms Powell suggest that this could be conditioned through the licence if Members were minded to approve the application.
- Ms Powell was of the opinion that a limit should be put on the number of outdoor cinema and music events which could be agreed and reviewed through the NMP and that the hours for outdoor events should be restricted to a finish time of 23:00 at the latest and earlier on a Sunday so that disturbance to neighbours was minimised.
- Ms Powell was also of the opinion that there should be communication with local residents regarding any outdoor events and how the applicant intended to do this should be set out in the NMP.

All attendees confirmed that they had heard the proceedings so far.

Questions to Environmental Health Officer

Councillor Abbs asked Ms Powell to clarify the effectiveness of noise limiters in suppressing sound at outdoor events. Ms Powell explained that there were two types of limiters, one that cut off sound if it exceeded a pre-set decibel level and one that compressed music to stop it exceeding a pre-set decibel level. Either would need to be set up and operated by a professional sound engineer.

Councillor Cole asked whether this equipment was likely to be provided by the venue or the music supplier and Ms Powell stated that indoors it was likely to be fixed but for outdoor events it was likely to be installed as part of the equipment on the sound desk.

With reference to Thames Valley Police's requirement regarding Noise Emanation on page 39 of the agenda, Councillor Bridgman asked how this could be practically managed. Ms Powell suggested that the Responsible Person should be checking regularly the noise levels at residential properties, that windows and doors were shut and making a judgment as to whether it was reasonable. This should have been set out in an NMP.

Councillor Bridgman asked what would be required of an NMP for an indoor event and Ms Powell explained that the applicant would propose the different controls for different types of music events. An acoustic set would not require a sound desk but, if it was

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amplified and projected to the audience, it would need controls. It would also depend on the size of the audience.

Councillor Bridgman asked how Environmental Health Officers would expect to interact with the applicant for a NMP, as a conflict existed if a premises licence was granted to the red line, excluding amplified music, but that the applicant was entitled to have amplified music up to 23:00 if the audience was not more than 500 people. Ms Powell explained that, although there was an entitlement to hold outdoor live music events, there was no entitlement to cause a nuisance. Environmental Health Officers would expect an NMP to put controls in place if there was a potential that neighbours would be effected by noise as this was responsible licensee behaviour.

Councillor Cole asked Ms Powell whether she would have expected an NMP to be in place as part of the application and Ms Powell confirmed that this would have been useful as noise management plans were currently not clear and this raised concerns.

Councillor Abbs asked what would be deemed 'reasonable' in terms of decibel level and Ms Powell stated that she did not believe it to be appropriate to set a decibel level but rather to monitor noise levels and, if problems arose, to review the NMP and put further controls in place.

Mr Bloomfield asked whether noise nuisance could be caused by noise emanating from the building when doors were opened to allow guests to enter or leave. Ms Powell confirmed that this was possible and that effective controls would be required to reduce this, such as air conditioning to remove the need for windows to be opened, and a lobby to reduce noise emanation. She further commented that the application had not provided enough information to judge how it was intended that these issues would be managed.

At 13:00 the Chairman confirmed with attendees that they were happy to continue with the meeting.

Mr Weihs asked whether any decibel level readings had already been taken as he believed that 10 decibels was deemed a nuisance. Ms Powell confirmed that there existed no established levels for statutory nuisance, that readings would not usually be taken and that she did not believe that establishing decibel levels of nuisance would be appropriate, although it might occur as part of an NMP.

In answer to a question from Mr Atkinson, Ms Powell confirmed that conditions may alter for different applications depending on the type of event likely to be held and the potential for disturbance.

Mr Bloomfield asked Ms Powell whether she believed that the noise levels might impact negatively on the patients at Thornford Park but she stated that she was unable to comment as she was not qualified in these matters.

All attendees confirmed they had heard the proceedings so far.

Ward Councillor Representation

Councillor Ardagh-Walter, in addressing the Sub-Committee, raised the following points:

- In general, he was in favour of appropriate development within West Berkshire.
- He appreciated the applicant's desire to bring an attractive but empty building into use and that this would need some type of commercial activity to be economically viable.
- Neighbours of new developments were generally the people who had to bear the burden of a change which benefited the broader community and, as such, he recognised that the objectors had a perfectly valid self-interest which they had expressed in their questions and statements.

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- In this case, he concurred with most of the objections raised, and he was particularly concerned about the impact of this proposal on the residents of Thornford Park hospital.
- He felt that this was not an appropriate site for an entertainment venue, and urged the Committee to reject the application

All attendees confirmed they had heard the proceedings so far.

Questions to Ward Councillor

There were no further questions for the Ward Member.

All attendees confirmed that they had heard the proceedings so far.

Comments by Applicant

The applicant repeated that the outdoor events were expected to be limited and bespoke; the focus would be on weddings and corporate events rather than music events. The intention was not to cause a nuisance but to make good use of a building that had stood empty for three years.

All attendees confirmed they had heard the proceedings so far.

The Sub-Committee retired at 13:20 to make its decision.

4 Decision

Having taken the written and oral representations into account, the Licensing Sub-Committee **RESOLVED** that Application 20/00133/LQN be granted, subject to a number of conditions as detailed below together with the conditions set out in the operating schedule as modified below, as well as the relevant mandatory conditions under the Licensing Act 2003 and secondary legislation.

The Premises to be licensed are in accordance with the Plan submitted with the Application marked 'PINCHINGTON HALL, CROOKHAM HILL, THATCHAM, RG19 8DQ SITE PLAN' and comprise the building known as Pinchington Hall ("building"/ "internal"/ "indoors") and the grounds surrounding it within the red line marked on the Plan ("external"/ "outdoors").

Operating Schedule:

Box B: Films

Monday to Saturday: 11:00 to 23:00

Sunday: 11:00 to 22:00

Box E: Live Music

Indoors

Monday to Thursday: 11:00 to 23:00

Friday to Saturday: 11:00 to 00:00

Sunday: 12:00 to 22:00

Outdoors

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Monday to Saturday: 11:00 to 23:00
Sunday: 12:00 to 22:00

Box F: Recorded Music

Indoors

Monday to Thursday: 11:00 to 23:00
Friday to Saturday: 11:00 to 00:00
Sunday: 12:00 to 22:00

Outdoors

Monday to Saturday: 11:00 to 23:00
Sunday: 12:00 to 22:00

Box I: Late night refreshment

Thursday: 23:00 to 00:00
Friday to Saturday: 23:00 to 02:00

Box J: Supply of alcohol

Indoors

Monday to Thursday: 11:00 to 23:00
Friday to Saturday: 11:00 to 02:00
Sunday: 12:00 to 22:00

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

Outdoors

Monday to Saturday: 11:00 to 23:00
Sunday: 12:00 to 22:00

Box K: Other activities/entertainment

No gaming machines
Age appropriate films only
No adult entertainment of a sexual nature permitted

Box L: Hours premises are open to the public

Monday to Thursday: 06:00 to 23:30
Friday to Saturday: 06:00 to 02:30
Sunday: 06:00 to 22:30

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

General

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All bookings and events which include licensable activities will be pre-booked with at least 14 days' notice being given.

The timings in the schedule above apply to all types of events.

Conditions:

1. There shall be a maximum of 120 customers permitted on the premises during licensable activities.

CCTV

2. The premises licence holder shall ensure the premises' digitally recorded CCTV cameras shall continually record whilst the premises are open to the public and recording shall be kept for a minimum of 31 days. The following areas shall be covered by the CCTV:
 - a. The external area with at least one camera positioned for each entry and exit point to the building; and,
 - b. Indoors, the communal areas where licensable activities are taking place; and,
 - c. Indoors, the entry and exit points to the building.
3. Data recordings shall be made available to an authorised officer of Thames Valley Police or West Berkshire District Council together with facilities for viewing upon request. Recorded images shall be of such quality as to be able to identify the recorded person in any light.
4. Signs shall be placed in prominent positions on the premises notifying customers that CCTV is in operation.

Door supervisors

5. The requirement for door supervisors to be employed shall be risk assessed, whenever any regulated entertainment is to be provided beyond 23:00. A written risk assessment shall be carried out by the Designated Premises Supervisor ("DPS") or nominated representative and produced upon request to authorised officers of West Berkshire District Council and Thames Valley Police.
6. Whilst on duty door supervisors shall be clearly identifiable and display Hi-Vis, personalised armbands contained their Security Industry Authority ("SIA") badge.
7. When employed, a register of door supervisors shall be kept. The register must include the following details:
 - a. Full SIA registration number;
 - b. Date and time that the door supervisor commenced duty, countersigned by the DPS or Duty Manager;
 - c. Date and time that the door supervisor finished work, countersigned by the DPS or Duty Manager;
 - d. Any occurrence or incident of interest involving crime and disorder or public safety must be recorded giving names of the door supervisor(s) involved.

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8. The door supervisor register shall be kept at the premises and be available for inspection by an authorised officer of Thames Valley Police, or an authorised officer from West Berkshire District Council and shall be retained for a period of six months.

Incident and refusals register

9. All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded.
10. This record shall be available for inspection by a Police Officer or an authorised officer of West Berkshire District Council upon request and shall be retained for one year. The record shall be signed off by the DPS or nominated representative at the end of each trading session.
11. A weekly review of the incident register shall also be carried out by the DPS.

Staff training

12. Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not be limited to:
 - a. The premises age verification policy;
 - b. The law relating to underage sales;
 - c. Dealing with refusal of sales;
 - d. Proxy purchasing;
 - e. Recognising valid identity documents not in the English language;
 - f. Identifying attempts by intoxicated persons to purchase alcohol;
 - g. Identifying signs of intoxication;
 - h. Conflict management;
 - i. How to identify and safeguard vulnerable persons who attend and leave the premises;
 - j. Identifying signs of drug usage and prevention;
 - k. The four licensing objectives.
13. Such training sessions are to be documented and refreshed every six months. 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.

Age verification

14. The premises shall at all times operate an age verification policy of Challenge 25 to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided identification.

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15. Only a valid driver's licence showing a photograph of the person, a valid passport, national identity card or proof of age card showing the "PASS" hologram are to be accepted as identification.
16. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premises.

Noise emanation

17. Prior to commencing licensable activities at the premises the Applicant shall submit and agree an inside noise management plan and an outside noise management plan with West Berkshire District Council's Environmental Health department; Environmental Health's agreement to the plan must not be unreasonably withheld.
18. Each noise management plan shall set out how noise from all aspects of the business - inside and outside the building - will be controlled so as not to cause undue disturbance to local residents. The outside noise management plan shall include details on the set up and management of outdoor cinema and music events and a plan in respect of communications with neighbouring residents about such events.
19. The Applicant shall review and update each noise management plan as required and at least annually. Each plan shall be in written format and made available upon request to an authorised officer of West Berkshire District Council and Thames Valley Police.
20. The licensee or nominated representative 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 or local businesses including the nearby hospital. After 23:00 all windows will be closed and doors shall only be opened to allow people to either enter or leave the building.

Arrival/dispersal and exit notice for customers

21. The gates to the premises located on its driveway (located off of the shared access road, the shared access road being located off Crookham Hill) shall be left open during periods when customers are due to arrive for events and when customers are dispersing at the end of events.
22. 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.
23. After 23:00 hours staff shall be available to ensure that customers disperse quietly at the end of licensable activities.

Search policy

24. An active search policy shall be put in place to prevent illegal drugs and weapons being brought on to the premises. The policy shall include, but not be limited to, methods of search, detection, confiscation and disposal and shall be actively

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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.

Dispersal policy

25. A closure and dispersal policy for controlling the closing of the premises and the departure of customers from the premises at the conclusion of licensed activities shall be put in place and shall be actively operated. At the end of licensable activities, staff, including door staff where applicable, shall be available to disperse customers away from the premises in line with the dispersal policy.
26. 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.

Glasses

27. Only polycarbonate or plastic containers shall be used for drinks being taken and consumed outside the building.

Reasons

The Sub-Committee took into account the written representations and oral representations which indicated concerns about the prevention of public nuisance in particular. The Sub-Committee carefully considered these concerns and decided on balance that the concerns were not supported by evidence that would justify refusal of the Application. However, conditions were warranted to prevent the licensing objectives being undermined.

The Sub-Committee consider conditions 17 to 20 above are crucial to promote the prevention of public nuisance for this premises and attached significant weight to the evidence from the Environmental Health Officer. The Sub-Committee specifically noted that a noise management plan is a detailed plan devised with specialist advice which looks at numerous factors relating to noise emanation and can set out a wide range of measures to prevent noise nuisance. These plans usually include steps to ensure communication with nearby residents about events and any issues. The Applicant confirmed at the hearing she would be engaging a sound expert and that the location of activities within the premises and their proximity to neighbouring properties had been and would continue to be considered and appropriate measures implemented. The Sub-Committee noted outdoor entertainment would be set up in a limited area on the premises. The Sub-Committee also noted that if there is evidence of problems with noise arising, action could be taken by the Applicant and/or Environmental Health to review the noise management plan and/or other action may be taken by them or others as necessary.

The Applicant had entered into discussions with the Police after the Application was submitted and prior to the Hearing. It was noted that the police had withdrawn their objection to the Application after conditions had been agreed with the Applicant. The police are a key source of information and advice on the impact of the licensable activities particularly with regard to the crime and disorder licensing objective. These conditions are to be included in the Premises Licence as amended above to reflect the evidence at the Hearing and additional conditions.

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The Fire Authority, who are a key source of information particularly with regard to public safety, and the Local Safeguarding Children Board, who are a key source of information relating to protection of children from harm, had not raised any objections. The Sub-Committee acknowledged that its role was not to duplicate statutory requirements. Furthermore, the Sub-Committee did not take into account any concerns outside the licensing regime, namely the fact there is no planning permission and other planning-related matters.

The Sub-Committee noted the Applicant had made compromises and agreed to additional conditions. The Applicant had also offered assurances in the hope that these would address the concerns raised by the objectors.

In reaching its decision, the Sub-Committee noted the Council as Licensing Authority must determine each application under the Licensing Act 2003 on its own merits, and every decision must be both justified and proportionate based on the available evidence in accordance with Statutory Guidance and the Council's Licensing Policy. There was no evidence before the Sub-Committee that the licensing objectives be undermined in actuality and the Sub-Committee decided the promotion of the licensing objectives could be achieved through conditions. The Sub-Committee considered the conditions are proportionate, reasonable and appropriate pursuant to the evidence, in particular the Applicant's oral representations and plan of the premises submitted with the Application, and to meet the requirements of the licensing objectives.

(The meeting commenced at 10.12 am and closed at 1.20 pm)

Name **Councillor James Cole**



Date of Signature **26 May 2020**

Name **Councillor Graham Bridgman**



Date of Signature **26 May 2020**

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Name

Councillor Adrian Abbs

A handwritten signature in black ink, appearing to read 'Adrian Abbs', is written over a horizontal line. The signature is stylized with a long, sweeping underline that extends to the left.

Date of Signature

26 May 2020