

Licensing Sub-Committee Report

Hungerford Park Estate, Hungerford Park, Hungerford, West Berkshire, RG17 0UU (Application Number 23636)

Type of Application:	New Premises Licence
Town Council:	Hungerford Town Council
Ward Members:	Councillor Dennis Benneyworth, Councillor Denise Gaines, Councillor Tony Vickers.
Case Officer:	Riley Timney, Licensing Officer
Portfolio Holder:	Councillor Lee Dillon
Service Director:	Clare Lawrence

1. Purpose of the Report

- 1.1. To set out the background information pertaining to this Licensing Application.

2. Recommendation to Licensing Sub-Committee

- 2.1. Options available to Members are to:-

- (a) Grant the application for a premises licence subject to such conditions as are consistent with the operating schedule accompanying the application and to decide whether to modify any of those conditions to such extent as is considered appropriate for the promotion of the licensing objectives and subject to any mandatory condition.
- (b) Refuse to specify a person in the licence as the Designated Premises Supervisor.
- (c) Exclude from the licence any of the licensable activities to which the application relates.
- (d) Reject the application for a premises licence.

Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.

3. Introduction and Background

- 3.1. On 16 January 2024, an application was received by the Council on behalf of Hungerford Park Limited, Shepherds Cottage, Hungerford Park, Berkshire, RG17 0UU, for a new premises licence under the Licencing Act 2003 in respect of Hungerford Park Estate, Hungerford Park, Hungerford, West Berkshire, RG17 0UU.
- 3.2. The application was validated on 16 January 2024 and the consultation process began on 17 January 2024 and ran until 14 February 2024.

- 3.3. A hearing was arranged on the 12th March 2024, in accordance with Schedule 1 of The Licencing Act 2003 (Hearings) Regulations 2005. On the 26th February 2024, Mr Stewart Gibson, the Applicant's Agent, contacted the Licencing Authority to request the hearing be adjourned as he was no longer able to attend due to unforeseen personal circumstances.
- 3.4. The Licencing Authority, having considered Mr Gibson's application, was satisfied that it was in the public interest to extend the time by which the hearing had to be arranged to the 16th April 2024. The hearing was then arranged on that date, as it was necessary for the Authority's consideration of the Applicant's representations. All parties were notified on the 28 February 2024 of the new hearing date and time, and of the reason for the postponement. This was done in compliance with Regulations 11 and 12 of The Licensing Act 2003 (Hearings) Regulations 2005.
- 3.5. Members of the Licensing Sub-Committee are asked to determine the application as the Licensing Authority has received representations stating that the grant of this application would undermine the prevention of crime and disorder, the prevention of public nuisance, public safety and/or the protection of children from harm licensing objectives.
- 3.6. The Licensing Authority may only consider aspects relevant to the application that have been raised in these representations.
- 3.7. Members of the Licensing Sub-Committee are requested to determine the application having regard to the operating schedule, representations received, the Councils Statement of Licensing Policy, revised guidance issued under Section 182 of the Licensing Act 2003 and the four licensing objectives.
- 3.8. An authorisation is required in respect of any premises where it is intended to conduct one or more of the licensable activities, these being:
 - (a) Sale of alcohol
 - (b) Supply of alcohol (in respect of a club)
 - (c) Regulated Entertainment
 - (d) Provision of Late Night Refreshment

An appropriate authorisation is either, a premises licence, a club premises certificate, or a Temporary Event Notice.

- 3.9. Licence holders are required, when offering any licensable activity, to ensure that they promote the licensing objectives at all times. The operating schedule of the application contains detail of all the activities applied for and the control measures that the applicant will have in place in order to promote these objectives. Such measures will, where appropriate be converted into enforceable conditions on any licence issued.

The four licensing objectives are:

- (a) Prevention of crime and disorder
- (b) Prevention of public nuisance
- (c) Public Safety
- (d) Protection of children from harm.

No licensing objective carries any more weight than any other and these are the only factors in which licensing can have regard in determining an application.

- 3.10. Where representations have been received from a responsible authority or any other person, and the concerns have not been resolved through mediation between all parties, the Licensing Act 2003 requires that these applications should be determined by the Licensing Authority's Licensing Committee. The Licensing Act 2003 allows for applications such as this one to be delegated to a Sub-Committee. In accordance with those rules, the Scheme of

Delegation set out in the Council's Constitution states that the Licensing Sub-Committee has responsibility for dealing with this application.

4. Summary of Application sought.

4.1. The Licensing Authority received an application on 16 January 2024 from Hungerford Park Limited seeking a new premises licence under the Licensing Act 2003 for Hungerford Park Estate, Hungerford Park, Hungerford, West Berkshire, RG17 0UU. This application is recorded under reference 23636. A copy of the application is attached as **Appendix 1** and the plan of the premises is attached as **Appendix 2**. The details of the Designated Premises Supervisor is attached as **Appendix 3**.

4.2. The application seeks a premises licence to permit the following licensable activities:-

Supply of Alcohol:

Monday – Sunday 07:00hrs – 00:00hrs – On and off the premises

Live Music:

Monday – Sunday 23:00 – 00:00 – Indoors and Outdoors

Recorded Music:

Monday – Sunday 23:00 – 00:00 – Indoors and Outdoors

Late Night Refreshment:

Monday – Sunday 23:00 – 00:00 – Indoors and Outdoors

5. Background information

5.1. Hungerford Park Estate is situated to the southeast of Hungerford, approximately 2 miles from the centre. It is a large farm estate incorporating gardens, woodland, farmland, and cider orchards.

5.2. Hungerford Park previously held a premises licence under the trading name International Wine Limited, Cider Barn, Hungerford Park, Hungerford, RG17 0UP. This licence was granted on 29 July 2020 and was for the supply of alcohol off the premises only, during the hours of 08:00hrs to 19:00hrs. The licence states that the business was mainly selling alcohol through their website and as a wholesaler. This licence was surrendered on 4 September 2023.

5.3. The current application seeks to licence the venue for the sale of alcohol, late night refreshment, and regulated entertainment – live music and recorded music. There are several different areas within Hungerford Park where the proposed licensable activities will take place.

5.4. Cider Barn – a cider production business, where cider will be made and sold and cider tasting will take place. Proposed opening hours 07:00hrs – 22:00hrs Monday to Sunday.

5.5. The Fungi Club and Berkshire Trout. The Fungi club will operate as a café/restaurant/retail environment. Proposed opening hours 07:00hrs – 22:00hrs Monday to Sunday. Berkshire Trout is a kitchen area only for food preparation.

5.6. Spirit Barn and Tap Room - cider/spirit/vinegar tastings will take place, there will be a cider and spirit bar, as well as on site and online sales. Proposed opening hours 07:00hrs – 22:00hrs Monday to Sunday.

- 5.7. Walled garden where there will be a licensed café which will operate throughout the year, proposed opening hours 11:30hrs – 00:00 hrs Wednesday to Saturday. There is also the intention to hold events in this space, for example weddings. The proposed opening times for this area is 11.30hrs – 00:00hrs Monday – Sunday.
- 5.8. The applicant has provided additional conditions to the mandatory conditions in their application for a premises licence.

6. Consultation

- 6.1. The 28-day consultation period ran from 17 January 2024 to 14 February 2024. Responsible Authorities, Ward Members and Hungerford Town Council were advised by email on the 17 January 2024. The application has been advertised in accordance with the regulations, with the required blue notices being placed at the premises, which were checked by an officer from the Public Protection Partnership. An advertisement for this application was also placed in the Newbury Weekly News on 25 January 2024.
- 6.2. A total of 8 representations were received, however 2 representations were out of time, received on 16 February 2024 and 22 February 2024, so could not be included in this hearing. The 6 valid representations are attached at **Appendix 4**.

7. Responses Received

Fire Authority – Response received – no objections.

The Chief Officer of Police Thames Valley – Mediation took place with the applicant regarding additional conditions. Conditions were agreed and an email was received on 8 February 2024 stating that TVP have no objections (**Appendix 5**).

Environmental Health – Mediation took place with the applicant regarding additional conditions. Conditions were agreed and an email confirming this was received on 7 February 2024 (**Appendix 5**).

The Local Enforcement Agency for the Health and Safety at work etc. Act 1974 – Response received – no objections

Trading Standards – Response received – no objections.

Children’s Safeguarding Board – None received.

Public Health – None received.

Home Office Immigration – None received.

Planning – None received.

The Licensing Authority – None received.

8. Summary of Relevant Representations

- 8.1. The 6 representations received within the consultation period objecting to the application believe that the granting of the licence would undermine the licensing objectives. Some of the main concerns of the objectors are risks associated with increased traffic – road safety and air pollution, risk of noise nuisance, the safety of the properties near to Hungerford Park, and increased likelihood of crime and disorder from intoxicated people.

9. Options

- 9.1. The Home Office's Revised Guidance issued under section 182 of the Licensing Act 2003 (August 2023) must be considered when determining this Application.
- 9.2. Members are asked to consider, after taking the representations both oral and written into account, and having due regard to the licensing objectives, whether the application for the Premises Licence should be granted or rejected. Members will need to give reasons for their decision.
- 9.3. If members are minded to approve the application they need to consider any additional conditions, other than those contained in the operating schedule, and any relevant mandatory conditions in ss19-21 of the Licensing Act 2003. Modification of conditions includes adding, omitting or altering a condition.
- 9.4. If members are minded to include any additional conditions they will need to provide their reasons for doing so in the decision notice.

Background Papers: Relevant Legislation

- (1) The Licensing Act 2003
 - (2) Appropriate Regulations including but not limited to The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, The Licensing Act 2003 (Hearings) Regulations 2005 and The Licensing Act 2003 (Hearings) (Amendment) Regulations 2005
 - (3) Statutory Revised Guidance issued under section 182 of the Licensing Act 2003
 - (4) The Council's Statement of Licensing Policy Licensing Act 2003
 - (5) The Council's Constitution
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10. Appendices

- Appendix 1 – Application
- Appendix 2 – Plan
- Appendix 3 – Designated Premises Supervisor details
- Appendix 4 – Representations objecting to the application.
- Appendix 5 – Representations from Responsible Authority

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