

ITEM NO:

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| TITLE | THE SWAN AT STREATLEY HIGH STREET, STREATLEY RG8 9HR APPLICATION FOR NEW PREMISES LICENCE |
| FOR CONSIDERATION BY | Licensing Sub Committee Thursday 4 April 2019 at 10am |
| WARD | Basildon |
| LEAD OFFICER | Karen Court - Licensing Officer Julia O'Brien – Team Manager Sean Murphy – Public Protection Manager |

| PURPOSE OF REPORT |
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| To provide relevant information for the Sub Committee to consider and determine the application from Rare Bird Hotels Limited for a new premises licence for The Swan at Streatley at High Street, Streatley RG8 9HR |

| OUTCOMES |
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| In accordance with S18 of the Licensing Act 2003 and the West Berkshire Council Licensing Policy, the application is referred to the Licensing Sub Committee for determination as representations have been made. |

| RECOMMENDATIONS |
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| The Sub Committee to determine the application to grant or refuse the application, with conditions and/or amendments as appropriate. |

| SUPPORTING INFORMATION |
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| <p>Background</p> <p>The application was received on 26 February 2019</p> <p>The application was checked and confirmed to be correctly made. The 28 day consultation period ran to 26 March 2019. The responsible authorities, ward members and parish council were notified.</p> |

Summary details of the application are as follows:

- Nature of premises (extract from description in application):

“The premises is a hotel with associated restaurant, bars, event space, terraces and gardens. Following major refurbishment works at the premises, the application proposes a new premises licence to replace licence ref 013241, incorporating the new licensable areas and external areas”

Note: there is no indication that the current premises licence would be surrendered if the new application were to be granted

- Proposed hours in the original application (pages 9 to 18) were amended by the applicant (page 41) and revised again by the applicant’s solicitor on 2 April 2019, this summary is attached (Application Summary – Amended 21.03.19.docx)
- AMENDED Licensable Activities
- FOR THE AVOIDANCE OF DOUBT NO OTHER LICENSABLE ACTIVITIES ARE BEING APPLIED FOR

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| Alcohol (on & off) | Monday -Saturday 09:00 to 01:00 Sunday 09:00 to 00:00 |
| Recorded Music (indoors only) | Monday - Sunday 23:00 to 01:00 |
| Late Night Refreshment (indoors only) | Monday - Sunday 23:00 to 01:00 |

- opening hours – confirmed by applicant’s solicitor 3 April 3, 2019
 - “The proposed hours of opening are 24 hours for residents and guests and 9am until 1am for the public”
- seasonal variations etc
 - 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.
 - All licensable activities are unrestricted for hotel residents and their bona fide guests.

Note: Clarification was sought as to exactly what is meant by “All licensable activities are unrestricted for hotel residents and their bona fide guests”

The applicant’s solicitor responded 3 April 2019:

- “The unrestricted licensable activities are only sales of alcohol and late night refreshment”

The application has been advertised correctly, with site notices displayed at the premises (these have been checked) and the newspaper notice published.

During the statutory consultation period of 28 days, representation was received from:

Responsible Authorities Representations

Thames Valley Police

Formal objection 25 March 2019 (pages 43-52)

With 19 conditions proposed (pages 49-52) this document is attached (19-03-14 ProposedConditions.docx)

These were agreed by the applicant's solicitor 2 April 2019

As a result of this the police withdrew their representation (confirmation email from Declan Smyth 2 April 2019: "As the applicant has agreed to all the proposed conditions, I have agreed to withdraw the Thames Valley Police Representation."

Environmental Health

Representation made (page 53)

Withdrawn by Kate Powell in confirmation email 2 April 2019:
"On the basis of the application as set out below I would like to withdraw my representation against this application."

Representations Received from Local Residents

33 representations received (pages 55-133)

Three residents have confirmed they wish to address the panel at the hearing
Brian Dickson (page 69)
Ben Warner (page 73)
Anita & Colin Coghlan (page 87)

Other Representations

Nuns Acre River Garden (page 119)

Streatley Parish Council (page 83)
Goring Parish Council (page 95) – Matthew Brown wishes to address the panel

Cllr Alan Law (ward member) also wishes to address the panel

One late representation was received from Mr Michael Seymour on 1 April 2019, he has been advised that his representation was too late to be accepted but he may attend the hearing if he wishes to do so.

Other Relevant Information

Companies House checks done

Analysis of Issues

Promotion of the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

The operating schedule section of the application details how the applicant proposes to address these.

Requirement of Licensing Act 2003 to determine an application and achieve the four licensing objectives – prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

West Berkshire Council's licensing policy

List of Attachments (contained in agenda bundle)

- Application for new premises licence (pages 3 to 32) with operating schedule on page 19. (note: old public entertainment licence conditions are still being requested.
- Layout plan (page 29-30)
- Current premises licence (pages 33-39 with current operating schedule p39)
- Initial amendment to application by applicant (page 41)
- Thames Valley Police representation (pages 43-52) withdrawn 2 April 2019 following agreement of all proposed 19 conditions (pages 49-52) by the applicant's solicitor
- Environmental Health Representation (page 53) withdrawn following agreement of public nuisance conditions contained within TVP's representation (p 49-52)
- Residents representations (pages 55-133)
- Amended application summary from applicant's solicitor received 2 April 2019 (Application Summary – Amended 21.03.19.docx)
- Thames Valley Police 19 Conditions agreed (19-03-14 ProposedConditions.docx)

Reasons for Decision

In accordance with legislative requirements

Alternative Options considered, if any

None

Reasons for considering the report in Part 2

none

List of Background Papers

As Detailed above

Contact Karen Court

Service Public Protection Partnership

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Date 3 April 2019

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