

NOTICE OF DECISION

The Licensing Sub-Committee of West Berkshire Council met remotely on 18 May 2020 and resolved to approve **Application 20/00133/LQN** in respect of **Pinchington Hall, Crookham Hill, Crookham Common, RG19 8DQ** subject to a number of conditions which are set out below.

In coming to their decision, the Sub-Committee had regard to the four licensing objectives, which are:

1. the prevention of crime and disorder;
2. public safety;
3. the prevention of public nuisance; and
4. the protection of children from harm.

They also considered the Home Office's Revised Guidance issued under section 182 of the Licensing Act 2003 and West Berkshire Council's Licensing Policy.

Representations

The Sub-Committee considered the application submitted by the Applicant and the written representations made by:

1. **Objectors:**

Thatcham Town Council, H and S Ryder-Smith, D Avery, J and K Lock, Mr and Mrs R Weihs, S Ellison, N Levy, E Bloomfield, M Bloomfield, J, K and S Davis, C Bloomfield, R Bloomfield, J Thorogood, J Atkinson (Charlesgate Homes Limited), J Sherman (Thornford Park Hospital), Mrs C Garrod, Mr C Garrod, S Fisher and B Sudra, F and S Huxtable, A Jenks, R Clifford, H Marshall, M Pinnock, R Breakspear

2. **Responsible authorities:**

West Berkshire Council Environmental Health

The written representations made by Thames Valley Police had been withdrawn following agreement by the Applicant to conditions.

The Sub-Committee heard oral representations made by:

1. **The Applicant:** Linda Beechey-Smith (Applicant) and Mr Greg Reznek (Agent).
2. **Objectors:** Michael Bloomfield, Joe Atkinson and Cllr John Boyd representing Thatcham Town Council
3. **Responsible Authority:** Kate Powell, Environmental Health Officer
4. **Ward Member:** Cllr Steve Ardagh-Walter

The Sub-Committee and parties present had the opportunity to ask questions in respect of the application, written representations and oral representations.

Decision

Having taken those 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

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

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.
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.

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 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.

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.



Cllr James Cole

(Chairman)



Cllr Adrian Abbs



Cllr Graham Bridgman

Date: 22 May 2020