

Licensing Sub-Committee Report

The Breeze Drinks Company, HawkrIDGE House, HawkrIDGE Hill, Frilsham, RG18 9XA (21/00611/LQN)

Type of Application:	Premise Licence
Parish:	Frilsham
Ward Member:	Councillor CarolynE Culver (Ridgeway Ward)
Case Officer:	Emilia Matheou, Licensing Officer,
Portfolio Holder:	Councillor Hilary Cole
Service Director:	Eric Owens

1. Purpose of the Report

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

2. Recommendation

- 2.1 Members are asked to decide whether to:-

- a) Grant the application for a premises licence as made subject to any mandatory conditions;
- b) Grant the application for a premises licence subject to any additional conditions and any mandatory conditions;
- (c) Refuse to specify a person in the licence as the designated premises supervisor;
- (d) Exclude from the licence any of the licensable activities to which the application relates;
- (e) Refuse 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. Background

- 3.1 Members of the Licensing Sub-Committee are asked to determine the application as the Licensing Authority has received representations stating that granting this application would undermine the prevention of crime and disorder, the prevention of public safety, the prevention of public nuisance, and/ or the protection of children from harm licensing objectives.

- 3.2 The Licensing Authority may only consider aspects relevant to the application that have been raised in these representations.
- 3.3 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. Application

- 4.1 The Licensing Authority has received an application, from Elena Breeze on behalf of The Breeze Drinks Company Ltd, for a premise licence in relation to Hawkridge House, Hawkridge Hill, Frilsham, RG18 9XA. This application had been recorded under reference number 21/00611/LQN on 09 August 2021. A copy of the application is attached as Appendix 1.

A plan showing the location of the premises is attached at Appendix 2. The application relates to a stand-alone house and outdoor areas and would be used mainly for online sales of alcoholic beverages. The fenced off garden area included on the application is part of a private gated community and there is no public access to it. Occasional private (invitation only) promotional events for up to 100 people would also be held in the garden/pool area and in the ground floor of the house.

5. Consultation

- 5.1 The 28 day consultation period ran from 10 August 2021 to 06 September 2021. Responsible Authorities, Ward Members and the Parish Council were advised by email on the 10 August 2021. 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 13 August 2021 and 02 September 2021, and an advert had been placed in the Newbury Weekly News on the 12 August 2021.
- 5.2 Frilsham Parish Council met to consider the application and agreed to object to the application at their meeting on 01 September 2021. In terms of the online sales the Parish Council accepted that by the nature of this activity it was necessary that it could be undertaken 24 hours a day for 365 days a year but queried if any restrictions could be applied relating to deliveries to and from the site at antisocial hours of the day.
- 5.3 The Parish Council were also concerned that the promotional events could in theory take place for 24 hours a day every day of the year. They therefore requested that the number of events (12) and the hours (12h00 to 23h00) they could take place be restricted.
- 5.4 A copy of the representation is attached at Appendix 3.

6. Outline of the Application

- 6.1 The application sought to obtain the following provisions of regulated entertainment

J. Supply of Alcohol:

Monday to Sunday 00h00 to 24h00

L. Hours Open to the Public:

By invitation only and online sales Monday to Sunday 00h00 to 24h00

7. Responses Received from Responsible Authorities:

Fire Authority – None

The Chief Officer of Police Thames Valley – None

Environmental Health - None

The Local Enforcement Agency for the Health and Safety at work etc. Act 1974 – None

The Weights and Measures Authority/Trading Standards – None

Children's Safeguarding Board - None

Public Health - None

Home Office Immigration - None

Planning - None

The Licensing Authority –.None

8. Options

- 8.1 The Home Office's Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018) must be taken into account when determining this Application.
- 8.2 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 premise licence should be granted or rejected. Members will need to give reasons for their decision.
- 8.3 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 that they may wish to attach to the application.
- 8.4 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:

- (1) The Licensing Act 2003, appropriate Regulations, Statutory Revised Guidance issued under section 182 of the Licensing Act 2003
- (2) The Council's Statement of Licensing Policy Licensing Act 2003
- (3) The Council's Constitution

9. Appendices

Appendix 1 – Application

Appendix 2 – Location Plan

Appendix 3 – Representation