

Notice of Meeting



Scan here to access the public documents for this meeting

Licensing Sub-Committee

Friday, 6th May, 2022 at 10.00 am

in Second Floor Meeting Area Council Offices Market Street Newbury

Members Interests

Note: If you consider you may have an interest in any Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Wednesday, 27 April 2022

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

If you require further information about this Agenda, or to inspect any background documents mentioned in the reports, please contact Vicki Yull (Principal Democratic Services Officer), Vicki.Yull1@westberks.gov.uk.

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



Agenda - Licensing Sub-Committee to be held on Friday, 6 May 2022 (continued)

To: Councillors Steve Ardagh-Walter, Tony Linden and David Marsh

Substitute: Councillor Jeff Beck

Agenda

Part I

Page No.

- 1 **Election of the Chairman**
To elect a Chairman for the Sub-Committee.
 - 2 **Declarations of Interest**
To receive any declarations of interest from Members.
 - 3 **Schedule of Licensing Applications**
- (1) **Application No. (22/00140/LQN) Elcot Park Hotel, Elcot, Newbury, RG20 8NJ** 5 - 98
- Proposal:** Application to Vary an existing Licence
Location: Elcot Park Hotel, Elcot, Newbury, RG20 8NJ
Applicant: Vincent Freulon (General Manager) on behalf of Signet Hotel (The Retreat) Ltd

Sarah Clarke
Service Director: Strategy and Governance

If you require this information in a different format or translation, please contact Vicki Yull on telephone (01635) 503929.

Licensing Sub-Committee Report

Elcot Park Hotel, Elcot, Newbury, RG20 8NJ (22/00140/LQN)

Type of Application:	Application to Vary a Premise License
Parish:	Kintbury
Ward Members:	Dennis Benneyworth, James Cole and Claire Rowles
Case Officer:	Amanda Ward
Portfolio Holder:	Councillor Hilary Cole
Service Director:	Eric Owens

1. Purpose of the Report

To set out the background information pertaining to an application to vary an existing premise licence.

2. Recommendation

2.1 Members are asked to decide whether:-

- (a) to modify the conditions of the existing licence (which includes altering, omitting or adding conditions); and/or,
- (b) to reject the whole or part of the application.

2.2 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 to vary the premises licence as the Licensing Authority has received representations, which have not been withdrawn, 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. Background

- 4.1 The Licensing Authority received an application, from Signet Hotel (The Retreat) LTD, for an application to vary a premise licence in relation to the Elcot Park Hotel, Elcot, Newbury, RG20 8NJ. This application has been recorded under reference number 22/00140/LQN.
- 4.2 A copy of the original licence is attached at Appendix 1. The application to vary the premise licence is attached at Appendix 2 and Appendices 3 and 4 include a location and site plan and a plan of the premises. It should be noted that an application to vary the premise licence was originally received in February 2022 but Licensing Officers identified a discrepancy in the display of Blue Notices and the process therefore had to be restarted.
- 4.3 The application is to vary a premises licence under the Licensing Act 2003. The applicant sought to amend the licence to cover the whole property, facilitate the offsite sale of alcohol and to remove the performance of play and boxing and wrestling entertainment from their existing licence.
- 4.4 The Hotel, under its existing licence, is permitted to:
- supply alcohol for consumption on the premises from 11h00 to 02h00 Monday to Sunday;
 - allow the performance of plays, the exhibition of films, host boxing or wrestling events, allow the performance of live music indoors from 11h00 to 02h00 Monday to Sunday;
 - provide late night refreshment indoors from 23h00 to 02h00.

5. Consultation

The 28 day consultation period ran from 26 March 2022 to 22 April 2022. Responsible Authorities, Ward Members and the Parish Council were advised by email on the 25 March 2022. 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 26th March 2022 and that an advert had been placed in the Newbury Weekly News on the 7th April 2022. Two representations were received and copies of the information submitted is attached at Appendices 5 to 10.

6. Outline of the Application

The application sought permission for the premises to be open 10h00 to 02h30 and the following provisions of regulated entertainment:

A. Plays: None (Remove Existing Permissions)

B. Films: 12h00 to 23h00 both Indoors (All Year) and Outdoors (May to October) Monday to Sunday

OUTDOOR showing occasional films (Projector screen or on tvs) from 1200 to 2200hrs on a Wednesday or Thursday. This would be no more than 6 times per year. On each planned occasion we would inform local residents at least 30 days in advance to ensure no disturbance.

Non-Standard Timing – New Year’s Eve (NYE) from the end of permitted hours on NYE to the start of permitted hours on New Year’s Day (NYD)

C. Indoor Sporting Events: None

D. Boxing or Wrestling Entertainments: None (Remove Existing Permissions)

E. Live Music: 12h00 to 23h00 both Indoors (All Year) and Outdoors (April to October) Monday to Sunday

INDOOR - acoustic and singers playing in restaurant and events spaces. 12.00 to 23.00

OUTDOOR - acoustic and singers playing on south terrace (dining terrace) and central courtyard for drinkers, diner and events. 12.00 to 22.00. Volume to be restricted to 85 db.

F. Recorded Music: 09h30 to 01h30 Monday to Sunday
Non-Standard Timing - NYE from the end of permitted hours on NYE to the start of permitted hours on NYD

INDOOR - background reception & restaurant music
09.30 to 01.30

Event music (DJ) from 1200 to 01.00

OUTDOOR - acoustic background recorded music.
South terrace (dining terrace) and central courtyard
12.00 to 22.00. Volume to be restricted to 85dB

G. Performance of Dance: None

H. Anything Similar to E, F or G: 09h30 to 22h30 Monday to Sunday (indoors and Outdoors).
Outside this would be no more than 6 times per year with a minimum of one months’ written notice to our immediate neighbours and landowner.

Non-Standard Timing - NYE from the end of permitted hours on NYE to the start of permitted hours on NYD

I. Late Night Refreshment: 23h00 to 05h00 (Residents Only) Monday to Sunday

Non-Standard Timing - NYE from the end of permitted hours on NYE to the start of permitted hours on NYD

J. Supply of Alcohol: 11h00 to 02h00 Monday to Saturday on the Premises
11h00 to 23h00 Sunday on the Premises
11h00 to 23h00 Monday to Sunday off Premises

Non-Standard Timing - NYE from the end of permitted hours on NYE to the start of permitted hours on NYD

Supply/Sale of alcohol to residents at their expense and their guests 24 hours a day

K Opening Hours: The premises is open to residents 24hrs a day. The premises is open to public from 08h00 to 02h30.

Non-Standard Timing - NYE from the end of permitted hours on NYE to the start of permitted hours on NYD

7. Responses Received:

Fire Authority – None

The Chief Officer of Police Thames Valley – None

Environmental Health – EH had commented on noise levels and fireworks the original application and the points raised have been covered off by the applicant in the revised application.

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

Objections from Mr Henry Moore and Sir Richard Sutton Limited (see appendices 5 to 10)

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 to vary 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, agreed with the parties 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 – Current Licence

Appendix 2 – Application to Vary

Appendices 3 and 4 - Location Plans

Appendix 5 to 7 – Objection from Sir Richard Sutton Limited and associated plans

Appendix 8 to 10 – Objection from Mr Henry Moore and associated plans

This page is intentionally left blank

West Berkshire District Council

Public Protection Partnership, Environmental Health & Licensing, Council Offices, Market Street,
Newbury, Berkshire RG14 5LD

Tel: (01635) 519184 Fax (01635) 519172

Licensing Act 2003 Premises Licence

Uniform Ref: 21/00280/LQN

Premises licence number 014033

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Elcot Park Hotel, Elcot, Newbury, Berkshire, RG20 8NR

Licensable activities authorised by the licence

Performance of Plays
Exhibition of Films
Boxing or Wrestling Entertainment
Performance of Live Music
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Performance of Plays

Monday to Sunday: 11:00 to 02:00

Activity will take place Indoors/Outdoors : **Indoors**

Non Standard Timings: An additional hour to the standard and non standard times on the day when British Summertime commences.

New Year's Eve - from the end of permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

Exhibition of Films

Monday to Sunday: 11:00 to 02:00

Activity will take place Indoors/Outdoors : **Indoors**

Non Standard Timings: An additional hour to the standard and non standard times on the day when British Summertime commences.

New Year's Eve - from the end of permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

Boxing or Wrestling Entertainment

Monday to Sunday: 11:00 to 02:00

Activity will take place Indoors/Outdoors : **Indoors**

Further Details: Boxing, Wrestling, Karate and similar forms of martial arts.

Non Standard Timings: An additional hour to the standard and non standard times on the day when British Summertime commences.

New Year's Eve - from the end of permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

Performance of Live Music

Monday to Sunday: 11:00 to 02:00

Activity will take place Indoors/Outdoors : **Indoors**

Non Standard Timings: An additional hour to the standard and non standard times on the day when British Summertime commences.

New Year's Eve - from the end of permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

Late Night Refreshment

Monday to Sunday: 23:00 to 02:00

Activity will take place Indoors/Outdoors : **Indoors**

Non Standard Timings: An additional hour to the standard and non standard times on the day when British Summertime commences.

New Year's Eve - from the end of permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

Supply of late night refreshment to residents and guests entertained at their expense 24 hours a day.

Supply of Alcohol

Monday to Sunday: 11:00 to 02:00

Alcohol On/Off Premises: **On Premises**

Non Standard Timings: An additional hour to the standard and non standard times on the day when British Summertime commences.

New Year's Eve - from the end of permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

Supply/Sale of alcohol to residents and guests entertained at their expense 24 hours a day.

The opening hours of the premises

Monday to Sunday: 11:00 to 02:30

Non Standard Timings: Open 24 hours a day to hotel residents and their bona fide guests. An additional hour to the standard and non standard times on the day when British Summertime commences.

New Year's Eve - from the end of permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

On /Off Sales : **ON**

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Signet Hotels (The Retreat) Ltd
2 Wall Place, 6th Floor, London, EC2y 5AU

office@signet.ltd

Registered number of holder, for example company number, charity number (where applicable)

13188765

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Hector Walter James Ross
10 Buckingham Gate, London, SW1E 6LA

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

08/08927/LIPERS Westminster City Council

Date: 18th May 2021

**Signed:
Authorised Officer**

Licence First Issued 21/12/2005
DPS Variation 11/02/2008
DPS Variation 22/05/2008
DPS Variation 01/08/2008
DPS Variation 09/10/2008
DPS Variation 08/03/2011
Interim Authority Notice 30/09/2011
Transfer 04/10/2011
Name Change 19/10/2011
DPS Variation 20/08/2012
DPS Variation 05/11/2012
DPS Variation 12/09/2013
DPS Variation 12/11/2015
Change of PLH registered address 16/02/2017
Change of PLH registered address 20/05/2019
Transfer 05/05/2021
DPS Variation 10/05/2021

Annex 1 - Mandatory conditions

Premises - Supply of Alcohol

1. No supply of alcohol may be made under the premises licence-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 (in force 1 October 2014)

3.
 - 1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - 2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5.
- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - a) a holographic mark, or
 - b) an ultraviolet feature.
6. The responsible person must ensure that -
- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml;
 - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”
- 7.
- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (2) For the purposes of the condition set out in paragraph 1 –
 - a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - b) “permitted price” is the price found by applying the formula -

$$P = D + (D \times V)$$

Where—

- (i) **P** is the permitted price,
 - (ii) **D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4)
- 1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
 - 2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Premises - Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where-
 - a) the film classification body is not specified in the licence, or
 - b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section children means persons aged under 18; and film classification body means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Annex 2 - Conditions consistent with the operating Schedule dated 26/07/2005

General

1. We will continue to train our staff to the standards required by relevant legislation.
2. The style and operation will not differ during the extended hours. The additional hours sought will of themselves promote the licensing objectives as stated in paragraph 3.29 eg the Guidance, in allowing customers to emerge from the premises at a more gradual rate.
3. We will continue to observe all conditions on existing licences for the additional hours of trading.
4. The only persons attending the premises for the licensable activities are residents, their bona fide guest and persons attending pre-arranged functions at the premises.

The Prevention of Crime and Disorder

1. The only persons attending the premises for the licensable activities are residents, their bona fide guest and persons attending pm-arranged functions at the premises.
2. Any person who appears to be intoxicated will not be allowed entry to the premises.
3. The current level of lighting outside the premises will continue for the additional hours of trading.
4. Toughened glass will continue to be used during the additional hours of trading.
5. The premises will only accept pass accredited proof of age cards.
6. Food soft drinks and tea/coffee will continue to be available until the premises close.
7. Music and dancing and the provision of substantial refreshment will continue to be a prominent feature of trading
8. Customers shall be allowed to wait on the premises while they wait for a taxi to arrive.
9. All instances of crime and disorder will be reported to the police and will be kept in an Incident Log book which will be monitored by the general manager.

Public Safety

Boxing / Wrestling

1. A qualified first aider shall be present throughout any sporting entertainment involving boxing, wrestling, judo, karate or sport of a similar nature.
2. Where a ring is used it will be constructed by a competent person and shall be inspected by a competent authority before use and any material used to form the skirt of the ring shall be flame retardant.
3. The seating layout shall be agreed with the appropriate authorities.

The Prevention of Public Nuisance

1. The current level of lighting outside the premises will continue for the additional hours of trading.
2. Music will not be played in any external area after 02.00 am
3. Customers shall be allowed to wait on the premises while they wait for a taxi to arrive.

The Protection of Children from Harm

1. No person under the age of 18 shall be admitted to any part of the premises where entertainment which constitutes a licensable activity of an adult nature is being provided.
2. Any person who appears to be under the age of 18 will be required to produce pass accredited proof of age before being allowed to purchase or consume alcohol.

Conditions agreed with Trading Standards

1. All bar staff are trained regarding under age sales and acceptable proofs of age.
2. Records of such training are retained for inspection.

Annex 3 - Conditions attached after a hearing by the licensing authority

None

Annex 4 - Plans as submitted 27/07/2005

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Signet Hotel (The Retreat) LTD

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 014033
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description ELCOT PARK HOTEL ELCOT			
Post town	NEWBURY	Postcode	RG20 8NJ

Telephone number at premises (if any)	01635800520
Non-domestic rateable value of premises	£172,400

Part 2 – Applicant details

Daytime contact telephone number	Signet Hotels (The Retreat) LTD 01635 800 520		
E-mail address (optional)			
Current postal address if different from premises address	Elcot Park Hotel Elcot		
Post town	Newbury	Postcode	RG208NJ

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

WE REQUEST TO:

REMOVE LICENSABLE ACTIVITY: PEFORMANCE OF PLAYS

REMOVE LICENSABLE ACTIVITY: BOXING OR WRESTLING

AMEND THE LICENSEABLE AREA (red line on accompanying Plan A) IN ORDER TO FACILIATE THE CONTROLLED SALE OF ALCOHOL TO OUR GUESTS IN THE MEWS PROPERTIES, TERRACE COURT TERRACE, AROUND THE SWIMMING POOL, RETAIL COURTYARD AND ON THE RESTAURANT TERRACES.

ADD TO BE ABLE TO FACILITATE OFF SITE SALES OF ALCOHOL. ENABLING OUR HOTEL RESIDENTS AND GUESTS TO BUY BOTTLES OF WINE FROM OUR RESTAURANTS / RETRAIL TO CONSUME OFFSITE OR GIVE AS GIFTS.

WE PLAN TO HAVE A WINE and COFFEE GIFT SHOP LOCATED WITHIN OUR COURTYARD (SHOWN 1&2 on accompanying Plan B).

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)



In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or <u>outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<p>Please <u>give further details here</u> (please read guidance note 5)</p> <p>INDOOR SHOWING FILMS (Projector screen or on tvs) from 1200 to 2300hrs</p> <p>OUTDOOR SHOWING OCCASIONAL FILMS (Projector screen or on tvs) from 1200 to 2200hrs on a Wednesday or Thursday. This would be no more than 6 times per year. On each planned occasion we would inform local residents at least 30 days in advance to ensure no disturbance.</p> <p><u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6) OUTDOOR: ONLY MAY TO OCTOBER</p> <p><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)</p> <p>N/R New Year’s Eve - from the end of permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s Day.</p>		
Mon	12.00	23.00			
Tue	12.00	23.00			
Wed	12.00	23.00			
Thur	12.00	23.00			
Fri	12.00	23.00			
Sat	12.00	23.00			
Sun	12.00	23.00			

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)	
Day	Start	Finish		
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)	
Tue				
Wed				
Thur				Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<p>Please give further details here (please read guidance note 5)</p> <p>INDOOR ACOUSTIC AND SINGERS PLAYING IN RESTAURANT AND EVENTS SPACES. 12.00 to 23.00</p> <p>OUTDOOR ACOUSTIC AND SINGERS PLAYING ON SOUTH TERRACE (DINING TERRACE) AND CENTRAL COURTYARD FOR DRINKERS, DINER AND EVENTS. 12.00 to 22.00. VOLUME TO BE RESTRICTED TO 85dB</p> <p>State any seasonal variations for the performance of live music (please read guidance note 6) OUTDOOR APRIL TO OCTOBER ONLY</p> <p><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)</p> <p>NONE PLANNED.</p> <p>WE WOULD APPLY FOR A TEMPORARY EVENT NOTICE IF A SPECIFIC GUEST ENQUIRY RECEIVED</p>		
Mon	12.00	23.00			
Tue	12.00	23.00			
Wed	12.00	23.00			
Thur	12.00	23.00			
Fri	12.00	23.00			
Sat	12.00	23.00			
Sun	12.00	23.00			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<p>Please give further details here (please read guidance note 5)</p> <p>INDOOR BACKGROUND RECEPTION & RESTAURNT MUSIC 09.30 to 01.30 EVENT MUSIC (DJ) from 1200 to 01.00</p> <p>OUTDOOR ACOUSTIC BACKGROUND RECORDED MUSIC. SOUTH TERRACE (DINING TERRACE) AND CENTRAL COUTYARD 12.00 to 22.00. VOLUME TO BE RESTRICTED TO 85dB</p> <p><u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6) OUTDOOR RESTRICTED APRIL TO OCTOBER</p> <p><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7) New Year’s Eve - from the end of permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s Day.</p>		
Mon	09.30	01.30			
Tue	09.30	01.30			
Wed	09.30	01.30			
Thur	09.30	01.30			
Fri	09.30	01.30			
Sat	09.30	01.30			
Sun	09.30	01.30			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
			State any seasonal variations for the performance of dance (please read guidance note 6)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing Hosted lectures or performances by theatre productions		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon	0930	2230		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue	0930	2230	<u>Please give further details here</u> (please read guidance note 5) We intend to occasionally host Talks, Lectures or Theatre Productions’ such as a meal followed by a lecture by a high profile professional in there field; or a theatre production. Outside this would be no more than 6 times per year with a minimum of one months’ written notice to our immediate neighbours and landowner.		
Wed	0930	2230			
Thur	0930	2230	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri	0930	2230	Outside restricted to April to October		
Sat	0930	2230	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7) New Year’s Eve - from the end of permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s Day.		
Sun	0930	2230			

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5) RESIDENTS ONLY		
Mon	23.00	05.00			
Tue	23.00	05.00			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 6) NONE		
Wed	23.00	05.00			
Thur	23.00	05.00			
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7) NONE New Year’s Eve - from the end of permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s Day.		
Fri	23.00	05.00			
Sat	23.00	05.00			
Sun	23.00	05.00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	11.00	02.00	<p><u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)</p> <p>ON THE PREMISES: Mon to Sat 11.00 to 02.00; Sun 11.00 to 23.00 OFF THE PREMISES: 11.00 to 23.00</p> <p>WE REQUEST TO BE ABLE TO FACILITATE OFF SITE SALES OF ALCOHOL FROM OUR COFFEE & GIFT CONCESSION LOCATED WITHIN OUR COURTYARD.</p> <p>OFF PREMISES SALES WOULD ENABLE OUR GUESTS TO BUY BOTTLES OF WINE FROM OUR RESTAURANTS / CONCESSION TO CONSUME AT OWN HOME OR GIVE AS GIFTS.</p> <p><u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)</p>		
Tue	11.00	02.00			
Wed	11.00	02.00			
Thur	11.00	02.00			
Fri	11.00	02.00			
Sat	11.00	02.00			
Sun	11.00	23.00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6) The premises is open to residents 24hrs a day The Premises is open to public from 08.00 to 02.30
Day	Start	Finish	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7) New Year's Eve - from the end of permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.
Mon	08.00	2.30	
Tue	08.00	2.30	
Wed	08.00	2.30	
Thur	08.00	2.30	
Fri	08.00	2.30	
Sat	08.00	2.30	
Sun	08.00	2.30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

1. We will continually train our staff to the standards required by all legislation.
2. The style and operation will not differ during the amended hours
3. We will continue to observe all conditions on existing licences for the additional hours of trading

b) The prevention of crime and disorder

1. Any person who appears to be intoxicated will not be allowed entry to the premises
2. The current level of lighting outside the premises will continue for amended hours of trading
3. Toughened glass will continue to be used during the additional hours of trading
4. The premises will only accept pass accredited proof of age cards
5. Food, soft drinks and tea and coffee; and free of charge water facilities will continue to be available until the premises closes
6. Customers past 00.00 shall be asked to wait inside on premises supervised reception areas while they wait for a taxi/transport to arrive
7. All instances of crime and disorder will be reported to the police and will be kept in an incident logbook which will be monitored by the general manager
8. Security will routinely patrol the grounds during licensable hours; with increased frequency when the business is holding functions of +100people
9. CCTV is operational, monitored & recorded across the site

c) Public safety

In addition to the above (b):

1. Fire Safety: Continual review of suitable Fire Risk Assessment and Checks to ensure we have implemented the necessary controls for specific events
2. Disabled People: Adequate arrangements continually reviewed to enable safe movement within the premises and their safe evacuation
3. First Aid: Adequate and appropriate FA equipment onsite, and at least one suitable First Aider will be on duty at all times.
4. Free drinking water: Will be provided at all times when the premises is open to the public
5. Signage: Is in place as part of our 'Challenge 25' campaign
6. A continuous and accurate record of our diners and hotel residents within the premises. These records are available upon request.
7. The swimming pool & surrounding areas will be supervised at all operational hours. All drinks will be decanted and served in non-glass vessels. When closed the swimming pool will be closed with secure cover.
8. A defining line will mark the
9. CCTV is operational, monitored & recorded across the site
10. Signage will be placed on the southern and western boundary informing guests not to trespass; nor to feed or disturb any grazing livestock
11. The licensable area will be clearly defined, with signage around the swimming pool area

d) The prevention of public nuisance

1. A nominated representative will monitor noise levels outside nearby dwellings on Elcot Lane and our south boundary during entertainment involving amplified music or speech. If, as a result of this monitoring, it is considered that the noise levels are excessive, immediate action will be taken to cause the volume of the entertainment to be reduced to suitable levels.
2. After 23:00 hours the licensee should ensure that noise from entertainment is not audible outside any dwelling in the vicinity. A record of these checks and of any action taken as a result shall be maintained in a log book kept specifically for the purpose. The log book shall be made available for inspection by an authorised officer of the licensing authority on request.
3. The licensee or a nominated representative shall receive and respond to complaints of noise throughout the duration of all entertainment and during the time that patrons are leaving the premises.
4. No explosives, pyrotechnics and fireworks of a similar nature, which could cause disturbance in surrounding areas will be used.
5. CCTV is operational, monitored & recorded across the site
6. 24 hour Duty Manager and Security presence at the property
7. Signage will be installed informing patrons to leave the property quietly and respecting our neighbours
8. Signage will be placed on the southern and western boundary informing guests not to trespass; nor to feed or disturb any grazing livestock
9. The licensable area will be clearly defined, with signage around the swimming pool area

e) The protection of children from harm

1. Any person who appears to be under the age of 25 will be required to produce pass accredited proof of age before being allowed to purchase or consume alcohol (as per our challenge 25 policy)
2. Film (movie) classification at the premises will be restricted to intended audience age range.
3. A certified (CRB checked) adult will be positioned to supervise all children activities.
2. 24 hour CCTV in operation

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	24.03.22
Capacity	CEO

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Hector Ross

Post town	Newbury	Post code	RG20 8NJ
------------------	----------------	------------------	-----------------

Telephone number (if any)	
----------------------------------	--

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
--

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption

of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.

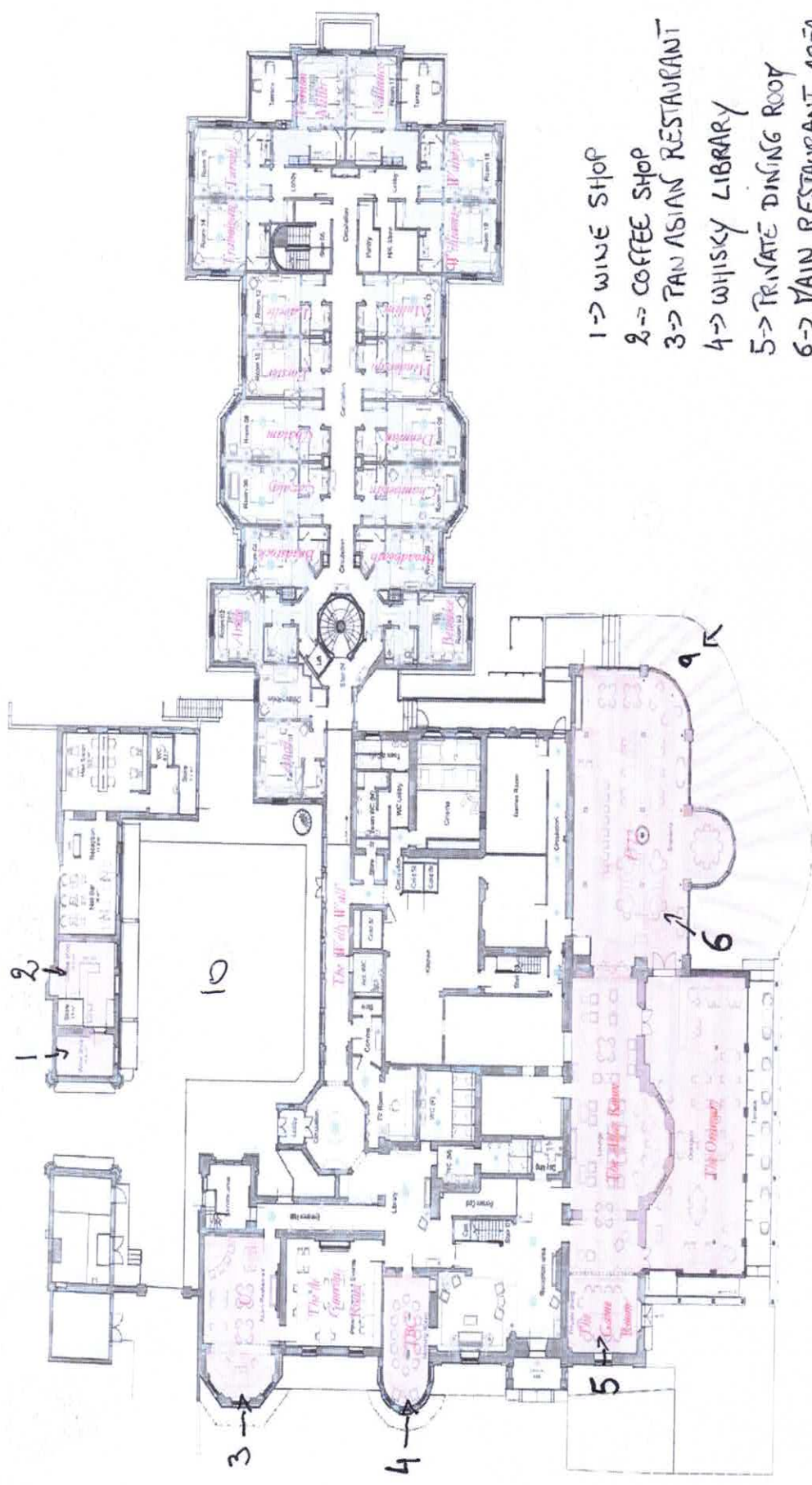
3. In terms of specific regulated entertainments please note that:
- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.

This page is intentionally left blank

CR

8 →



- 1 -> WINE SHOP
- 2 -> COFFEE SHOP
- 3 -> PAN ASIAN RESTAURANT
- 4 -> WHISKY LIBRARY
- 5 -> PRIVATE DINING ROOM
- 6 -> MAIN RESTAURANT AREA
- 7 -> POOL SIDE
- 8 -> WALLED GARDEN
- 9 -> SOUTH TERRACE
- 10 -> EASTON COURTYARD

7 →

Plan B

This page is intentionally left blank

LICENSING ACT 2003

Representations

Details of the representee:

Name **Sir Richard Sutton Limited**

Address - X

Postcode - X

Telephone Number - X

Email address - X

Please note the Council is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations made.

Details of the application to make representation(s) on:

Application Reference Number **22/00140/LQN**

Name of Premises **Elcot Park Hotel**

Premises Address **Elcot, Newbury**

Postcode **RG20 8NJ**

Under the Licensing Act 2003, for a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives.

Please give details of your representation(s) and include information as to why the application would be unlikely to promote any of the following objective(s):

We act for the Sir Richard Sutton Limited (SRSL) and make this representation on behalf of our client in relation to this variation of premises licence application reference 22/00140/LQN made by Signet Hotels (The Retreat) Ltd on 25th March 2022 for Elcot Park Hotel, Elcot, Newbury, RG20 8NJ.

1. This representation is made on the basis that should the application be granted the variation would undermine the following licensing objectives under the Licensing Act 2003:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
2. SRSL are the freehold owners of the land surrounding the Elcot Park Hotel boundary. This land is leased to Henry Moore, a local farmer.

The Prevention of Crime and Disorder:

3. Granting this variation to the premises licence would undermine the prevention of crime and disorder licensing objective.
4. The farmland immediately adjacent to the Elcot Park Hotel is part of a working farm operated by Henry Moore, with the fields inhabited by a large beef herd of breeding bulls and heifers (female cows) both in calf and with calves at foot. SRSL also operate a similar beef herd operation and intend to utilise Elcot Park grazing land in the future, when the farming tenancy comes to an end.
5. The application for the variation to the premises licence provides a supporting plan, Plan A, which delineates the red line the applicant intends to licence. This red line falls within the formal boundary of Elcot Park Hotel. The formal boundary of Elcot Park Hotel is shown in blue on Plan A. This is a low, dilapidated metal fence and not stockproof (meaning the fence is not secure to keep animals within). A secondary stockproof fence has been installed by Henry Moore within his tenanted land to retain his livestock. This is shown in green on enclosed plan SRSL Plan 1 – Livestock Fence. The area shown with the red line on Plan A is the area sought to be licensed as part of the hotel. This is an outside space that does not have a hard boundary and is not physically delineated with a fence or a hedge. It is clear therefore that the applicant cannot manage and enforce their operation within the boundaries of the red line shown on Plan A submitted with the application as this land is completely open with no boundary whatsoever.
6. The applicant, having held discussions with our client, proposed to add a gravel path and signage stating the area between the red line and the land beyond as 'off site'. It is proposed to warn patrons not to go beyond the gravel path and signage. This proposal seems to be virtually impossible to

enforce and provides no security from a crime and disorder perspective or safety perspective to our client beyond the area where licensable activities are to take place outside of the hotel.

7. The applicant has advised they would implement foot patrols around the gravel strip on an hourly basis. Again, we believe this is impracticable and even if this is conditioned on the premises licence, the reality will be that the patrols will not take place as they should, which would mean that the threat of crime and disorder and a threat to safety for our client is real and prevalent.
8. The application makes no reference to the following:
 - a. The number of persons patrolling the area per shift/hour
 - b. Whether the persons undertaking the patrols will be SIA registered or hotel staff
 - c. If the area is to be patrolled by hotel staff, they do not have the training or insurance to evict members of the public; guests of the hotel or bona fide guests who are trespassing on other people's land
 - d. There is no reference to the number of persons patrolling the area being increased dependent on the proposed event and capacity of the proposed event.
9. The lack of a hard border will lead to the potential risk of patrons, under the influence of alcohol, trespassing beyond the grounds of Elcot Park Hotel and engaging in antisocial and disorderly behaviour. This will be a risk to both the livestock and the patrons of the Hotel.
10. The application makes no reference to the proposed capacity for the use of the outside area. We have no idea whether this will be for several hundreds of people or 10,000 people. There is also no clarification on the number of persons who are not all hotel guests (as the application seeks to vary the licence to allow the use of the grounds by members of the public). This application cannot be granted as is as there is no limit upon the number of persons who would be permitted to drink and have other licensable activities outside of the hotel.
11. The application refers to temporary bars and payment points being set up as and where required. There is no confirmation as to where these will be located. At the moment the application is silent and if this is granted the applicant can set up as many bars and payment points as they wish in the outside area within the red line. What effectively would be granted is a significant bar area outside open to public. This implies that the availability

of alcohol to members of the public would be unlimited for the hours applied for and there is no requirement that alcohol is served with substantial food for guests attending an event outside. This is a recipe for intoxication and ultimately acts which could result in harm to the guests or others and acts of crime and disorder and anti-social behaviour outside.

12. The application seeks permission to sell alcohol outside until 02:00 Monday to Saturday. This is extremely concerning as there was no permission previously for licensable activities outside the hotel. Granting sale of alcohol until 02:00 the following morning is extremely late and would make the outside area attractive to third party promoters who could hire the outside for music events and festivals which, in line with the points made above, would not be adequately controlled and supervised by the applicant. The prospect of these events would bring a level of crime and disorder and anti-social behaviour to this area.
13. The application seeks to extend all licensable activities, alcohol, music, and dancing to members of the public. The application does not limit these events in any way, for example, to hotel patrons and their bona fide guests. It is clear that the extension to licensable activities for the outside area allows the hotel to effectively lease these areas out to a third-party promoter for events for which the hotel would receive a percentage of the revenue. There is no supporting evidence as to how these events and the consumption of alcohol would be controlled. The application has not addressed any of these points and does not deal with the likelihood of crime and disorder and anti-social behaviour which will no doubt be a concern should these events be permitted to take place.

Public Safety:

14. Granting this variation to the premises licence would undermine the public safety licensing objective.
15. A particular concern is the potential interaction between the public and livestock. The neighbouring fields are occupied by breeding bulls and heifers either in calf or with calves. Both bulls and heifers and calves can become frightened and aggressive if they are approached and feel under threat from individuals whom they are not accustomed to. If patrons, their bona fide guests of the Hotel and members of the general public, intoxicated or not, trespass beyond the proposed gravel path and signage (no hard defined boundary or fence) and approach the livestock this will become a serious risk to their safety, alongside a risk to the livestock.

The Prevention of Public Nuisance:

16. Granting this variation to the premises licence would undermine the public nuisance licensing objective.
17. The current premises licence (014033) at Elcot Park Hotel provides the performance of live music Monday to Sunday 11:00 – 02:00 **indoors only**. The variation application is to amend the current live music hours indoors, and to permit the provision of live music **outdoors** until 22:00, alongside the addition of recorded music for both **indoors and outdoors** until 23:00 and 22:00 respectively.
18. Permitting live and recorded music within the grounds of Elcot Park Hotel presents a serious risk of public nuisance to both nearby residents, such as Henry Moore a local farmer whose land is rented from SRSL, nearby tenanted properties owned by SRSL, and nearby livestock. Cattle are vulnerable to loud music and erratic volumes and the provision of outdoor music until 22:00 could risk a serious impact to them, and in turn the livelihood of Henry Moore. This could also result in cattle stampeding due to the loud noise, which could potentially pose a serious risk to any hotel guests nearby or members of the public if fences were breached as a result of a stampede.
19. The application provides that recorded and live music will be restricted to 85dB. The Royal National Institute for the Deaf (RNID) confirm that “85dB is the threshold level at which your hearing can become damaged over time.” 85dB is not a level which is suitable to a tranquil countryside location, where sound can travel much further comparative to cities due to the lack of buildings.
20. The application for music outside until late hours is not supported by any acoustic evidence. We would expect the applicant to have appointed an acoustic engineer to assess what would be a sound level which would not cause a nuisance and to advise the applicant accordingly.
21. The request for outdoor live and recorded music until 22:00 would directly undermine the public nuisance licensing objective.

Matters to be considered in relation to the Application

Following the detailed representations set out above, the proposed variations put forward in this application and the operation of licensable activities externally would materially change the nature of the premises in question and are inimical to the local rural area, posing a significant risk to the promotion of the licensing

objectives from the viewpoint of local residences and businesses. The below matters are of great concern and need to be addressed by the applicant in considering this application;

1. The frequency of the patrols by those appointed by the hotel around the gravel border of the premises. The patrols need to be frequent, documented and the number of persons carrying out the patrols commensurate with the number of proposed persons who will be at the various events. These patrols will need to take place on a regulated basis.
2. The applicant must demonstrate that they can control this area at all times they are open and in particular when they are seeking to host third party events which may be out of their control.
3. Amendments will need to be made to the CCTV condition which in our view currently does not adequately maintain and preserve the objective of the prevention of crime and disorder.
4. Conditions will need to be imposed regarding the number of outdoor events permitted per year and for adequate notice to be provided to the relevant responsible authorities and all neighbours and residents of the hotel.
5. In relation to the 24-hour New Year's Eve extension requested for licensable activities, all responsible authorities and all neighbours must be advised as to what is intended on New Year's Eve no later than one month in advance.
6. Our client requests the following condition in view of the fear of disturbance to local livestock and of course residents: *"Fireworks, bird releases, hot air balloons, Chinese lanterns and helium/air-filled balloons are not permitted to be released from the hotel as part of events on the grounds of disturbance, health and safety and littering."*

We reserve the right to provide further evidence in support of our representation on behalf of SRSL and further conditions to address the fact that this application is clearly defective in satisfying the licensing objectives we have referred to in our representation.

signed:

Date:...22/04/2022.....

Please send completed form to West Berkshire Council, Environmental Health & Licensing, Council Offices, Market Street, Newbury, Berkshire RG14 5LD



Sir Richard Sutton Limited

Benham Estate Office
Newbury RG20 8LR
Tel: 01635 40036

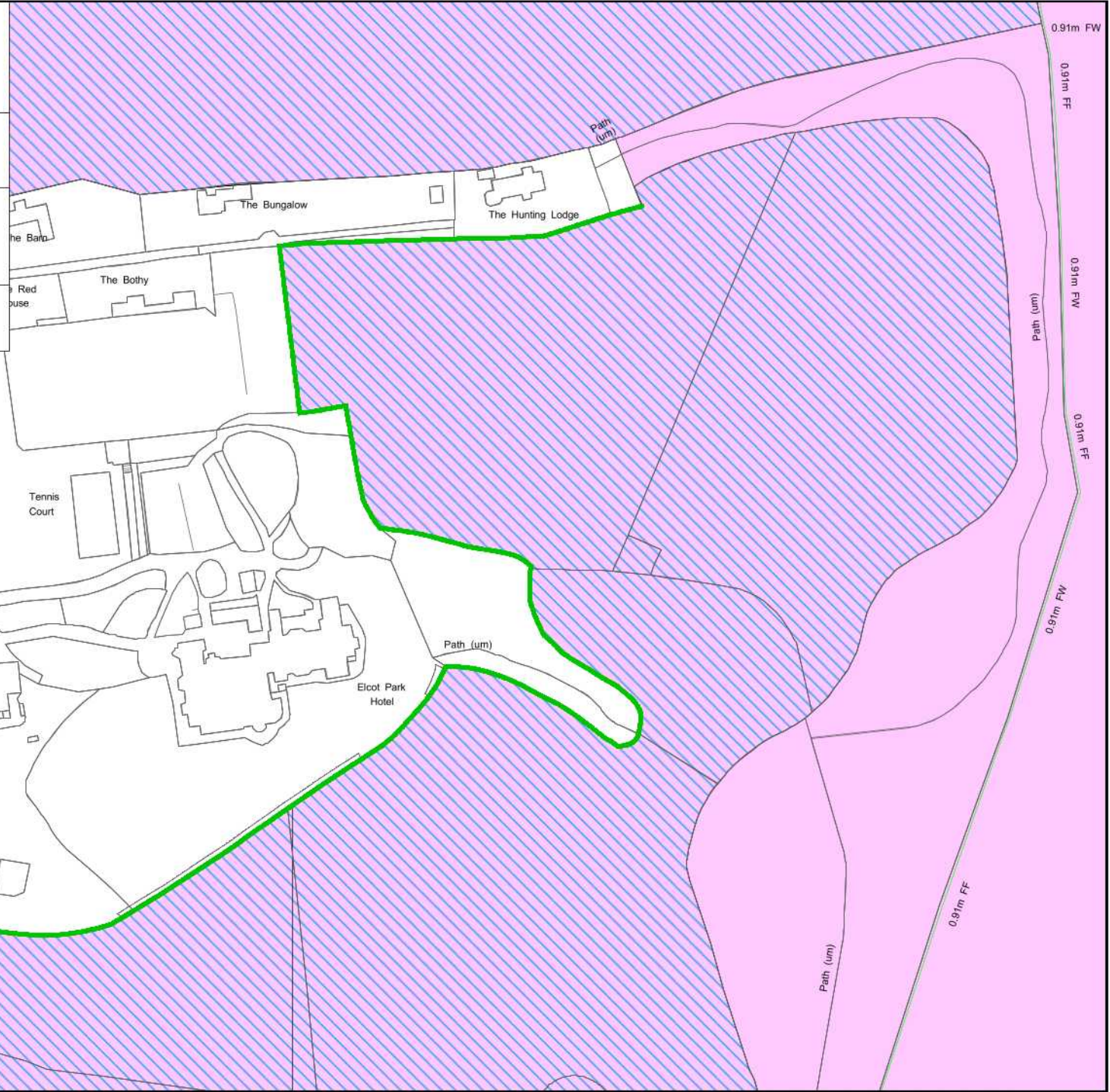
SRSL Plan 1 Livestock Fence

SCALE : 1 : 2500 @ A4 DATE : 21/04/2022



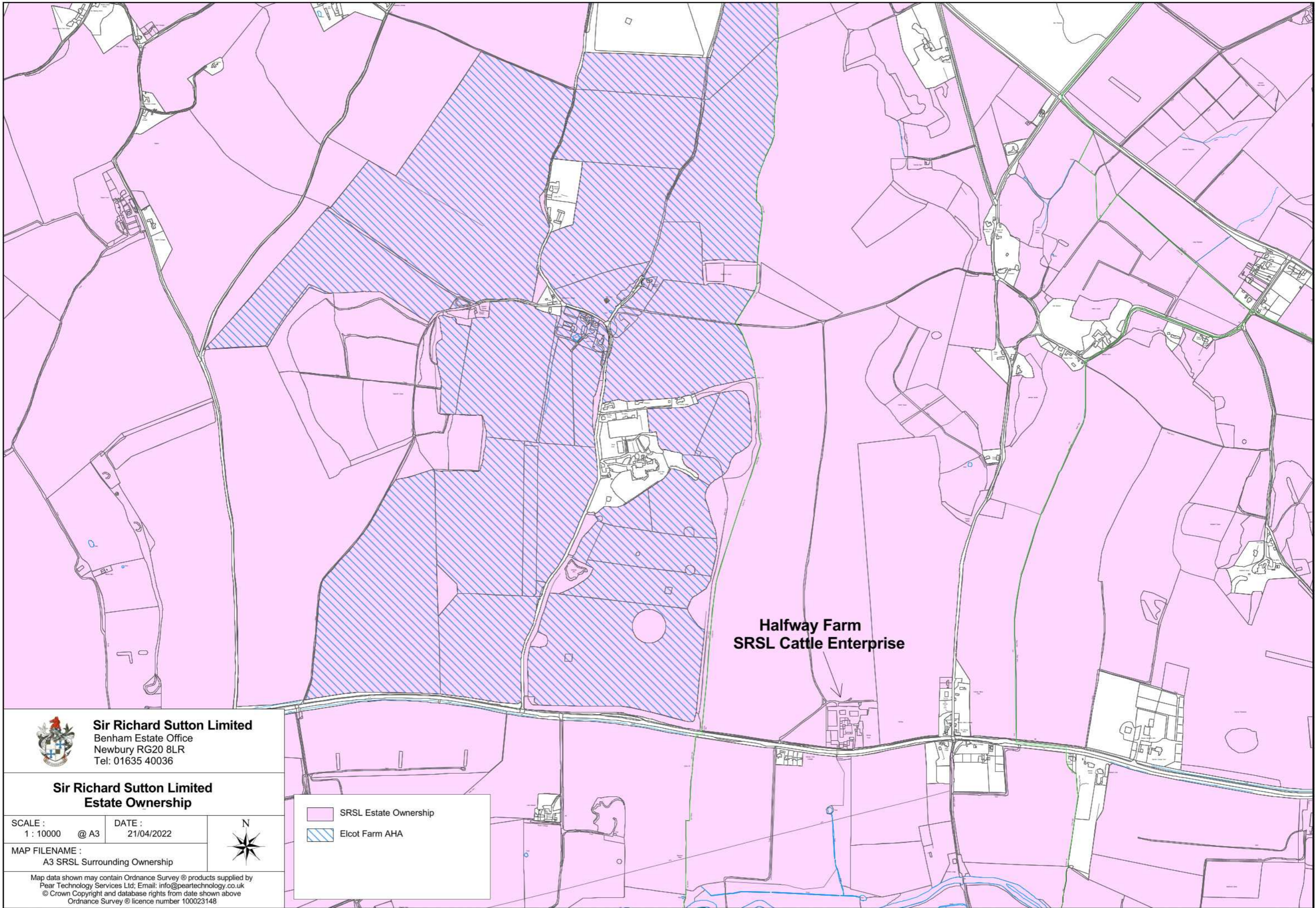
MAP FILENAME : SRSL Land / Henry Moore Livestock Fence

Map data shown may contain Ordnance Survey © products supplied by Pear Technology Services Ltd; Email: info@peartechology.co.uk © Crown Copyright and database rights from date shown above Ordnance Survey © licence number 100023148



	Estate Boundary
	Eicot Farm AHA
	Livestock Fence

This page is intentionally left blank



Sir Richard Sutton Limited
 Benham Estate Office
 Newbury RG20 8LR
 Tel: 01635 40036

**Sir Richard Sutton Limited
 Estate Ownership**

SCALE : 1 : 10000 @ A3 DATE : 21/04/2022

MAP FILENAME : A3 SRSL Surrounding Ownership



	SRSL Estate Ownership
	Elcot Farm AHA

Map data shown may contain Ordnance Survey © products supplied by Pear Technology Services Ltd; Email: info@peartechnology.co.uk © Crown Copyright and database rights from date shown above Ordnance Survey © licence number 100023148

This page is intentionally left blank

LICENSING ACT 2003

Representations

Details of the representee:

Name **Henry Moore**

Address **Farmland surrounding Elcot Park Hotel, Elcot, Newburt**

Telephone Number X

Email address X

Please note the Council is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations made.

Details of the application to make representation(s) on:

Application Reference Number **22/00140/LQN**

Name of Premises **Elcot Park Hotel**

Premises Address **Elcot, Newbury**

Postcode **RG20 8NJ**

Under the Licensing Act 2003, for a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives.

Please give details of your representation(s) and include information as to why the application would be unlikely to promote any of the following objective(s):

We act for Henry Moore, who is a farmer who farms land adjacent to where the Elcot Park Hotel has made an application to licence outside space.

For clarity, we attach *SRSL Plan 1* of which Henry Moore's farm is hatched blue. The Elcot Park Hotel is shown white on the drawing. We also attach an additional plan *A3 SRSL Surrounding Ownership* which shows the whole of Henry Moore's tenanted land.

You will be aware that Henry Moore made a representation to the previous application for the variation to the Premises Licence for this site.

We are writing to advise you that our client objects in relation to the following licensing objectives:

1. Prevention of Crime and Disorder.
2. Public Safety.
3. The Prevention of Public Nuisance.

Public Safety:

The application proposed by the Elcot Park Hotel to licence land outside is of great concern to our client. Our client runs a working farm, with fields that house a large beef herd of breeding bulls, and cows and heifers both in calf or with calves. The variation proposed to carry out licensable activities outside will have a detrimental impact upon our client and upon the animals which our client has on his farm. The grazing land to which Henry has a 365-day-a-year right to stock lies immediately adjoining the south and east of the Hotel. There is also grazing land to the west of the Hotel, on the other side of the unclassified single track Elcot Turn road.

Our client can confirm that he has experienced problems previously caused when he discovered glasses, beer and wine bottles strewn on his land from within the Elcot Hotel grounds; if this variation is granted then these problems will occur on a regular basis. This is of particular concern from a safety perspective, not only for our client and those persons who come across this glass, but also for his animals. Livestock may become injured by broken glass, or intoxicated on alcohol remnants in bottles. This will result in the animal being distressed and will change their behaviour in a negative way. It could result in more serious cases of the animal becoming violent from its injuries, which is a concern in relation to public safety in proximity to the hotel as a result of the actions of the hotel patrons.

The Prevention of Public Nuisance:

We also need to raise the concern that our client has identified that if people have trespassed from the Hotel to our client land, or to the Hotel from our client's land to illegall enter events at the Hotel they could be at danger of being injured by cattle who are sensitive, in particular if they have calves and they believe that they are being threatened.

The Prevention of Crime and Disorder:

We submit that the incidents of crime and disorder, for a rural farming area, will be heightened by the fact that the application seeks to licence outdoor events which will be attended by members of the public, not just the hotel or their bona fide guests. The application makes no reference to the capacity for any outside event, and how this will be properly managed. The application also refers to the playing of music outside, but the application makes no reference to how noise, which would be transferred both to our client and neighbours in the area, will be managed so as to not cause a noise nuisance.

We believe that our client will be disturbed from the activities should the variation be granted, and the application at the moment is deficient in conditions in order to address these points.

In view of the concerns raised above, on the grounds of Public Nuisance, Prevention of Crime and Disorder and Public Safety, our client would like to request that the Committee, should they consider granting this application, impose stringent conditions upon the Premises Licence to control the outdoor activities which are being sought, in particular the times of the events, the number of events which are sought to take place each year, and the capacity.

Signed:

Date:.....22/04.2022.....

Please send completed form to West Berkshire Council, Environmental Health & Licensing, Council Offices, Market Street, Newbury, Berkshire RG14 5LD

This page is intentionally left blank



Sir Richard Sutton Limited

Benham Estate Office
Newbury RG20 8LR
Tel: 01635 40036

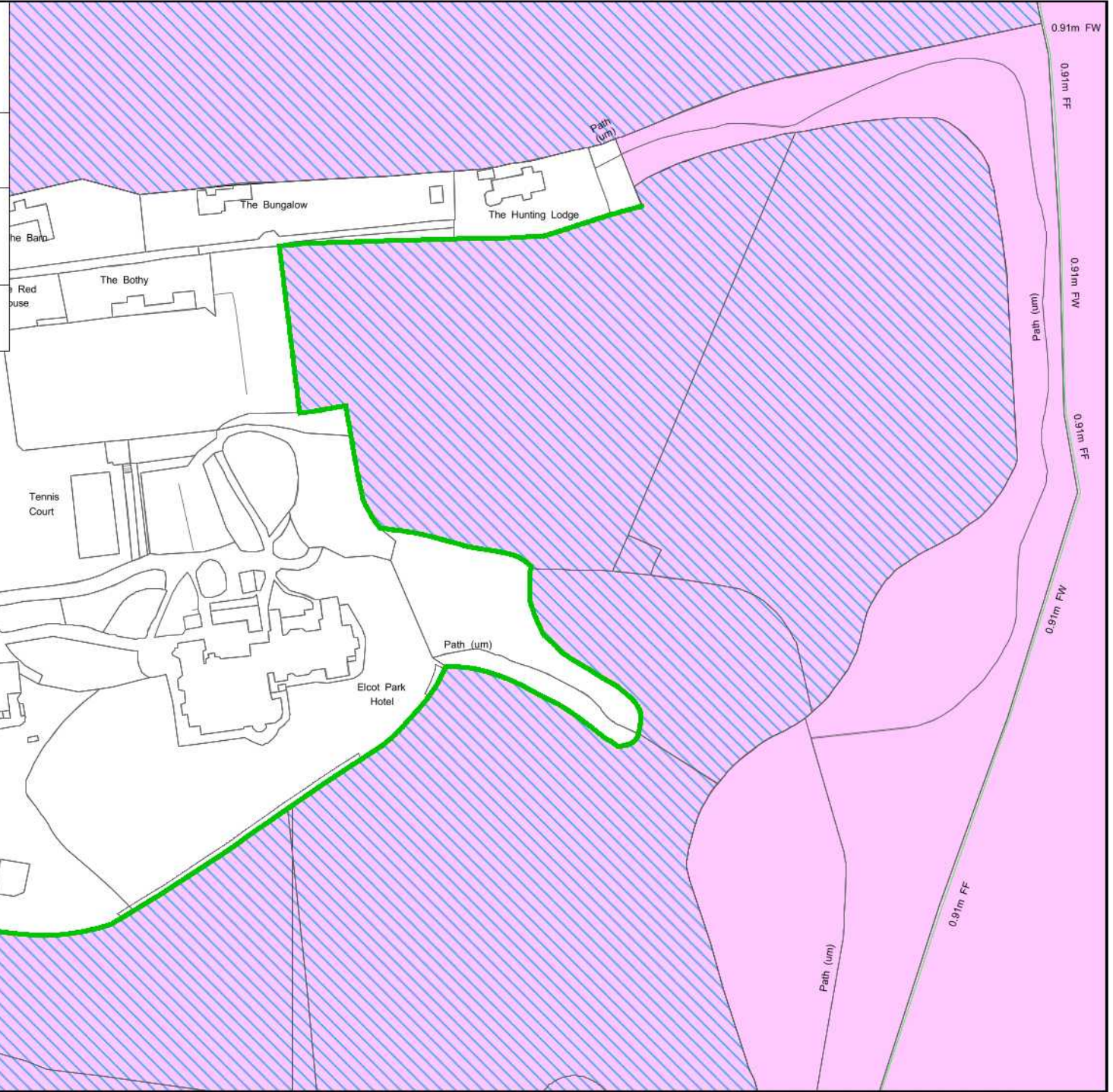
SRSL Plan 1 Livestock Fence

SCALE : 1 : 2500 @ A4
DATE : 21/04/2022



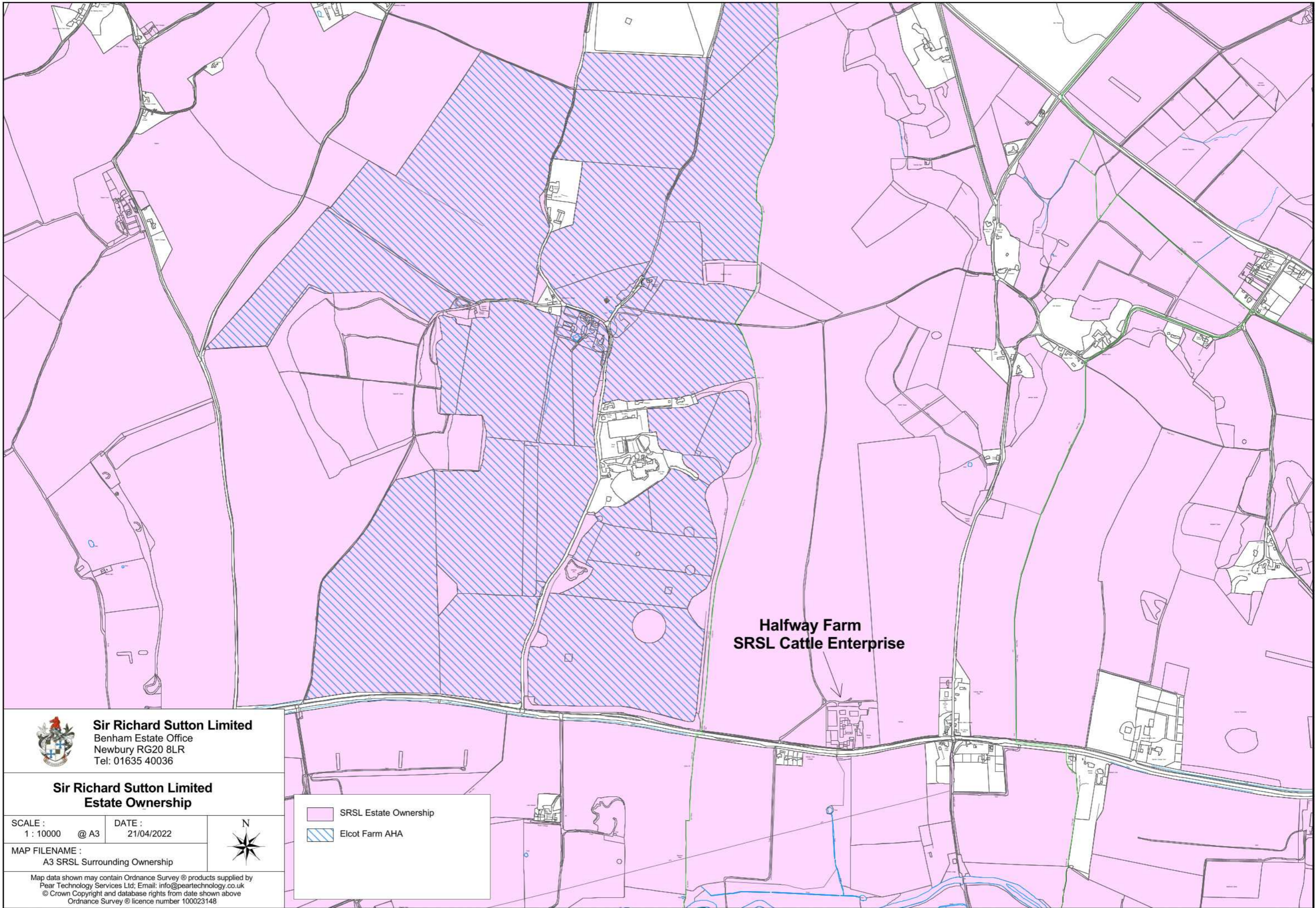
MAP FILENAME :
SRSL Land / Henry Moore Livestock Fence

Map data shown may contain Ordnance Survey © products supplied by
Pear Technology Services Ltd; Email: info@peartechology.co.uk
© Crown Copyright and database rights from date shown above
Ordnance Survey © licence number 100023148



	Estate Boundary
	Eicot Farm AHA
	Livestock Fence

This page is intentionally left blank



Sir Richard Sutton Limited
 Benham Estate Office
 Newbury RG20 8LR
 Tel: 01635 40036

**Sir Richard Sutton Limited
 Estate Ownership**

SCALE : 1 : 10000 @ A3 DATE : 21/04/2022

MAP FILENAME : A3 SRSL Surrounding Ownership



	SRSL Estate Ownership
	Elcot Farm AHA

Map data shown may contain Ordnance Survey © products supplied by Pear Technology Services Ltd; Email: info@peartechnology.co.uk © Crown Copyright and database rights from date shown above Ordnance Survey © licence number 100023148

This page is intentionally left blank

**RESPONCES FROM ELCOT PARK HOTEL SHOWN IN
RED BELOW.**

HWJ ROSS. 26.04.22

LICENSING ACT 2003

Representations

Details of the representee:

Name **Sir Richard Sutton Limited**

Address **Regent House, 41 Great Pulteney Street, London, England,
(registered office address)**

Postcode **W1F 9NZ**

Telephone Number X

Email address X

**Please note the Council is required under the Licensing Act 2003
(Hearings) Regulations 2005 to provide the applicant with copies of the
relevant representations made.**

Details of the application to make representation(s) on:

Application Reference Number **22/00140/LQN**

Name of Premises **Elcot Park Hotel**

Premises Address **Elcot, Newbury**

Postcode **RG20 8NJ**

Under the Licensing Act 2003, for a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives.

Please give details of your representation(s) and include information as to why the application would be unlikely to promote any of the following objective(s):

We act for the Sir Richard Sutton Limited (SRSL) and make this representation on behalf of our client in relation to this variation of premises licence application reference 22/00140/LQN made by Signet Hotels (The Retreat) Ltd on 25th March 2022 for Elcot Park Hotel, Elcot, Newbury, RG20 8NJ.

1. This representation is made on the basis that should the application be granted the variation would undermine the following licensing objectives under the Licensing Act 2003:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
2. SRSL are the freehold owners of the land surrounding the Elcot Park Hotel boundary. This land is leased to Henry Moore, a local farmer.

The Prevention of Crime and Disorder:

3. Granting this variation to the premises licence would undermine the prevention of crime and disorder licensing objective.
4. The farmland immediately adjacent to the Elcot Park Hotel is part of a working farm operated by Henry Moore, with the fields inhabited by a large beef herd of breeding bulls and heifers (female cows) both in calf and with calves at foot. SRSL also operate a similar beef herd operation and intend to utilise Elcot Park grazing land in the future, when the farming tenancy comes to an end.
 - **ELCOT PARK HOTEL (EPH):**

Since The Signet Collection purchased Elcot Park Hotel in April 2022 the managing partner, Hector Ross, has proactively worked to ensure engaged & proactive neighbourly relations with Henry Moore and SRSL.

Hector grew up on a farm; and today has a farm in West Berks, and a cattle breeding herd in Scotland. He, and Signet's senior operations team are well versed in both licencing objectives and the care of animals.

5. The application for the variation to the premises licence provides a supporting plan, Plan A, which delineates the red line the applicant intends to licence. This red line falls within the formal boundary of Elcot Park Hotel. The formal boundary of Elcot Park Hotel is shown in blue on Plan A. This is a low, dilapidated metal fence and not stockproof (meaning the fence is not secure to keep animals within). A secondary stockproof fence has been installed by Henry Moore within his tenanted land to retain his livestock. This is show in green on enclosed plan SRSL Plan 1 – Livestock Fence. The area shown with the red line on Plan A is the area sought to be licensed as part of the hotel. This is an outside space that does not have a hard boundary and is not physically delineated with a fence or a hedge. It is clear therefore that the applicant cannot manage and enforce their operation within the boundaries of the red line shown on Plan A submitted with the application as this land is completely open with no boundary whatsoever.

- EPH: The boundary fence is indeed a mixture of fences (both historic dilapidated railing, an old ha-ha and a stockproof fence). On 5th November 2021 Hector asked Ms Frances Beeton (Rural Property Manager) if ok to meet with Henry Moore to ask if agreeable to replace the existing fences (*Attachment 1*). On 7th November 2021 Hector met with Henry Moore who asked that we did not make any alterations to the current southern boundary fences (*photo Attachment 2*), as part of a countryside stewardship grant scheme. I agreed we wouldn't touch the fence.
- EPH: Signet intend to differentiate the licensable zones as shown (*Attachment 3*). Areas A to H will be marked out as follows:
 - A: The new gravel drive is the defining line. To the south of the drive will be signs (*Attachment 4*) will be spaced at 15m intervals
 - B: Restaurant terrace has a natural boundary line with steep drop off. Signs (*Attachment 4*) will be spaced at 15m intervals

C: Around the swimming pool area will be a defined 25cm white gravel stripline path (*Attachment 5*) with Signs (*Attachment 3*) spaced at 5m intervals

D: This is a steep bank. Signs (*Attachment 4*) will be spaced at 15m intervals

E: This is a thick hedge line. At the north and south entry points will be Signs (*Attachment 4*)

F: Next to the tennis court and north of the original drive will be Signs (*Attachment 4*)

G: This is the Mews property wall; outside of which is the public road. Signs (*Attachment 4*) will be placed at either side of the mews property

H: This is the walled garden wall. At the gate into the walled garden will be a Sign (*Attachment 4*)

Team members will be inducted & trained on the licensable zones. Duty managers will check signage each morning (log retained) and foot patrols will be conducted during licensable hours

The buildings and car parks recorded + monitored CCTV will cover licensable boundaries

At times when the hotel is hosting larger (+100person) private functions EPH occasionally intends to response dedicated representative will monitor licensable and property boundaries to ensure patrons are adhering to licensable areas

6. The applicant, having held discussions with our client, proposed to add a gravel path and signage stating the area between the red line and the land beyond as 'off site'. It is proposed to warn patrons not to go beyond the gravel path and signage. This proposal seems to be virtually impossible to enforce and provides no security from a crime and disorder perspective or safety perspective to our client beyond the area where licensable activities are to take place outside of the hotel.

- EPH: Response as per Answer Q5

7. The applicant has advised they would implement foot patrols around the gravel strip on an hourly basis. Again, we believe this is impracticable and even if this is conditioned on the premises licence, the reality will be that the patrols will not take place as they should, which would mean that the threat of crime and disorder and a threat to safety for our client is real and prevalent.

- EPH: Response as per Answer Q5. In addition.
- The foot patrol will take place routinely from 8pm – 6am by SIA registered security; and additionally, when deemed necessary by the Duty manager.
- CCTV will be monitored by reception / security
- The incident log would be kept updated; and will be retained at reception

8. The application makes no reference to the following:

a. The number of persons patrolling the area per shift/hour

- EPH: The foot patrol will take place routinely from 8pm – 6am by SIA registered security; and additionally, when deemed necessary by the Duty manager.

Note: Different zones will be controlled by respective departmental duty management. For example: reception & front door team would oversee area A (Attachment 3), the restaurant team will oversee areas B&C (Attachment 3) and spa / pool teams will oversee C&D (Attachment 3). All departments will communicate via CB Radios

b. Whether the persons undertaking the patrols will be SIA registered or hotel staff.

- EPH: SIA team will be on duty each evening (8pm – 6am) plus bought in when we have a large booked private function (+100persons)

c. If the area is to be patrolled by hotel staff, they do not have the training or insurance to evict members of the public; guests of the hotel or bona fide guests who are trespassing on other people's land

- EPH: The duty manager will be trained and will have authority to ask hotel patrols or persons who are not causing crime or disorder; working in pairs with a second trained employee. If someone is deemed to be trespassing on adjacent land, they will be monitored with the adjacent landowner notified if necessary

Areas will be covered by recording / monitoring CCTV

Emergency services will be contacted if deemed necessary by management

d. There is no reference to the number of persons patrolling the area being increased dependent on the proposed event and capacity of the proposed event

- EPH: As per Answer Q5 – Yes dedicated resource would be applied to specific planned functions of +100people

9. The lack of a hard border will lead to the potential risk of patrons, under the influence of alcohol, trespassing beyond the grounds of Elcot Park Hotel and engaging in antisocial and disorderly behaviour. This will be a risk to both the livestock and the patrons of the Hotel.

- EPH: The Hotel intends to create a wildflowers & long grass meadow (*Attachment 7*) as shown in (*Attachment 6*) areas along the south boundary areas that currently only have the fence dividing line. This would form of a 3meter 'no man's land' in an effort to create a thick natural habit boundary deterring hotel patrons trespassing or disturbing livestock. Signs (*Attachment 8*) would be positioned at 20m intervals. Until the meadow has taken time to grow a temporary fence would be installed.

- The eastern boundary fence line from the hotel's carpark (green zone on *Attachment 9*) will be used for employees and spa guests (daytime). This fence line could have a harris fence (*Attachment 10*) installed if deemed necessary.

10. The application makes no reference to the proposed capacity for the use of the outside area. We have no idea whether this will be for several hundreds of people or 10,000 people. There is also no clarification on the number of persons who are not all hotel guests (as the application seeks to vary the licence to allow the use of the grounds by members of the public). This application cannot be granted as is as there is no limit upon the number of persons who would be permitted to drink and have other licensable activities outside of the hotel.

- EPH: The hotel proposes to cap outdoor events to 200pax

11. The application refers to temporary bars and payment points being set up as and where required. There is no confirmation as to where these will be located. At the moment the application is silent and if this is granted the applicant can set up as many bars and payment points as they wish in the outside area within the red line. What effectively would be granted is a significant bar area outside open to public. This implies that the availability of alcohol to members of the public would be unlimited for the hours applied for and there is no requirement

that alcohol is served with substantial food for guests attending an event outside. This is a recipe for intoxication and ultimately acts which could result in harm to the guests or others and acts of crime and disorder and anti-social behaviour outside.

- EPH: Intended bar locations were shown on Plan B submitted as part of the application. (Attachment 11) The hotel intends 2 temporary locations: Around the Pool serving soft drinks, snacks, and beer / wine (plastic glasses only) and Walled Garden folly (thatched structure) serving coffees, and occasionally wine (during tulip season etc.).

12. The application seeks permission to sell alcohol outside until 02:00 Monday to Saturday. This is extremely concerning as there was no permission previously for licensable activities outside the hotel. Granting sale of alcohol until 02:00 the following morning is extremely late and would make the outside area attractive to third party promoters who could hire the outside for music events and festivals which, in line with the points made above, would not be adequately controlled and supervised by the applicant. The prospect of these events would bring a level of crime and disorder and anti-social behaviour to this area.

- EPH: The hotel does not want to sell alcohol outside post 2300hrs. Trust this is agreeable.

Rest assured we have no intention in working with third party promoters or hosting music festivals.

13. The application seeks to extend all licensable activities, alcohol, music, and dancing to members of the public. The application does not limit these events in any way, for example, to hotel patrons and their bona fide guests. It is clear that the extension to licensable activities for the outside area allows the hotel to effectively lease these areas out to a third-party promoter for events for which the hotel would receive a percentage of the revenue. There is no supporting evidence as to how these events and the consumption of alcohol would be controlled. The application has not addressed any of these points and does not deal with the likelihood of crime and disorder and anti-social behaviour which will no doubt be a concern should these events be permitted to take place.

- EPH: Licensable activities would be solely for hotel patrons, restaurant guests, bona fide invited guests. We would not be working with any promoters... nor splitting revenue.

Public Safety:

14. Granting this variation to the premises licence would undermine the public safety licensing objective.
15. A particular concern is the potential interaction between the public and livestock. The neighbouring fields are occupied by breeding bulls and heifers either in calf or with calves. Both bulls and heifers and calves can become frightened and aggressive if they are approached and feel under threat from individuals whom they are not accustomed to. If patrons, their bona fide guests of the Hotel and members of the general public, intoxicated or not, trespass beyond the proposed gravel path and signage (no hard defined boundary or fence) and approach the livestock this will become a serious risk to their safety, alongside a risk to the livestock.
 - EPH: Response as per answers shown above. The hotel management are proactively seeking to put in additional operational procedures and capital investment to work with the grazer/tenant and landlord to ensure hotel patrons & guests and adjacent livestock are kept apart, and grazing livestock are not disturbed.

The Prevention of Public Nuisance:

16. Granting this variation to the premises licence would undermine the public nuisance licensing objective.
17. The current premises licence (014033) at Elcot Park Hotel provides the performance of live music Monday to Sunday 11:00 – 02:00 **indoors only**. The variation application is to amend the current live music hours indoors, and to permit the provision of live music **outdoors** until 22:00, alongside the addition of recorded music for both **indoors and outdoors** until 23:00 and 22:00 respectively.
18. Permitting live and recorded music within the grounds of Elcot Park Hotel presents a serious risk of public nuisance to both nearby residents, such as Henry Moore a local farmer whose land is rented from SRSL, nearby tenanted properties owned by SRSL, and nearby livestock. Cattle are vulnerable to loud music and erratic volumes and the provision of outdoor music until 22:00 could risk a serious impact to them, and in turn the livelihood of Henry Moore. This could also result in cattle stampeding due to the loud noise, which could potentially pose a serious risk to any hotel guests nearby or members of the public if fences were breached as a result of a stamped.

- EPH: The hotel would seek to play background recorded music on our restaurant terrace (Attachment 11 – Terrace) until 2200hrs. Volume to be restricted to 60dB

The hotel seeks to occasionally host live music solely in the central courtyard (Attachment 11 – Courtyard) until 2200hrs. Volume restricted to 85dB. The courtyard is surrounded by buildings which would dramatically lower the sound to adjacent grazing livestock and neighboring houses.

19. The application provides that recorded and live music will be restricted to 85dB. The Royal National Institute for the Deaf (RNID) confirm that “85dB is the threshold level at which your hearing can become damaged over time.” 85dB is not a level which is suitable to a tranquil countryside location, where sound can travel much further comparative to cities due to the lack of buildings

- EPH: The hotel does not want to disturb neighbours or countryside hence solely having live music in the courtyard as surrounded by tall buildings

Whilst those choosing to stand next to the speakers might encounter volume up to 85dB this is an area to accommodate up to 200people, and the volume would disperse upwards

20. The application for music outside until late hours is not supported by any acoustic evidence. We would expect the applicant to have appointed an acoustic engineer to assess what would be a sound level which would not cause a nuisance and to advise the applicant accordingly

- EPH: Signet Hotels have dedicated experience & contracted personnel in facilitating recorded and live music.

The dining terrace speakers will be capped at 60dB to ensure they cannot be tampered with. The pre-loaded playlists are in keeping with the upmarket dining experience the hotel offers.

The central courtyard has been chosen as the least disruptive location to offer occasional live music. The music will be provided by contracted artists who will play pre agreed sets; at volumes capped at 85dB.

The hotel will have audio volume testing equipment which will be used with volumes recorded

21. The request for outdoor live and recorded music until 22:00 would directly undermine the public nuisance licensing objective.

Matters to be considered in relation to the Application

Following the detailed representations set out above, the proposed variations put forward in this application and the operation of licensable activities externally would materially change the nature of the premises in question and are inimical to the local rural area, posing a significant risk to the promotion of the licensing objectives from the viewpoint of local residences and businesses. The below matters are of great concern and need to be addressed by the applicant in considering this application;

1. The frequency of the patrols by those appointed by the hotel around the gravel border of the premises. The patrols need to be frequent, documented and the number of persons carrying out the patrols commensurate with the number of proposed persons who will be at the various events. These patrols will need to take place on a regulated basis.
 - EPH: Management trust they have responded accordingly, supplying supporting operational overview to give SRSL confidence in planned procedures
2. The applicant must demonstrate that they can control this area at all times they are open and in particular when they are seeking to host third party events which may be out of their control.
 - EPH: Management trust they have responded accordingly. We will not work with promoters. All third-party events (private parties or weddings) would be operated under contract to ensure hosts and attendees will adhere to the premises license conditions.
3. Amendments will need to be made to the CCTV condition which in our view currently does not adequately maintain and preserve the objective of the prevention of crime and disorder.
 - EPH: The CCTV system will cover the licensable area, it is recorded and monitored
4. Conditions will need to be imposed regarding the number of outdoor events permitted per year and for adequate notice to be provided to the relevant responsible authorities and all neighbours and residents of the hotel.

- EPH: All local residents of 'Elcot', SRSL and our pre booked patrons would be given written notice no less than one calendar month of any planned private function of more than 100people that has planned outdoor licensable activity
5. In relation to the 24-hour New Year's Eve extension requested for licensable activities, all responsible authorities and all neighbours must be advised as to what is intended on New Year's Eve no later than one month in advance
- EPH: All local residents of 'Elcot', SRSL, local authorities' representatives and our pre booked patrons would be given written notice no less than one calendar month of any planned private function of more than 100people that has planned outdoor licensable activity
6. Our client requests the following condition in view of the fear of disturbance to local livestock and of course residents: *"Fireworks, bird releases, hot air balloons, Chinese lanterns and helium/air-filled balloons are not permitted to be released from the hotel as part of events on the grounds of disturbance, health and safety and littering."*

EPH: I have agreed with SRSL that no fireworks will be used. The hotel asks that for any other manageable controls activity is requested from a prospective 'hotel host', that is deemed not to be disruptive to humans, livestock, or birds; that the hotel can ask SLSL or Henry Moore (and all other Elcot residents) for consent up to 6 times per annum which will not unreasonably be upheld or refused. An event specific risk assessment and function sheet would be shared upon request.

We reserve the right to provide further evidence in support of our representation on behalf of SRSL and further conditions to address the fact that this application is clearly defective in satisfying the licensing objectives we have referred to in our representation.

Signed:

Date:...22/04/2022.....

Please send completed form to West Berkshire Council, Environmental Health & Licensing,
Council Offices, Market Street, Newbury, Berkshire RG14 5LD

ATTACHMENT 1



From: Frances Beeton <[redacted]>
Sent: 05 November 2021 12:50
To: Hector Ross <[redacted]>
Subject: RE: Elcot | Park - boundary fence

Dear Hector,

Please do approach Henry direct in the first instance and talk through your proposals with him.

Best wishes,

Frances

From: Hector Ross <[redacted]>
Sent: 05 November 2021 12:27
To: Frances Beeton <[redacted]>
Subject: Elcot | Park - boundary fence

Dear Frances,

Would you be ok if I approached Henry to explore possibly replacing the boundary fence to the south Elcot Park's property; where there historically was likely a ha-ha.

Installation + removal at our cost with no disruption to animals / nesting season.

Happy to take a look next Wednesday if helpful.

With all best, Hector



ATTACHMENT 2

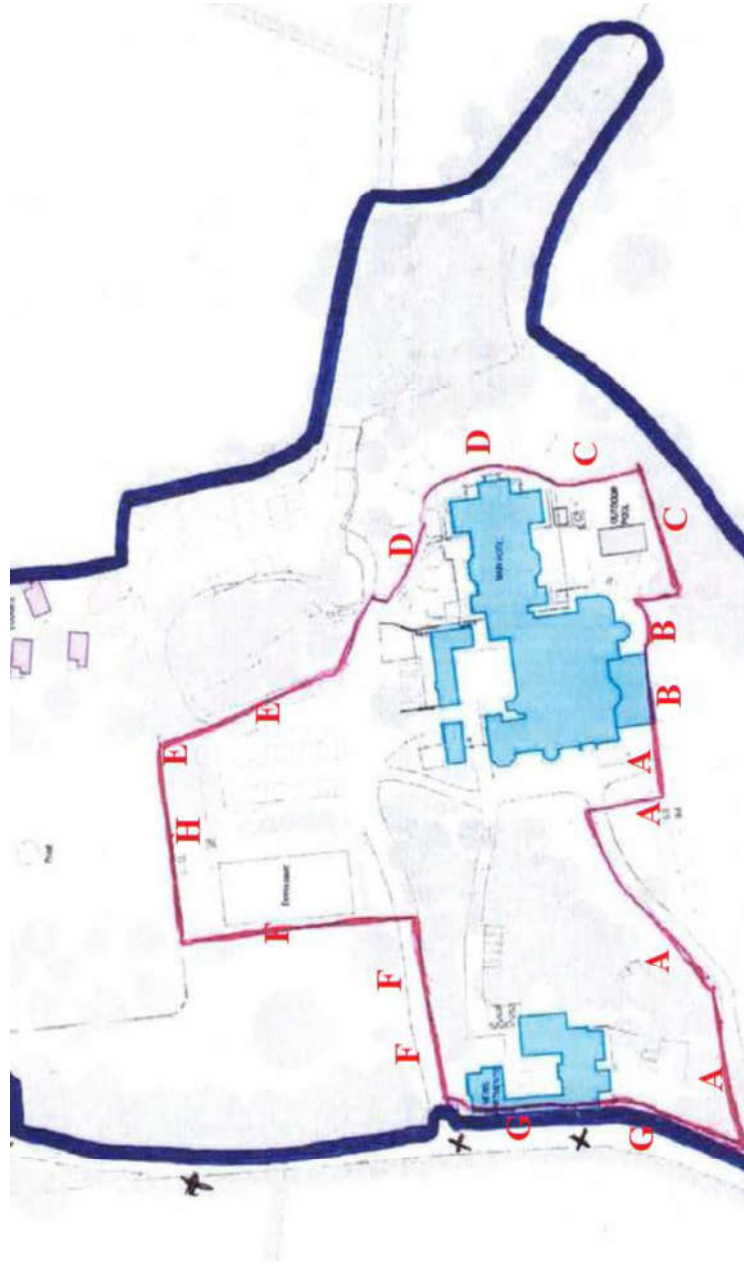


SOUTHERN BOUNDRY HA-HA & FENCES

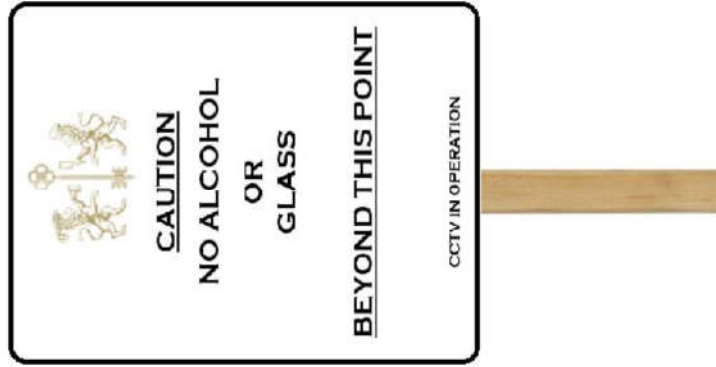


ATTACHMENT 3

- A – NEW DRIVE
- B – RESTAURANT TERRAC
- C – GRAVEL TRACK
- D – STEEP BANK
- E - THICK HEDGE
- F – SIGNAGE
- G – WALL OF MEWS
& ROAD
- H - WALL



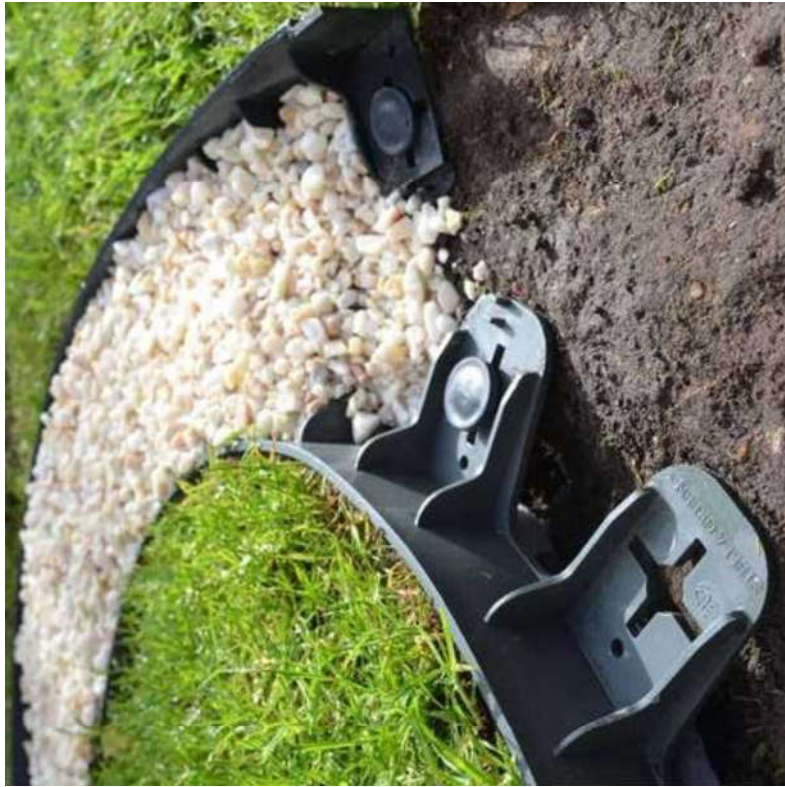
ATTACHMENT 4



25cm x 40cm + stob depth.
Positioned at perimeter of licenced zone



ATTACHMENT 5

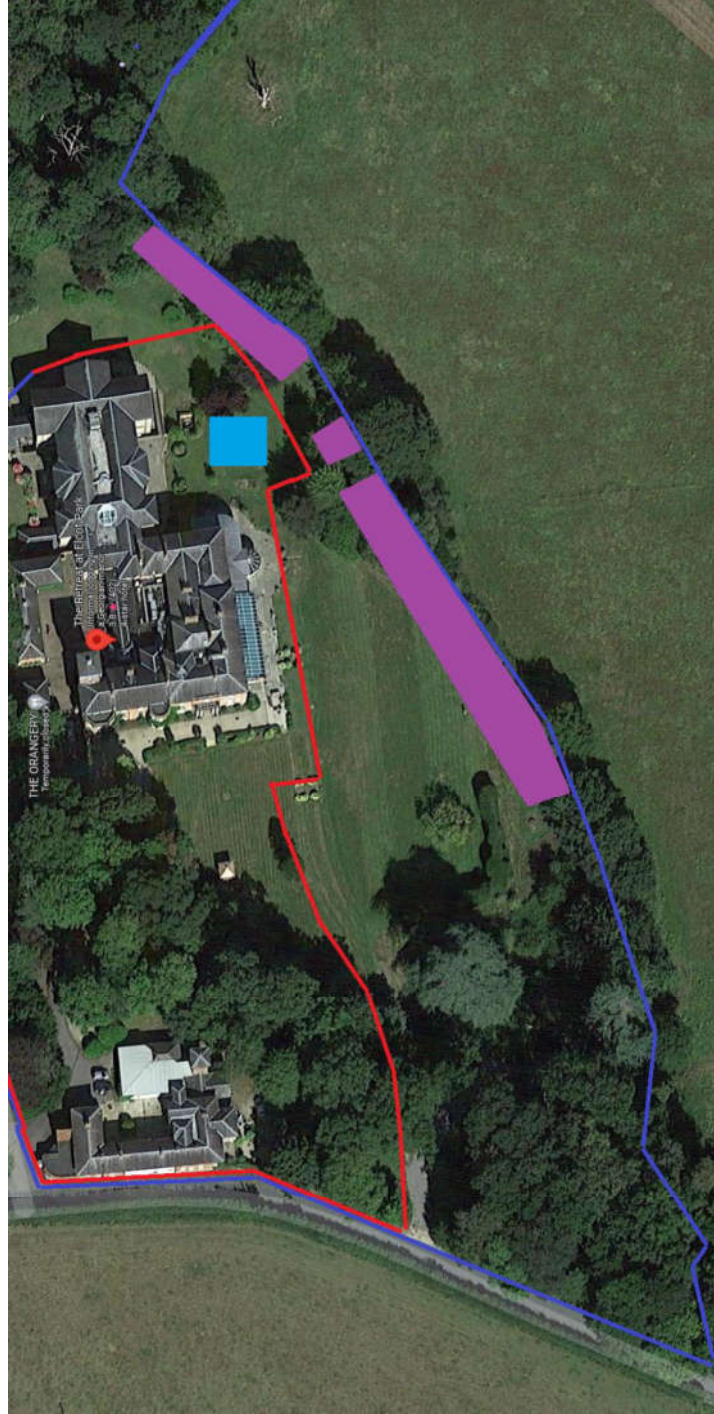


25cm strip lined gravel pathline



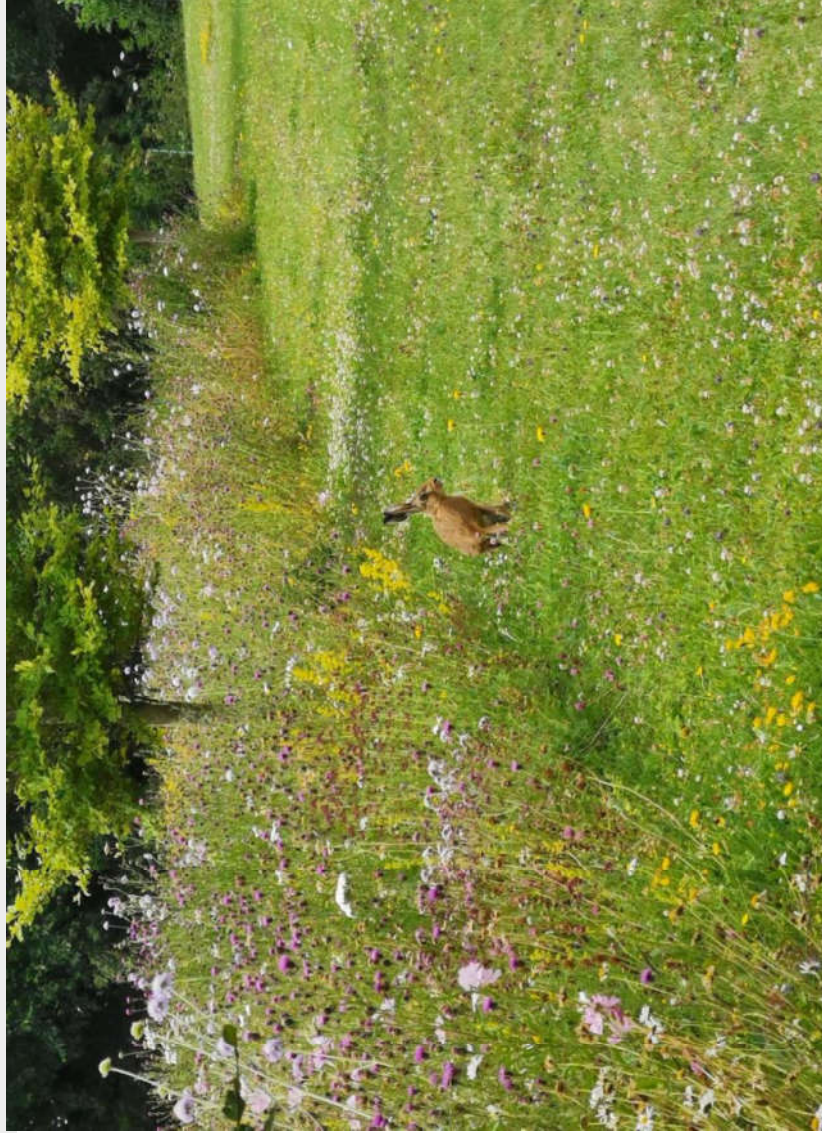
ATTACHMENT 6

PURPLE
BLOCKS SHOW
PROPOSED
LOCATION
FOR +3
METER
WILD
FLOWER
MEADOWS





ATTACHMENT 7



INTENDED WILD FLOWER
MEADOW

(MINUS THE HARE!)

ATTACHMENT 8



30CM X 40CM + SPIKE
DEPTH.

POSITIONED EVERY 15M
BY SOUTH + EASTERN
BOUNDRY CATTLE FIELDS



ATTACHMENT 9

EASTERN EMPLOYEE & SPA
CARPARK BOUNDARY





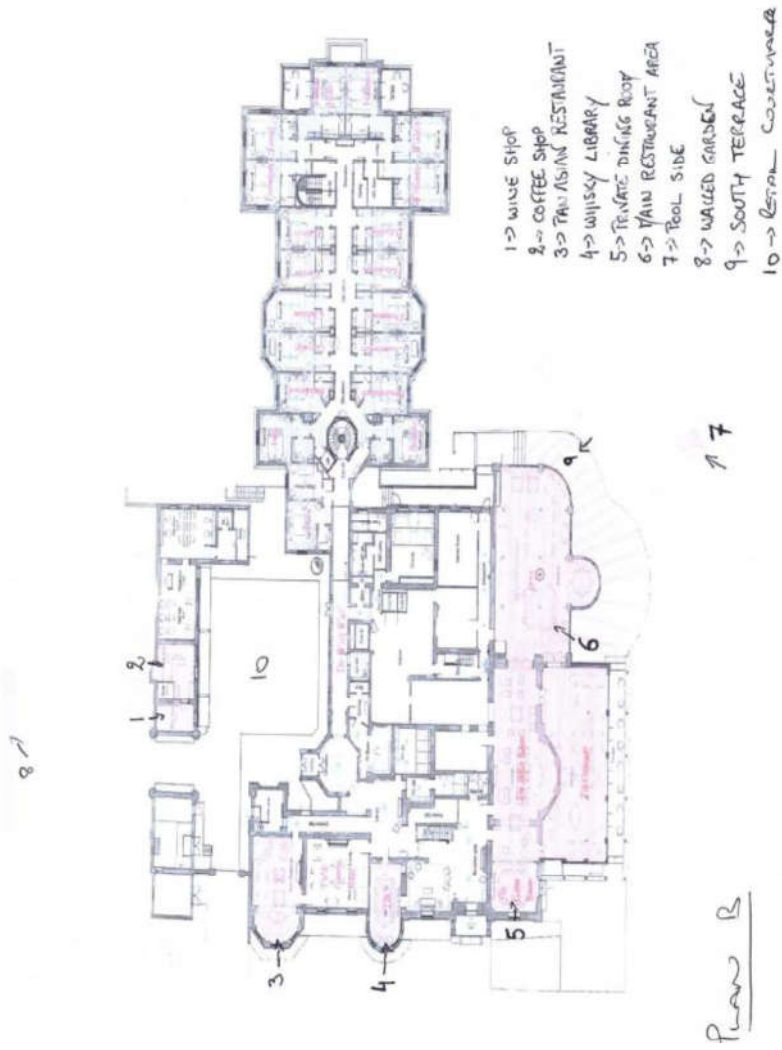
ATTACHMENT 9

2M HARRIS FENCE



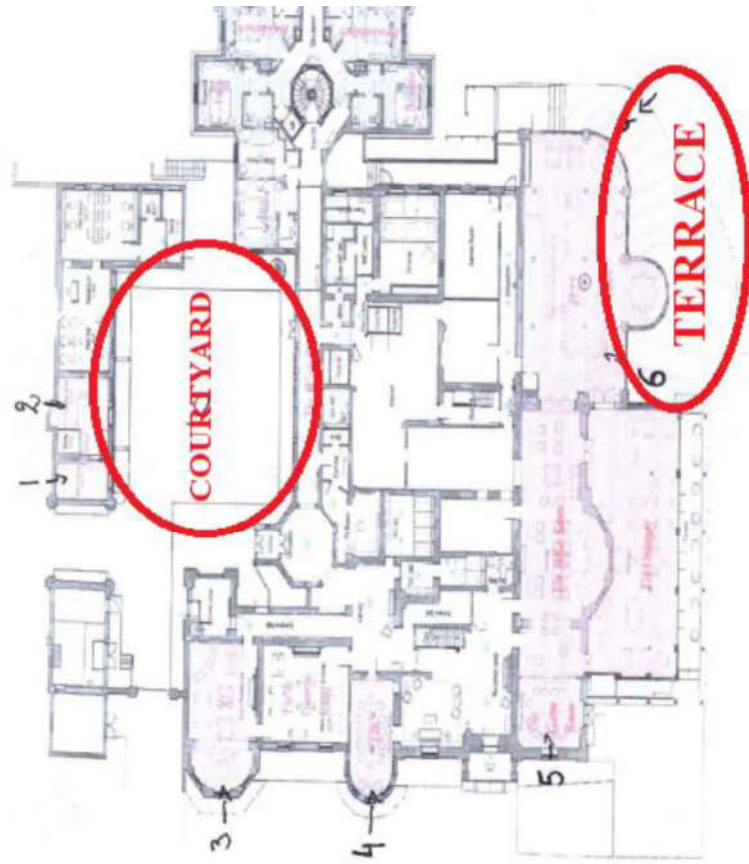


ATTACHMENT 10





ATTACHMENT 11



LICENSING ACT 2003

Representations

Details of the representee:

Name **Henry Moore**

Address **Farmland surrounding Elcot Park Hotel, Elcot, Newburt**

Telephone Number

Email address

Please note the Council is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations made.

Details of the application to make representation(s) on:

Application Reference Number **22/00140/LQN**

Name of Premises **Elcot Park Hotel**

Premises Address **Elcot, Newbury**

Postcode **RG20 8NJ**

Under the Licensing Act 2003, for a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives.

Please give details of your representation(s) and include information as to why the application would be unlikely to promote any of the following objective(s):

We act for Henry Moore, who is a farmer who farms land adjacent to where the Elcot Park Hotel has made an application to licence outside space.

For clarity, we attach *SRSL Plan 1* of which Henry Moore's farm is hatched blue. The Elcot Park Hotel is shown white on the drawing. We also attach an additional plan *A3 SRSL Surrounding Ownership* which shows the whole of Henry Moore's tenanted land.

You will be aware that Henry Moore made a representation to the previous application for the variation to the Premises Licence for this site.

We are writing to advise you that our client objects in relation to the following licensing objectives:

1. Prevention of Crime and Disorder.
2. Public Safety.
3. The Prevention of Public Nuisance.

Public Safety:

The application proposed by the Elcot Park Hotel to licence land outside is of great concern to our client. Our client runs a working farm, with fields that house a large beef herd of breeding bulls, and cows and heifers both in calf or with calves. The variation proposed to carry out licensable activities outside will have a detrimental impact upon our client and upon the animals which our client has on his farm. The grazing land to which Henry has a 365-day-a-year right to stock lies immediately adjoining the south and east of the Hotel. There is also grazing land to the west of the Hotel, on the other side of the unclassified single track Elcot Turn road.

Our client can confirm that he has experienced problems previously caused when he discovered glasses, beer and wine bottles strewn on his land from within the Elcot Hotel grounds; if this variation is granted then these problems will occur on a regular basis. This is of particular concern from a safety perspective, not only for our client and those persons who come across this glass, but also for his animals. Livestock may become injured by broken glass, or intoxicated on alcohol remnants in bottles. This will result in the animal being distressed and will change their behaviour in a negative way. It could result in more serious cases of the animal becoming violent from its injuries, which is a concern in relation to public safety in proximity to the hotel as a result of the actions of the hotel patrons.

- ELCOT PARK HOTEL (EPH):

Since The Signet Collection purchased Elcot Park Hotel in April 2022 the managing partner, Hector Ross, has proactively worked to ensure engaged & proactive neighbourly relations with Henry Moore and SRSL.

Hector grew up on a farm; and today has a farm in West Berks, and a cattle breeding herd in Scotland. He, and Signet's senior operations team are well versed in both licencing objectives and the care of animals.

Henry Moore has informed Hector of issues in the past regarding glasses / bottles and rubbish being found across the boundary fence.

Hector and his management team have sort to assured Henry that we intend to run a quality establishment and seeks to input the following procedures to keep hotel patrons and guests away from the livestock:

- The Hotel intends to create a wildflowers & long grass meadow (*Attachment 1*) as shown in (*Attachment 2*) areas along the south boundary areas that currently only have the fence dividing line. This would form of a 3meter 'no man's land' to create a thick natural habit boundary deterring hotel patrons trespassing or disturbing livestock. Signs (*Attachment 3*) would be positioned at 20m intervals. Until the meadow has taken time to grow a temporary fence would be installed.
- The eastern boundary fence line from the hotel's carpark (green zone on *Attachment 4*) will be used for employees and spa guests (daytime). This fence line could have a harris fence (*Attachment 5*) installed if deemed absolutely necessary.

The Prevention of Public Nuisance:

We also need to raise the concern that our client has identified that if people have trespassed from the Hotel to our client land, or to the Hotel from our client's land to illegall enter events at the Hotel they could be at danger of being injured by cattle who are sensitive, in particular if they have calves and they believe that they are being threatened.

- (EPH): The hotel management are proactively seeking to put in additional operational procedures and capital investment to work with the grazer/tenant and landlord to ensure hotel patrons & guests and adjacent livestock are kept apart (as per above), and grazing livestock are not disturbed.

At times when the hotel is hosting larger (+100person) private functions EPH occasionally intends to response dedicated representative will monitor licensable and property boundaries to ensure patrons are adhering to licensable procedures.

The recording & monitored CCTV system will cover the south and eastern boundaries that Henry Moore has indicated were historically the areas of concern

The Prevention of Crime and Disorder:

We submit that the incidents of crime and disorder, for a rural farming area, will be heightened by the fact that the application seeks to licence outdoor events which will be attended by members of the public, not just the hotel or their bona fide guests. The application makes no reference to the capacity for any outside event, and how this will be properly managed. The application also refers to the playing of music outside, but the application makes no reference to how noise, which would be transferred both to our client and neighbours in the area, will be managed so as to not cause a noise nuisance.

- EPH: The hotel does not intend to run large public outdoor events.

All events will be hosted, with a limited of 200people for each outdoor event. For any outdoor event of +100people a dedicated resource will be made available to ensure no crime or disorder.

The hotel seeks to play background recorded music on our restaurant terrace (Attachment 6 – Terrace) until 2200hrs. Volume to be restricted to 60dB

The hotel seeks to occasionally host live music solely in the central courtyard (Attachment 6 – Courtyard) until 2200hrs. Volume restricted to 85dB. The courtyard is surrounded by buildings which would dramatically lower the sound to adjacent grazing livestock and neighboring houses. Whilst those choosing to stand next to the speakers might encounter volume up 85dB this is an area to accommodate up to 200people, and the volume would disperse upwards

The hotel does not want to disturb neighbours or countryside hence solely having live music in the courtyard as surrounded by tall buildings

We believe that our client will be disturbed from the activities should the variation be granted, and the application at the moment is deficient in conditions in order to address these points.

In view of the concerns raised above, on the grounds of Public Nuisance, Prevention of Crime and Disorder and Public Safety, our client would like to request that the Committee, should they consider granting this application,

impose stringent conditions upon the Premises Licence to control the outdoor activities which are being sought, in particular the times of the events, the number of events which are sought to take place each year, and the capacity.

Signed:

Date:.....22/04.2022.....

Please send completed form to West Berkshire Council, Environmental Health & Licensing,
Council Offices, Market Street, Newbury, Berkshire RG14 5LD

This page is intentionally left blank

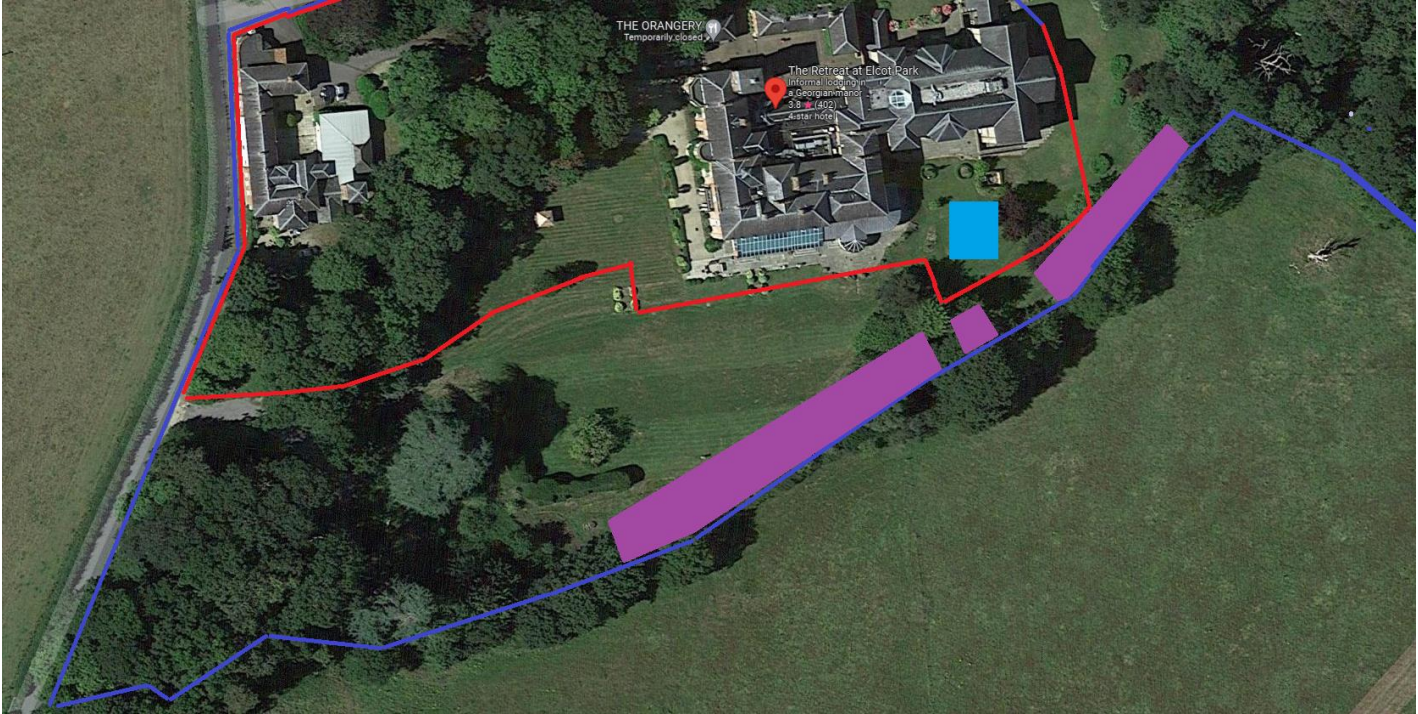
ATTACHMENT 1



PURPLE
BLOCKS SHOW
PROPOSED
LOCATION
FOR +3
METER

Page 91

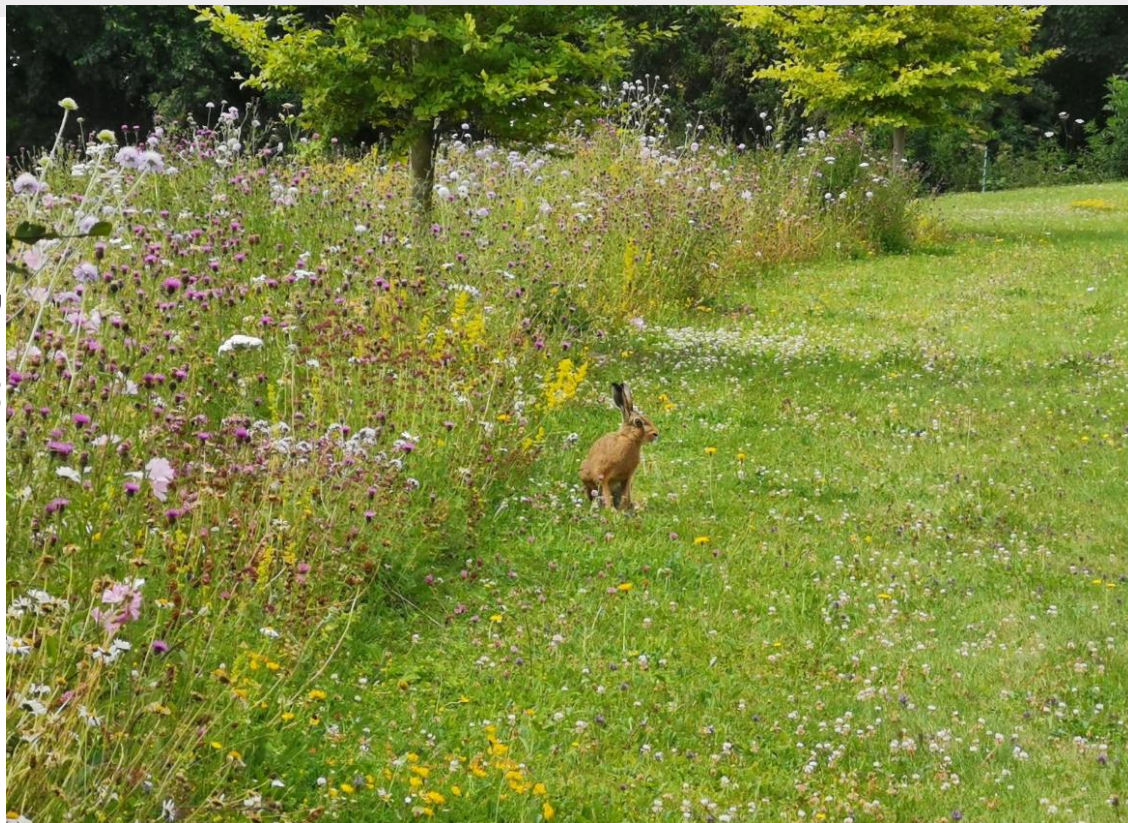
WILD
FLOWER
MEADOWS



ATTACHMENT 2



Page 92



INTENDED WILD FLOWER
MEADOW

(MINUS THE HARE!)

ATTACHMENT 3



**DO NOT INTERFERE WITH
GRAZING LIVESTOCK
-
NO FEEDING OR TOUCHING**

CCTV IN OPERATION

30CM X 40CM + SPIKE
DEPTH.

POSITIONED EVERY 15M
BY SOUTH + EASTERN
BOUNDRY CATTLE FIELDS

ATTACHMENT 4



EASTERN EMPLOYEE & SPA
CARPARK BOUNDRY

Page 94



2M HARRIS FENCE



ATTACHMENT 6

