

Summary of Licensing Sub-Committee Decision(s) taken on 8 December 2023

Part I

Application No. 22873 - Awberry Barn, Awberry Farm, The Green, Beenham, Berkshire, RG7 5NX (Item 2(1))

NOTICE OF DECISION

The Licensing Sub-Committee of West Berkshire Council met on **8 December 2023** and resolved to approve Application **22873** in respect of premises known as **Awberry Barn, Awberry Farm, The Green, Beenham, Berkshire, RG7 5NX** subject to a number of conditions which are set out below.

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

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

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

The Sub-Committee heard oral representations made by:

1. The Applicant: Nigel David Hopes and Duncan Craig (Applicant's agent)
2. The Supporter: Nigel Toon
3. The Objectors: Lesley McEwen and Peter McEwen (Beenham Parish Council)

The Licensing Sub-Committee also considered the written representations of the following: Robert LeBlond, Nola Rice-Wood, JWD Clark, Sandra Clark, Belinda and Bernard Matthewman, Russell Green, Gillian Green, Neil Jackson, Pat Owen, Graham Bragg, Elizabeth Bragg, James White, Ian Smithers, Claudia Komzak, Lesley Scutter, Elizabeth White, Marie Pierro, Pete Machin, Peter Nordquist, Fenella Nordquist, Tom Whitter, Lucy Mackinnon, Simon Marshall, Natalie Fenech and Chris Beadsmoore, Christina Dudley, Andrew and Sala Lawrence, Jeff Vile and Rosemary Brown, Hannah Redgrave, Ariana Roscoe, Theresa Callaghan, Alan and Melanie Wilkes, A.R Gosman, Valerie Hartley, Ray Northway, Luke Woods, Galia Adair and Environmental Health as Responsible Authority. The Licensing Sub-Committee also considered four written representations which had been submitted anonymously.

If you have any queries regarding this/these decision(s), please contact:

Moira Fraser, Democratic Services Manager

Tel: (01635) 519045 or e-mail: mfraser@westberks.gov.uk

Summary of Licensing Sub-Committee Decision(s) taken on 8 December 2023 (continued)

The Licensing Sub-Committee noted that the evidence submitted by Beenham Parish Council on Thursday 7th December 2023 at 3.07pm demonstrating that their written representation had been sent to Licensing within the consultation period was accepted despite the fact the representation had not been received by Licensing which was confirmed by the Council's IT Department. The Licensing Sub-Committee therefore heard the oral representations made by Peter McEwen on behalf of Beenham Parish Council and considered their written representation, which was accepted as part of the agenda pack and the material before the Licensing Sub-Committee. Copies of the representation were made available to the parties before and on the day of the hearing.

Having taken those representations into account, the Licensing Sub-Committee **RESOLVED** that **Application 22873 be granted** subject to the conditions as set in the operating schedule, as modified below, as well as any relevant mandatory conditions in ss19-21 of the Licensing Act 2003 and secondary legislation.

Operating Schedule

Box J: Supply of Alcohol

Saturday 12:00 to 23:00 on and off the premises

Prevention of Public Nuisance

Condition 16 as set out in the operating schedule is amended to read as follows:-

The level of noise emitted from amplified music associated with the use hereby permitted shall not exceed 35dB LAeq,15min as measured at the boundary with any off-site residential dwelling.

Reasons:

The Licensing Sub-Committee considered the Application, together with the relevant written and oral representations made.

The Sub-Committee considered the representations from all parties and noted that the concerns of the objectors related to all four of the licensing objectives. The Licensing Sub-Committee noted that the police are a key source of information and advice on the impact of licensable activities, particularly on the crime and disorder objective and Environmental Health, is a key source of information and advice in relation to public nuisance. The Sub-Committee also noted Environmental Health did not have a formal objection to the premises licence on the basis the amended wording to condition 16 had been agreed by the Applicant and therefore with the amended condition and operating in compliance with their proposed conditions, the Responsible Authority was satisfied public nuisance should not occur. Consequently, no formal objection to the application had been received by a Responsible Authority.

The Licensing Sub-Committee decided that the promotion of the licensing objectives could be achieved through conditions. The Sub-Committee was satisfied that the application and

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conditions put forward by the Applicant were well considered, taking into account the type, location and characteristics of the premises and events concerned and were sufficient to ensure the licensing objectives were not undermined. The Applicant and owners live on site and therefore will be well placed to ensure any conditions attached to the licence will be adhered with. The Licensing Sub-Committee also noted on page 41 of the Agenda Pack, as part of the Noise Management Plan, at Appendix C, that a hot line will be set up to respond to complaints of noise during events but were satisfied that the conditions in place were sufficient to ensure the licensing objectives were not undermined. The Licensing Sub-Committee and were satisfied that the conditions set out in the operating schedule as modified above, were reasonable, proportionate, and appropriate for the circumstances.

In reaching its decision, the Sub-Committee noted the Council as Licensing Authority must determine each application under the Licensing Act 2003 on its own merits, and every decision must be both justified and proportionate based on the available evidence in accordance with the Statutory Guidance and the Council's Licensing Policy.

Cllr Paul Dick:	(Chairman)
Cllr Nigel Foot	
Cllr Martha Vickers	
Date: 14/12/2023	

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