

DRAFT

LICENSING SUB-COMMITTEE MINUTES OF THE MEETING HELD ON TUESDAY, 16 APRIL 2024

Councillors Present: Paul Dick, Nigel Foot and Paul Kander

Substitute: Billy Drummond

Also Present: Sam Chiverton (Zoom Host), Thea Noli (Acting Senior Paralegal), Thomas Radbourne (Zoom Host), Benjamin Ryan (Democratic Services Officer) and Riley Timney (Licensing Officer)

PART I

1 **Declarations of Interest**

There were no declarations of interest received.

2 **Application No. 23636 - Hungerford Park Estate, Hungerford Park, Hungerford, West Berkshire, RG17 0UU**

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application 23636 in respect of Hungerford Park Estate, Hungerford Park, Hungerford, West Berkshire, RG17 0UU.

In accordance with the Council's Constitution, Mr Riley Timney (Licensing Officer, West Berkshire Council), Mr Toby Hunter, Mr Stewart Gibson (Applicant), Mr James Cole, Mr Ben Leb, Ms Julie Lloyd, Mr Langley Sharp, Mr David Saul, Mr Alistair Fyfe (Objectors) and Councillors Denise Gaines and Tony Vickers (Ward Members) addressed the Sub-Committee on this application.

Officer Presentation

Mr Timney, in addressing the Sub-Committee, took account of all the relevant policy considerations and outlined the application timeline.

Questions to Officers

Mr Timney explained that he was aware of other licensable premises near the area, however, was unsure about whether there were any specific to the common.

Mr Hunter and Mr Gibson, in addressing the Sub-Committee, raised the following points:

- A multi-purpose license was applied for, covering both on and off sales.
- Two areas within the park were designated as licensable areas: The Spirit Bar, Side Barn, and Fungi Club for daily use, and Walled Garden for functions and cafe-style refreshments.
- Hours were specified for each area: 7:00 AM to 10:00 PM for daily use areas; functions in the Walled Garden until midnight, with the premises closing at 12:30 AM.
- There was a limitation of 15 events per calendar year for functions in the Walled Garden, all private and pre-booked.
- Events would be individually risk-assessed, with two weeks' notice given to authorities.

LICENSING SUB-COMMITTEE - 16 APRIL 2024 - MINUTES

- Conditions had been agreed with environmental health officers and the police supported the application.
- Measures would be in place to prevent off-sales and control events in the Walled Garden.
- Traffic and parking would be managed, including one-way systems and parking marshals.
- A dispersal policy would be implemented to prevent congestion after events.
- Emphasis was placed on events being occasional and not a continuous late-night operation.
- There was a distinction made between licensing law and other legal jurisdictions.
- Assurance was provided that the application complied with the four licensing objectives.

Questions to the Applicant

Mr Hunter and Mr Gibson drew on previous experience in managing lighting effects, while providing details on measures intended to address dark skies concerns, emphasizing the limited impact of proposed lighting within the venue.

Mr Hunter and Mr Gibson expressed a willingness to accept conditions related to the number of events in the walled garden and the maximum capacity for events. They emphasized the commitment to ensuring compliance with these conditions should the license be granted.

Mr Hunter and Mr Gibson explained that the marked path leading to the common from certain buildings was intended to improve accessibility without infringing on common rights.

Mr Hunter and Mr Gibson addressed concerns raised about potential crime and disorder, outlining provisions such as CCTV, trained staff, and noise prevention measures aimed at mitigating these concerns within the premises' jurisdiction. They emphasized the importance of responsible alcohol service and event management in ensuring the safety and well-being of patrons and the surrounding community. Additionally, they reiterated the applicant's commitment to complying with legal requirements and working collaboratively with relevant authorities to address any issues that may arise.

Objector Representations

Mr Lebb, Mr Sharp and Mr Cole, in addressing the Sub-Committee, raised the following points:

- The objection focused on public safety, public nuisance, and legal obligations under Section 85 of the Commons and Rights of Way Act 2006.
- Concerns included increased traffic volume, risk to public safety, dark sky preservation and disturbance to wildlife and livestock.
- The proposed license covered a wide area and extended hours, raising concerns about noise and disturbance to residents once leaving the venue.
- Safety risks included speeding vehicles, potential harm to cattle, and psychological impact on residents.
- Mitigations were suggested, such as compliance with licensing objectives and reducing day-to-day exposure to neighbours.
- The suggestion of 5000 people was unworkable.

LICENSING SUB-COMMITTEE - 16 APRIL 2024 - MINUTES

Questions to the Objectors

Mr Hunter and Mr Gibson asked whether there had been any complaints received regarding the current operations in the area ran by the applicant. The Objectors stated they were unaware of any.

Mr Hunter and Mr Gibson asked whether there had been any reported crime regarding drinkers leaving Hungerford Park. The Objectors stated no, however there had been some public nuisance, which had not been reported.

Ward Member Representations

Councillors Gaines and Vickers in addressing the Sub-Committee, raised the following points:

- As the site was 2 miles out of Hungerford people would need to walk to the site and with the consumption of alcohol this could lead to more accidents.
- The operating hours were considered excessive.
- Noise can travel further at night so the noise mitigation plans may not suffice.
- The dark skies should be protected.
- Local Authorities should look to enhance the tranquillity of the Area of Outstanding Natural Beauty.

Applicant's Summary

- The application was a simple one.
- Not everyone will stay until closing time, so not everyone will depart the venue at the same time.
- Not everyone that drinks will get drunk and become a public nuisance.
- The light pollution will be mitigated by the measures in place and the light produced is minimal.
- The decision should be made fairly and not based on conjecture.
- The objections had been helpful to help inform the applicant on how the business should be run.

Having taken all written and spoken representations, into account, the Licensing Sub-Committee **RESOLVED** that Application 23636 be granted subject to the conditions outlined in the Decision Notice.

(The meeting commenced at 10.00 am and closed at 11.20 am)

Name **Councillor Paul Dick**

Date of Signature 17.05.2024

Name **Councillor Nigel Foot**

Date of Signature 17.05.2024

LICENSING SUB-COMMITTEE - 16 APRIL 2024 - MINUTES

Name **Councillor Paul Kander**

Date of Signature 17.05.2024