

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Application to vary the premises licence as the Licensing Authority has received representations, which have not been withdrawn, stating that granting this application would undermine the prevention of crime and disorder, the prevention of public safety, the prevention of public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
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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