

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 brought 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 200 people, 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