

Licensing Sub-Committee Report

Watermill Theatre & Restaurant, Bagnor, Speen, Newbury, Berkshire, RG20 8AE (09/01533/LQN-DPS/77-FV)

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| Type of Application: | Application to Vary a Premise Licence |
| Parish: | Speen |
| Ward: | Newbury Speen |
| Ward Members: | Councillors Antony Amirtharaj and Martha Vickers |
| Case Officer: | Amanda Ward |
| Portfolio Holder: | Councillor Lee Dillon |
| Service Director: | Eric Owens (Development and Regulation) |

1. Purpose of the Report

- 1.1 To set out the background information pertaining to this Licensing Application to vary an existing premise licence.

2. Recommendation

- 2.1 Members are asked to decide whether to:-
- a) Grant the application to vary the premises licence as made, subject to any mandatory conditions;
 - b) Grant the application to vary the premises licence subject to any additional conditions and any mandatory conditions;
 - c) Exclude from the licence any of the licensable activities to which the application to vary relates;
 - d) Refuse the application to vary the premises licence.
- 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 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. Application

4.1 The Licensing Authority has received an application from Watermill Theatre Ltd for a full variation to an existing premise licence in relation to Watermill Theatre & Restaurant, Bagnor, Speen, Newbury, Berkshire, RG20 8AE. This application had been recorded under reference number 09/01533/LQN-DPS/77-FV. The reference for the existing licence is 013678.

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 together with the revised plans outlining the areas to be licensed. Additional information is included in the addendum (Appendix 2a). Additional plans are included at Appendix 3.

5. Consultation

5.1 The 28-day consultation period ran from 06 July 2023 to 02 August 2023. Responsible Authorities, Ward Members and the Parish Council were advised by email on 06 July 2023. 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 06 July 2023 and an advert was placed in the Newbury Weekly News on the 13 July 2023.

5.2 The Council received 18 objections to the application these are set out in Appendix 4. This includes an objection sent on behalf of a party (Mr and Mrs Frayne) by the owner of their property (Thomas Putter). Mr and Mrs Frayne also submitted their own objection. See Appendix 4(10).

5.3 On the 10th of August 2023 the Licensing Team received an email from the applicant stating that in light of the objections that they have received "The only change we would now like to make to our premises license is the ability to sell alcohol outside for the duration of 'The Lord of the Rings' run, so until Sunday 15 October, at which point, our license would then revert back to what it has always been with no other changes'. (See Appendix 5)

5.4 This information was sent to the objectors. To date none of the objectors have agreed to withdraw their objections on the basis of this information.

6. Outline of the Application

6.1 Opening Hours in Application:

Monday to Sunday

08h00 to 00h00

- 6.2 The application seeks to vary the plans for the premises to include theatre and restaurant buildings front and back lawn and to update the outdated operating schedule.

7. Responses Received:

Fire Authority – No objections

The Chief Officer of Police Thames Valley – No objections

Environmental Health – No objections

The Local Enforcement Agency for the Health and Safety at work etc. Act 1974 – No objections

The Weights and Measures Authority/Trading Standards – No objections

Children’s Safeguarding Board – No comments received.

Public Health – No comments received.

Home Office Immigration – No comments received.

Planning – No comments received.

The Licensing Authority – No comments received.

8. Options

- 8.1 The Home Office’s Revised Guidance issued under section 182 of the Licensing Act 2003 (July 2023) 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, having due regard to the licensing objectives and the proposal made by the applicant, whether the application to Vary the Premises 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 if any additional conditions, other than those contained in the addendum schedule which forms part of the variation application, and any relevant mandatory conditions in ss19-21 of the Licensing Act 2003. Modification of conditions includes adding, omitting or altering a condition.
- 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 – Existing Licence

Appendix 2 – Application

Appendix 3 – Plans

Appendix 4 – Objections

Appendix 5 – Modification Proposed by the Applicant