

Licensing Sub-Committee Report

Awberry Barn, Awberry Farm, The Green, Beenham, Berkshire, RG7 5NX (Application Number 22318)

Type of Application:	New Premise Licence
Parish/ Town Council:	Beenham
Ward Members:	Councillor Dominic Boeck
Case Officer:	Philippa J. Heath, Interim Licensing Officer
Portfolio Holder:	Councillor Lee Dillon
Head of Service:	Eric Owens

1. Purpose of the Report

- 1.1. To set out the background information pertaining to this Licensing Application.

2. Recommendation to Licensing Sub-Committee

- 2.1. Options available to Members are to:-

- (a) Grant the application for a premises licence subject to such conditions as are consistent with the operating schedule accompanying the application and to decide whether to modify any of those conditions to such extent as is considered appropriate for the promotion of the licensing objectives and subject to any mandatory condition.
- (b) Refuse to specify a person in the licence as the Designated Premises Supervisor.
- (c) Exclude from the licence any of the licensable activities to which the application relates.
- (d) Reject the application for a premises licence.

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. Introduction and Background

- 3.1. On 8th September 2023 an application was received from Nigel Hopes for a new premises licence for Awberry Barn, Awberry Farm, The Green, Beenham, Berkshire,

RG7 5NX. The application was validated on 10th August 2023 and the consultation end date was 06th September 2023.

- 3.2. Members of the Licensing Sub-Committee are asked to determine the application 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.
- 3.3. The Licensing Authority may only consider aspects relevant to the application that have been raised in these representations.
- 3.4. Members of the Licensing Sub-Committee are requested to determine the application having regard to the operating schedule, representations received, the Councils Statement of Licensing Policy, revised Section 182 guidance and the four licensing objectives.
- 3.5. An authorisation is required in respect of any premises where it is intended to conduct one or more of the licensable activities, these being:
 - Sale of alcohol
 - Supply of alcohol (in respect of a club)
 - Regulated Entertainment
 - Provision of Late Night refreshment

An appropriate authorisation is either, a premises licence, a club premises certificate or a Temporary Event Notice.

- 3.6. Licence holders are required, when offering any licensable activity, to ensure that they promote the licensing objectives at all times. The operating schedule of the application contains detail of all the activities applied for and the control measures that the applicant will have in place in order to promote these objectives. Such measures will, where appropriate be converted into enforceable conditions on any licence issued.

The four licensing objectives are:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public Safety
- Protection of children from harm

No licensing objective carries any more weight than any other and these are the only factors in which licensing can have regard in determining an application.

- 3.7. 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 information with planning history

- 4.1. Awberry Barn is situated in the village of Beenham, a village 6 miles east of Newbury in West Berkshire. The Barn was granted conditional change of use by West Berkshire Council Planning Department in July 2023, to convert the barn into a wedding venue. The change of use sees provision for 28 weddings a year - on Saturdays only, accommodating no more than 120 guests and subject to noise control measures. The unit is situated on the busy Hambridge Road in Newbury, a short distance to the east of Newbury Town Centre. The unit has a road frontage, a large forecourt car parking space and electric security shutters.
- 4.2. West Berkshire Council also subsequently licenced Awberry Barn for civil ceremonies and sits amongst the 14 other wedding barn venues in the County.
- 4.3. The application is requested by the applicant to licence the venue for the sale of alcohol and regulated entertainment.

5. Summary of Application sought

- 5.1. The Licencing Authority has received an application on 8th August 2023 from Nigel Hopes, who seeks a new premises licence under Licensing Act 2003 in relation to Awberry Barn, Awberry Farm, The Green, Beenham, Berkshire, RG7 5NX. This application had been recorded under reference number **22283** dated 02 August 2023. A copy of the application is attached as **Appendix 1** and Plan as **Appendix 2**.

- 5.2. The application seeks a premises licence to permit the following activities:-

All Activities Saturday only – no more than 28 weddings / major events per annum

E. Live Music: Saturday from 12h00 to 23h00 to take place indoors only.

F. Recorded Music: Saturday from 12h00 to 23h00 to take place indoors only.

G. Performance of Dance: Saturday from 12h00 to 23h00 to take place indoors only.

H. Anything of a Similar Description to E-G: Saturday from 12h00 to 23h00 to take place indoors only.

J. Supply of Alcohol: Saturday from 12h00 to 23h00 for the supply of alcohol for consumption on premises only.

- 5.3. The applicant has offered up many measures to support the licensing objectives, including a **Noise Management Plan ('NMP')** – August 2023- see **Appendix 3**
- 5.4. The Applicant has also agreed additional conditions with Thames Valley Police and Environmental Health (see respectively **Appendix 5** and **Appendix 6**)

6. Consultation

- 6.1. The 28-day consultation period ran from 10th August 2023 to 06th September 2023. Responsible Authorities, Ward Members and Beenham Parish Council were advised

by email on the 09th August 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 and an advert was placed in the Newbury Weekly News.

- 6.2. 25 representations were received from members of the public objecting to the application. 24 representations are attached at **Appendix 4**. In accordance with Part 9.26 of the Section 182 guidance the personal details of three applicants who made representations have been redacted. A licencing officer is liaising with a member of the public whose representation was submitted on time but at this stage has not been included in Appendix 4, and an update can be provided at the hearing.

7. Responses Received

Fire Authority – None received

The Chief Officer of Police Thames Valley – See additional conditions proposed and agreed with the Applicant as set out in **Appendix 5**.

Environmental Health – See additional conditions proposed and agreed with the Applicant as set out in **Appendix 6**.

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

Trading Standards – No objection

Children's Safeguarding Board – None received

Public Health – None received

Home Office Immigration – None received

Planning – None received

The Licensing Authority – None received

Other persons: (25 valid objections)

8. Summary of Relevant Representations

- 8.1. 25 representations had been received from members of the public and all 25 objected to the application, believing that that the granting of the licence would undermine all four licensing objectives.

9. Options

- 9.1. The Home Office's Revised Guidance issued under section 182 of the Licensing Act 2003 (August 2023) must be taken into account when determining this Application.
- 9.2. 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

for the Premises Licence should be granted or rejected. Members will need to give reasons for their decision.

- 9.3. If Members are minded to approve the application they need to consider any additional conditions, other than those contained in the operating schedule, and any relevant mandatory conditions in ss19-21 of the Licensing Act 2003. Modification of conditions includes adding, omitting or altering a condition;
- 9.4. 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: Relevant Legislation

- (1) The Licensing Act 2003
- (2) Appropriate Regulations including but not limited to The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, The Licensing Act 2003 (Hearings) Regulations 2005 and The Licensing Act 2003 (Hearings) (Amendment) Regulations 2005
- (3) Statutory Revised Guidance issued under section 182 of the Licensing Act 2003
- (4) The Council's Statement of Licensing Policy Licensing Act 2003
- (5) The Council's Constitution

10. Appendices

Appendix 1 – Application

Appendix 2 – Plan

Appendix 3 – Noise Management Plan

Appendix 4 – Representations

Appendix 5 – Additional Conditions Proposed by Thames Valley Police and Agreed with the Applicant.

Appendix 6 – Additional Conditions Proposed by Environmental Health and Agreed with the Applicant.

Person to Contact: Philippa Heath
Email: Philippa.Heath1@westberks.gov.uk