

Licensing Sub-Committee Report

Awberry Barn, Awberry Farm, The Green, Beenham, Berkshire, RG7 5NX (Application Number 22873)

Type of Application:	New Premises Licence
Parish Council:	Beenham Parish Council
Ward Members:	Councillor Dominic Boeck
Case Officer:	Krystelle Kamola, Licensing Officer
Portfolio Holder:	Councillor Lee Dillon
Service Director:	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 10th October 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 13th October 2023 and the consultation end date was 10th November 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

- 4.1. Awberry Barn is situated in the village of Beenham, a village six 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.
- 4.2. West Berkshire Council also subsequently licenced Awberry Barn for civil ceremonies and it sits amongst the 14 other wedding barn venues in the district.
- 4.3. On 27 September 2023, a Licensing Sub-Committee convened to consider a previous premises licence application for Awberry Barn. This application was made by the same applicant and included the supply of alcohol Saturday 12:00 to 23:00, the provision of the following for the same day and hours – Live music, Recorded music, Performance of Dance and Anything of a similar description to these.
- 4.4. The Sub-Committee was adjourned and the applicant subsequently withdrew this application on 28 September 2023 and a new application was then submitted.
- 4.5. The current application is requested by the applicant to licence the venue for the sale of alcohol only, Saturday 12:00 to 23:00.

5. Summary of Application

- 5.1. The Licencing Authority has received an application on 13 October 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 **22873**. A copy of the application is attached as **Appendix A** and Plan as **Appendix B**.
- 5.2. The application seeks a premises licence to permit the following activities:-

J. Supply of Alcohol: Saturday from 12:00 to 23:00 for the supply of alcohol for consumption both on and off the premises.

L. Hours premises are open to the public: Saturday from 12:00 to 23:45.

- 5.3. The applicant has offered conditions and measures to support the licensing objectives, which can be found within the application at **Appendix A**, and a **Noise Management Plan ('NMP')** – August 2023- see **Appendix C**. The DPS consent form is attached at **Appendix D**.

6. Consultation

- 6.1. The 28-day consultation period ran from 13th October 2023 to 10 November 2023. Responsible Authorities, Ward Members and Beenham Parish Council were advised by email on the 13th October 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 on 19th October 2023.

- 6.2. Fifteen representations were received from members of the public objecting to the application. These are attached at **Appendix E**.
- 6.3. We received one out of time representation in objection to the application. It was received by email on 11 November 2023, at 2.32pm. It has not been included in this report.
- 6.4. Twenty seven representations were received from members of the public in support of the application. These are attached at **Appendix F**.

7. Responses Received from Responsible Authorities

Fire Authority – No objection received 1st November 2023

The Chief Officer of Thames Valley Police – No objection received 3rd November 2023

Environmental Health – See the amendment to condition 16 proposed and agreed with the Applicant as set out in **Appendix G**. No objection received 26th October 2023

The Local Enforcement Agency for the Health and Safety at work etc. Act 1974 – No objection received 17th October 2023

Trading Standards – No objection received 19th October 2023

Children’s Safeguarding Board – None received

Public Health – No objection received 23rd October 2023

Home Office Immigration – None received

Planning – None received

The Licensing Authority – None received

8. Summary of Public Representations

- 8.1. 42 representations have been received from members of the public, 15 objected to the application, believing that that the granting of the licence would undermine all four licensing objectives. 27 are in support of the application.

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 A – Application

Appendix B – Plan

Appendix C – Noise Management Plan

Appendix D – DPS Consent

Appendix E – Representations objecting to the application

Appendix F – Representations supporting the application

Appendix G – Amendment to conditions 16 proposed by Environmental Health and agreed with the Applicant.

Person to Contact: Krystelle Kamola
Email: Krystelle.Kamola1@westberks.gov.uk