

LICENSING PANEL
23 JULY 2018
2.05 - 3.25 PM



Present:

Councillors Brunel-Walker (Chairman), Finnie and Leake

36. Declarations of Interest

There were no declarations of interest.

37. The Procedure for Hearings at Licensing Panels

The procedure for hearings at Licensing Panels was noted by all.

38. Application for variation of Premises Licence in respect of The Royal County of Berkshire Polo Club, North Street, Winkfield

The Panel agreed to grant the Variation of Premises License and terms by a majority decision.

The Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Officer who outlined the issues;
- the Applicant,
- the Interested Parties,
- the Environmental Health Officer

together with reference to the appropriate Licensing objectives, the Council's own Licensing Policy and the Secretary of State's guidance. At the conclusion of the proceedings all participants present confirmed that they had been given the opportunity to say all they wished to say.

The Panel noted that there had been no representations made by the Police, or any of the other Responsible Authorities. The panel did receive oral clarification from the Environmental Health Officer on decibel impact and how and why certain events were permitted to be at different decibel limits. The Panel bore in mind the promotion of the four licensing objectives, the relevant objectives in this case being Public Safety and the Prevention of Public Nuisance.

In reaching their decision the Panel took note of the fact that mitigation had been offered to the objectors of the application. Environmental Health had met with Royal Berkshire Polo Club representatives and the twenty additional conditions, detailed with in the agenda papers, had been put forward to mitigate their concerns. At the hearing the applicants volunteered three additional conditions which were a 50 metre exclusion of the land from licensed activities in an L shape near the residential properties of the objectors and that the site plan with the excluded area attached to the licence will be agreed with the Licensing Officer prior to the licence being granted.

In addition the applicant volunteered two further conditions relating to additional marshals on the boundary during event days and an approved site plan ahead of any large event. The Panel agreed that these additional conditions should be implemented. The Panel noted that Mediation had been sought with the two resident objectors but this had not taken place.

The Panel decided that granting the Variation of Premises License would not have an adverse impact on the promotion of the four licensing objectives, and agreed, by majority decision, to grant the Licence. The Licensing Section will send you a copy of the Licence in due course.

Reasons

The reasons for the decision are that the Panel found no evidence in the written submissions by the interested parties to suggest that incidents of anti-social behaviour would increase as a result of the premises licence. Also no representations had been received by the Police with regards to this or any of the four licensing objectives. The panel did however have concerns about the impact of the extended licensed area permitting licensable activities close to the properties of the objectors and believe that the conditions volunteered by the applicant were a proportionate method for promoting the licensing objectives and providing some comfort to the property owners that licensed activities on the site should not cause noise nuisance or general public nuisance or effect the quiet enjoyment of their properties.

In summary the Panel agreed that the variation of the Premise License for the whole site subject to the excluded 50 metre area close to the properties, indicated on the map agreed with the Licensing Officer, should be granted subject to the following additional conditions that had been proposed by the applicant.

- 1) An Event Management Plan (EMP) and copy of plans showing the layout of the site for an event shall be submitted to the Licensing Authority at least 28 days prior to an event; the layout plan shall comply with section 23 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005. The layout plan is subject to approval from the Licensing Authority.
- 2) An exclusion zone shall be in operation during events, as shown by the hatched area marked on the authorised premises plan. No licensable activities shall take place within this zone. Nothing within this condition shall prevent members of the public from accessing the public right of way that crosses the site. The effect of this is the hatched area is not a licensed area and is outwith the licensed area and licensable activities.
- 3) Marshals shall be present throughout large events and shall patrol the boundary of the site adjacent to the hatched area to ensure no attendees of the event trespass into the neighbouring residential property.

CHAIRMAN