

Amanda Ward

From: P.Day@laceyssolicitors.co.uk
Sent: 19 May 2020 19:01
To: [REDACTED]
Cc: Amanda Ward; licensing@bracknell-forest.gov.uk; Lizzie.Rich@bracknell-forest.gov.uk; mark.james@hall-woodhouse.co.uk
Subject: Hall and Woodhouse Licence application - Crowthorne (HA1155/609)

Follow Up Flag: Follow up
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Dear [REDACTED]

Thank you again for responding. We are now set for a hearing on 1st June and I trust that you have heard from the Democratic Services Department of the Council in that regard. I am copying this email chain to officers at the Council and asking that it be included in the agenda papers/reports for the hearing.

Regarding the site notices, please be aware that last week, I received two emails from other residents who contacted me direct having seen the public notices and noted my email address. In addition, back at the beginning of March, a month or so before the formal application was lodged, we consulted informally with the relevant responsible authorities, the Parish Council and your District Councillors, sending them all copies of the draft application and plans. Against that background, I am satisfied that the public were given more than a fair opportunity to review the application. I would add that it would have been impractical to delay the application until the current crisis had come to an end as contractual arrangements for what is a very substantial investment for Hall and Woodhouse could not proceed until licensing and planning matters were resolved. These issues are however not relevant to the matters that the Licensing Committee will need to consider.

Given the nature of the hearing, I propose to outline the main points that I intend to make (some of which I have already set out in my original email to you and I apologise for the repetition):

None of the relevant statutory authorities, including in particular the Police and Environmental Health Officers have raised any objection to the application.

We are prepared to offer up a condition limiting the use of the external areas in addition to the conditions set out in the application form under section M

As mentioned in the application, over the course of the last decade or so, Hall and Woodhouse have built a number of brand new food led family orientated licensed premises. These include outlets in Bath, Portishead, Melksham, Cranbrook, Poundbury and Wichelstowe on the outskirts of Swindon. New licences have also been granted for sites in Camberley (Mindenhurst) and Taplow for premises that have yet to open. A number of these are either in very close proximity to residential accommodation (e.g. Bath) or serve new towns (e.g. Cranbrook and Poundbury) or new housing developments (e.g. Portishead and Wichelstowe). None of these establishments have attracted any complaints from local residents or caused issues for the licensing and other responsible authorities.

Founded in 1777, the company is still privately owned by the families of the founders. Its directly managed estate currently consists of some 52 houses but the company also owns a further 120 pubs which are run by "business partners" – tenants in old parlance. The application site will form part of the managed estate.

The hours sought are significantly shorter than those that have been granted to many of the premises across the company's estate – indeed a small number are licensed to sell alcohol 24 hours a day. In practice, demand, particularly in food led establishments tends to dictate the actual hours of operation. Further, the hours sought are identical to those permitted under the previous regime of the Licensing Act 1964 regarding restaurants and pubs that had areas set aside dedicated to dining and what

was known as a Supper Hours Certificate i.e. the sale of alcohol with food until midnight with a further 30 minute "drinking up period" (i.e. until 12.30 a.m.)

The Licensing Act 2003 creates a presumption of grant of a licence on the basis applied for unless there is an evidential basis to either refuse the application or to grant it subject to additional conditions or restrictions – mere speculation about what might happen is not a sufficient reason to refuse or restrict in the absence of such evidence. Licensing Authorities should take their lead from responsible authorities such as the Police on matters of crime and disorder or the Environmental Health Department on matters of public nuisance.

In any event, if a licence is granted and it subsequently transpires that there are issues that undermine any of the licensing objectives of preventing crime and disorder, public safety, the prevention of public nuisance or the protection of children from harm, anyone affected by the same has a right to seek a review of the licence as I have already mentioned.

Finally, I would invite you again to consider withdrawing your representation but you are of course at perfect liberty to decline to do so.

Kind regards

Philip Day

From: [REDACTED]
Sent: 13 May 2020 13:58
To: Amanda.ward@westberks.gov.uk; Philip Day <P.Day@laceyssolicitors.co.uk>
Cc: licensing@bracknell-forest.gov.uk; mark.james@hall-woodhouse.co.uk
Subject: Re: hall and Woodhouse Licence application - Crowthorne (HA1155/609)

Hi all,

Thank you for the additional information provided. Having considered this, I still believe the proposed opening times are excessive. In addition, I understand the statutory period involved however I do believe you have not given the public fair opportunity to review this application.

No one could have anticipated the current Covid19 situation, however you made the decision to continue to advertise this licensing agreement during a period that the nation were on lockdown. Whilst not ideal, if the public was in your best interests you'd have delayed this until your licensing agreement could actually be read.

Thus, I'm not surprised I am the only person whom raised concerns.

Kind regards,
[REDACTED]

Sent from [Outlook Mobile](#)

From: P.Day@laceyssolicitors.co.uk <P.Day@laceyssolicitors.co.uk>
Sent: Tuesday, May 12, 2020 11:11:28 AM
To: [REDACTED]; Amanda.ward@westberks.gov.uk
<Amanda.ward@westberks.gov.uk>
Cc: licensing@bracknell-forest.gov.uk <licensing@bracknell-forest.gov.uk>; mark.james@hall-woodhouse.co.uk
<mark.james@hall-woodhouse.co.uk>
Subject: hall and Woodhouse Licence application - Crowthorne (HA1155/609)

Dear [REDACTED]

May I please introduce myself as the agent who submitted the licensing application for the proposed new restaurant premises on part of the former TRL site in Crowthorne on behalf of Hall and Woodhouse Limited?

My purpose in writing to you is to see whether I might be able to alleviate your concerns and so avoid the need for a hearing (which I understand would be conducted by a remote video conference on a date to be arranged) to determine the application. To that end, you will see that I am copying this email to Ms Ward who is now dealing with the matter and to the Licensing Team at the Council. If you have any queries about what follows, please do contact Ms Ward.

Both the planning and the licensing applications for this proposed development have been the subject of widespread consultation, both on an informal and formal basis. Regarding the licensing application, the consultations have included the Parish Council, the Police, Environmental Health Officers and of course the Licensing Department itself. You may not be aware of this but yours was the only objection that was received. In that regard, I understand that you actually wrote in shortly after the formal application was submitted but thanks in part to the current restrictions imposed because of the Covid19 crisis, there was something of a delay before I was told about your email, hence the delay in contacting you.

I also understand that you might not have been able to see a copy of the full application and the plans submitted with it – I attach copies for your information.

The applicant company is Hall and Woodhouse – a brewery founded in 1777 and still owned by the families of the original founders. The company owns about 170 premises, 52 of which are directly managed as family friendly food led premises, catering mainly for local people.

This application seeks a licence to sell alcohol until midnight with a further 30 minutes “drinking up time”. Similar outlets within the managed estate have licences for similar if not longer hours but in reality, the majority do not take full advantage of their licensed hours because there simply isn't the demand for late night opening in premises that do not offer musical entertainment and are food led (this only has planning consent to operate as restaurant and not as a pub) – most customers have finished eating by 11 p.m. and leave in dribs and drabs rather than en masse at closing time. The application was submitted as it was to allow a degree of flexibility in terms of operating and for no other reason.

I also appreciate your concern about noise from the external area but at the same time note that you say that you live 300 metres away. Whilst we think it most unlikely that you would in fact ever be disturbed by noise from the premises, we are prepared to offer an additional condition as follows:

“The consumption of alcohol and food in the external licensed areas shall cease no later than 23:00 hours”.

I suspect that you may already have been advised by the Licensing Officers that regardless of what licence may be granted by the Council, the relevant authorities, you and any other resident who might be adversely affected in future by the operation of these premises can at any time (and without paying a fee) call for a review of the licence which could result in (for example) the addition of conditions, restrictions on operating hours or even revocation of the licence.

It follows that if your concerns turn out to be well founded, there is a remedy open to you.

For those reasons, I would invite you to please reconsider your representation and to withdraw the same. You are of course entitled to insist on a hearing but I would hope that this email re-assures you about Hall and Woodhouse's intentions and that we can agree a mediated outcome that would avoid the time and trouble of having to hold a hearing, particularly in these difficult times.

I look forward to hearing from you but in the meantime, stay safe and well

Kind regards

Philip

Philip Day | Partner

I will be working from home until the present crisis ends. If you need to speak to me, please ring my mobile – 078 558 27798.

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