



**LICENSING PANEL
1 JUNE 2020
2.45 - 3.35 PM**

Present:

Councillor Ian Leake (Chairman)
Councillor John Porter
Councillor Malcolm Tullett
Councillor Ms Moira Gaw (Substitute)

Also Present:

Amanda Ward, Public Protection Partnership
Philip Day, applicant agent for Hall and Woodhouse
Lizzie Rich, Clerk
Donald Adams, Legal Advisor

17. Declarations of Interest

There were no Declarations of Interest.

18. The Procedure for Hearings at Licensing Panels

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

19. Application for a new premises licence for Hall & Woodhouse Ltd, Bucklers Park, Hatch Ride, Crowthorne, Berkshire

The application was for a new Premises Licence to permit the following licensable activities;

- (1) Sale of alcohol (for consumption on and off the premises) 07:00 - 00:00 Monday to Sunday, save for non-standard timings on New Year's Eve when the terminal hour will be 01:00 on 1st January
- (2) Provision of Late Night Refreshment (hot food and drink) (indoors) 23:00 - 00:30 Monday to Sunday, save for non-standard timings on New Year's Eve when the terminal hour will be 01:30 on 1st January

The Panel noted that the proposal is for the premises, once constructed, to be open to the public from 07:00 – 00:30 Monday to Sunday, save for non-standard timings on New Year's Eve when the proposed closure is to be 01:30 on 1st January.

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

- the Licensing Officer who outlined the issues;
- the Applicant,
- the objector (in absentia)

together with reference to the appropriate Licensing objectives and provisions under the Licensing Act 2003, the Home Office Guidance issued in respect of the same and having regard to the Council's own Statement of Licensing Policy.

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 reached its decision with a view to promoting the four Licensing objectives under the Licensing Act 2003, being the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm, noting the particular relevance of the prevention of public nuisance objective in this application as a result of the one representation received from a local resident.

The Panel decided that, subject to additional conditions being attached as set out below, there was no reason to believe that granting the licence would have an adverse impact on the promotion of the four licensing objectives and agreed to grant the Licence.

Reasons

It was understood that the premises had not yet been built and that the current outline planning consent remained subject to final planning approval. However, it was noted that if any element of the internal or external layout changed during planning proceedings, that a licence variation would need to be sought to amend the premises licence.

The Panel received and carefully considered the objector's written representation in their absence, which included concern that noise and disturbance at the site would increase as a result of the licence being granted until midnight. The objector raised concern that taxis and pick-ups would add to noise at the site.

It was recognised that although the proposed building for the premises had not yet been constructed, if and when built it would be located in a new housing development of around 1500 properties on the old Transport Research Laboratory site in Crowthorne, a number of which were already built and occupied. The Panel noted the applicant's expectation that, as the premises would primarily be serving these nearby properties, the majority of its customers would be local residents who would walk to the premises. The Panel believed that if this was the case, this would allay the objectors' concerns around traffic noise concerning taxis and pick-ups.

The applicant also advised that the premises would primarily be a food-led establishment and had requested the alcohol sale hours as applied for in order both to facilitate potential for champagne breakfasts and similar earlier in the day, as well as serving alcohol in the evening.

The applicant proposed two additional conditions to be added to the licence in order to address the objector's raised concerns. Those offered conditions were, firstly, as to requirement for signage to be placed at the exits of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly and, secondly, to prevent the use of the external areas of the premises for food or drink consumption after 23:00pm. In noting that there were habitable residences in close proximity to the proposed licenced premises, the panel determined such additional conditions were proportionate, justifiable, capable of being met by the Applicant and appropriate to the promotion of the Licensing objectives.

In summary the Panel determined to grant the New Premises Licence as applied for, with the Mandatory Licence Conditions and those further conditions as consistent with the Premises Operating Schedule attached (being those as had been set out at Annex 1 and 2 to Annex D of Application Agenda), together with the following two additional conditions;

- 1 Signage is to be displayed at the exits to the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly – the location, styling and wording of such is to be agreed with the Licensing Officer
- 2 No food or drink shall be consumed in the external areas of the licensed premises after 23:00 Monday – Sunday

The Panel felt that with these two additional conditions imposed over and above the attached Mandatory Licence Conditions and those conditions as consistent with the Premises Operating Schedule, there was no evidence before them to suggest that public nuisance or noise would be problematic as a result of the licence being granted.

The Panel noted that there had been no representations from Thames Valley Police, Environmental Health, the Licensing Authority or any other Responsible Authority. The Panel were therefore minded that the granting of the licence, together with the above-referred conditions attached, would not compromise any of the four Licensing Objectives.

The Panel also noted that the Licensing Act 2003 regime itself contains provision for seeking review of a granted Licence if there are breaches of the Licence or if the Licensing objectives are not being met. The Panel considered that mechanism for potential review, with the ultimate sanction being revocation of the licence, to be sufficient check and balance upon the applicant in this case.

CHAIRMAN