

**LICENSING PANEL
23 JULY 2018**

**LICENSING ACT 2003
THE ROYAL COUNTY OF BERKSHIRE POLO CLUB, NORTH STREET, WINKFIELD
APPLICATION FOR VARIATION OF PREMISES LICENCE
(Chief Officer: Environment and Public Protection)**

1 APPLICATION DETAILS

- 1.1 On 1 June 2018 an application was made by Royal County of Berkshire Polo Club Ltd to vary the premises licence for the Royal County of Berkshire Polo Club. The application form is attached at **Annex A**.
- 1.2 The application is to expand the licensable area to enable licensable activities to take place across the whole site. Additional conditions have also been proposed. The authorised hours and existing conditions attached to the licence are not proposed to change.
- 1.3 The proposed premises plan is attached at **Annex B**.
- 1.4 The existing premises licence is attached at **Annex C** and the existing premises plan at **Annex D**.

2 SUPPORTING INFORMATION

- 2.1 A map showing the location of the premises is attached at **Annex E**.

3 RESPONSIBLE AUTHORITY REPRESENTATIONS RECEIVED

- 3.1 During the period for making representations from 2 June 2018 to 29 June 2018, one representation was received from a responsible authority in respect of the application. This representation was made by the Council's Environmental Quality Team.
- 3.2 The representation raised concerns that insufficient detail had been provided by the applicant in their operating schedule, to safeguard the licensing objective of the prevention of public nuisance. Conditions were suggested by the Environmental Health Officer, which, if added to the licence, would result in them being happy for a licence to be granted without the need for further measures.
- 3.3 A copy of the representation with the wording of the suggested conditions can be seen at **Annex F**.
- 3.4 Further to discussion between the applicant's agent and the Environmental Health Officer, the wording of suggested condition number 14 was amended, and all other conditions accepted as worded. Confirmation of this agreement is attached at **Annex G**.

4 OTHER REPRESENTATIONS RECEIVED

- 4.1 During the period for making representations from 2 June 2018 to 29 June 2018, two representations were received from local residents in respect of the application. These

representations can be seen at **Annexes H** and **I**.

- 4.2 The locations of those who have made representations are marked on the map attached at **Annex E**.
- 4.3 These representations raise concerns that by granting a premises licence for the entire site, the risk of noise nuisance to nearby residents will be increased. Security concerns are also raised regarding the potential for trespassing and property damage if licensable activities are taking place immediately adjacent to residential properties.
- 4.4 A copy of a response to a Freedom of Information Act request has been included at **Annex J**, at the request of one of the residents who has made a representation.
- 4.5 An offer of mediation has been made by the applicant. This offer has been emailed to those who submitted representations, a copy of this email is attached at **Annex K**. The agreed conditions referenced in this email are those attached at **Annex G** and the existing conditions attached to the licence can be seen at **Annex C**. A copy of the noise management plan is attached at **Annex K**.
- 4.6 At the time of publishing this report, no conclusions have been reached from this mediation. The panel shall be updated in due course with any progress.

5 RELEVANT BRACKNELL FOREST BOROUGH COUNCIL POLICIES

- 5.1 In determining applications, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. (2.5)
- 5.2 The Council, as Licensing Authority, recognises that conditions attached to licences will be focused on matters which are within the control of individual licensees. (2.7)
- 5.3 If it is reasonably considered that the licensing objectives cannot be met unless additional specific conditions are attached, then the Licensing Authority may consider attaching those which are appropriate for the promotion of the licensing objectives, proportionate to the individual style and characteristics of the event or premises concerned. (11.3)

6 RELEVANT NATIONAL GUIDANCE, AS ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

- 6.1 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation. (9.37)
- 6.2 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
 - a) the steps that are appropriate to promote the licensing objectives;
 - b) the representations (including supporting information) presented by all the parties;

- c) the Guidance issued under section 182 of the Licensing Act 2003;
 - d) its own statement of licensing policy. (9.38)
- 6.3 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. (10.8)
- 6.4 Licensing conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. They should be proportionate, justifiable and be capable of being met. (1.16)

7 RECOMMENDATION

- 7.1 The Licensing Authority must, having regard to the representations, take such steps as it considers appropriate for the promotion of the licensing objectives.
- 7.2 In relation to the conditions which have been agreed between the applicant and the Environmental Health Officer, the panel must either:
- a) agree to the additional conditions, or
 - b) reject the additional conditions, or
 - c) amend the wording of these additional conditions as they may deem appropriate.
- 7.3 Having regard to all of the representations received, and subject to the matters outlined above in 7.2, the Panel must decide what is appropriate to promote the licensing objectives. Options available include:
- a) to grant the varied licence as applied for, or
 - b) to grant the varied licence subject to modified and/or additional conditions
 - c) to grant the varied licence but exclude any of the licensable activities or amend the licensed hours for a specified part, or all of the additional licensed area
 - d) to grant the varied licence with a combination of options b) and c), or
 - e) refuse to grant the varied licence and reject the application, meaning the licence will remain as it is.

Background Papers

Licensing Act 2003

Guidance issued under section 182 of the Licensing Act 2003

Regulations (cited as the Licensing Act 2003 [various] Orders 2005)

Bracknell Forest Borough Council Licensing Policy (January 2016)

Contact for further information

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