

TITLE	LAGOONA PARK, PINGEWOOD ROAD SOUTH, PINGEWOOD, READING RG30 3UH APPLICATION FOR REVIEW OF THE PREMISES LICENCE
FOR CONSIDERATION BY	Licensing and Appeals Sub Committee on 26 August 2015
WARD	Shinfield South
DIRECTOR	Paul Anstey, Joint Service Delivery Manager for Environmental Health & Licensing

<p>OUTCOME / BENEFITS TO THE COMMUNITY</p> <p>In accordance with S51 of the Licensing Act 2003 and the Wokingham Borough Council Licensing Policy, the application is referred to the Licensing and Appeals Sub Committee for determination as an application for a review has been received.</p>
<p>RECOMMENDATION</p> <p>That the Sub Committee determine the application to grant or refuse the application, with conditions and/or amendments as appropriate.</p>
<p>SUMMARY OF REPORT</p> <p>To provide relevant information for the Sub Committee to consider and determine the application from Mr Michael Heslehurst of Environmental Health to review the premises licence PR0353 for Lagoona Park.</p>

Background

Section 51 of the Licensing Act 2003 provides for a responsible authority to apply to the licensing authority for a review of a premises licence where problems associated with the licensing objectives are occurring.

The representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives.

Before determining the application, the authority must hold a hearing to consider it and any relevant representations, and take steps as it considers necessary for the promotion of the licensing objectives. The options open to the Sub Committee are:

- Modify the conditions of the licence (The conditions of the licence are modified if any of them is altered or omitted or any new condition is added) (for a period not exceeding three months or permanently)
- Exclude a licensable activity from the scope of the licence (for a period not exceeding three months or permanently)
- Remove the designated premises supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

- Issue formal warnings to the designated premises supervisor and/or premises licence holder
- Take no action

In determining the application, the Licensing Authority has a duty to carry out its functions with a view to promoting the four licensing objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

For the purposes of the Licensing Act 2003, a child is an individual aged under 18.

The Licensing Authority must also have regard to the representations received, the Licensing Authority's statement of licensing policy and the statutory guidance issued under Section 182 of the Licensing Act 2003.

The application for review of the premises licence was received from Mr Michael Heslehurst on behalf of Environmental Health as a responsible authority on 2 July 2015. The application includes details of monitoring carried out during the Waterworks Festival event on 10/11 June 2015, officer statements and a supporting email from Thames Valley Police.

The grounds for review are:

- Public nuisance arising from non compliance with licence conditions as well as a significant number of complaints received by both local authority and police
- Environmental Quality are concerned that public nuisance will recur if events of this nature are permitted in future

Annex 3 of the current premises licence dated 10 June 2015 (following a variation in May 2015) attached the following Environmental Health conditions:

Annex 3 – Responsible Authority Conditions Environmental Health

- 1) Within 3 months of the date of granting of the premises licence the licence holder shall submit in writing to the Licensing Authority for written approval a noise management plan that will include the following details.
 - a) A plan identifying noise sensitive receptors in the vicinity of the licensed premises and proposed monitoring location(s)
 - b) The steps that will be taken to monitor and control the amplified sound emitted from events.
 - c) How visiting DJs and others will be briefed on the noise control measures in place
 - d) The steps that will be taken to notify local residents about planned potentially noisy events including the provision of a phone number residents can use to lodge complaints when noisy events are taking place.
 - e) The noise management plan shall be reviewed and updated as necessary following the receipt of complaints or any other relevant incident.
- 2) Amplified speech, amplified music or other amplified sound emitted from the

premises shall not be audible within noise sensitive premises between the hours of 2300 and 0800 with windows open for normal ventilation.

3) Between the hours of 0800 and 2300 noise from amplified speech, amplified music or other amplified sound emitted from the premises shall not at any time exceed 65dB LAeq (measured at 15 minute intervals) when measured at the boundary of noise sensitive premises in the vicinity.

Also to clarify, there is no application to reduce the hours on the premises licence; these remain as 10.00am to 5.00am the following day Monday to Sunday for regulated entertainment and supply of alcohol.

Upon receipt the application was checked and confirmed to be correctly made. The 28 day consultation period ran from 3 to 30 July 2015. The licence holder (Lagoona Park Watersports Limited), other responsible authorities, ward members and parish council were advised of the application by email on 2 July 2015.

The application has been advertised correctly, with site notices displayed at Wokingham Borough Council offices and at the premises (put up at the premises with the landowner's consent on 3 July 2015 by Karen Court and Michael Heslehurst)

During the statutory consultation period of 28 days, the following responses were received:

- Trading Standards – no response
- Environmental Health (Health & Safety) - no response
- Children and Young People's Services – no response
- Planning - no objections.
- Thames Valley Police – supportive of the review application (Appendix C)
- Fire authority – no comments
- Public Health – comments on sleep loss, not representation (Appendix D)

At the request of Shirley and Andrew McLeod Ross, a mediation meeting was arranged with Environmental Health. This was held on 9 July 2015 and attended by Julia O'Brien (facilitator) and Karen Court of Licensing, Anna Smy and Michael Heslehurst of Environmental Health, Steve Deane of Thames Valley Police, Andrew and Shirley McLeod Ross and Toby Mullins the event organiser. Points for action were agreed and confirmed in an email by Karen Court on 10 July, copy attached in Appendix B.

It was agreed that Environmental Health would propose revised noise conditions with the aim of reaching agreement with the licence holders before the closing date.

In addition, to discuss the follow up licensing issues confirmed for Stage Two, a meeting has been arranged for 5 October 2015.

Following the mediation meeting there have been various emails exchanges between Shirley and Andrew McLeod Ross and Environmental Health from 10 July until 30 July 2015, these are included in Appendix B. However no agreement on additional noise conditions had been reached by the closing date of 30 July 2015 and the application was therefore referred for a hearing, as required by the legislation. Karen Court's email to Shirley McLeod Ross on 31 July 2015 confirms this.

The following documentation is attached – copy of the review application with

supporting documentation (Appendix A), Environmental Health subsequent negotiation emails (Appendix B), Thames Valley Police response (Appendix C), Public Health response (Appendix D) and copy of the current premises licence (Appendix E)

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Not applicable	Not applicable	Not applicable
Next Financial Year (Year 2)	Not applicable	Not applicable	Not applicable
Following Financial Year (Year 3)	Not applicable	Not applicable	Not applicable

Other financial information relevant to the Recommendation/Decision

None

Cross-Council Implications

Not applicable

Reasons for considering the report in Part 2

None

List of Background Papers

Application, location plans, representations

Contact	Karen Court	Service	Licensing Service
Telephone No	01635 519791	Email	kcourt@westberks.gov.uk
Date	3 August 2015	Version No.	1