

Agenda Item 4.

TITLE	Application for Variation of Premises Licence under S34 Licensing Act 2003 at Bull Inn, High Street, Sonning
FOR CONSIDERATION BY	Licensing and Appeals Hearings Sub Committee on 9 September 2022
WARD	Sonning
LEAD OFFICER	Keiran Hinchliffe – Service Manager – Licensing and Processing

OUTCOME / BENEFITS TO THE COMMUNITY

In accordance with S35(3) of the Licensing Act 2003, members are requested to determine the application to vary the premises licence having regard to the representations received and the requirement to promote the four licensing objectives.

RECOMMENDATION

The following options are open to the Licensing and Appeals Sub-Committee

- (i) To grant the application in full and on the terms and conditions contained within the application to include any applicable mandatory conditions
- (ii) To grant the application as above, modified to such an extent as considered appropriate to satisfy any relevant representations and promote the licensing objectives; or
- (iii) To reject the application.

SUMMARY OF REPORT

To provide relevant information for the Sub-Committee to consider and determine the application from Fuller, Smith & Turner PLC to vary the premises licence PR0041 for Bull Inn, High Street, Sonning RG4 6UP.

TABLE OF APPENDICES

Appendix A	Application
Appendix B	Photographs of blue notice and newspaper advert
Appendix C	Current premises licence
Appendix D	New operating schedule conditions
Appendix E	Representations and petition

Background

1.0 APPLICATION

1.1 A premises licence is required in respect of any premises where it is intended to conduct one or more of the four licensable activities, these being:

- The sale of alcohol
- The supply of alcohol (in respect of a club)
- Regulated entertainment
- The provision of late-night refreshment

This application was submitted by Fuller, Smith & Turner PLC in respect of Bull Inn, High Street, Sonning RG4 6UP.

1.2 The applicant has applied for the following:

To vary the layout of the premises in accordance with plans supplied.

Changes – to add a small dispense bar and store area for the supply of alcohol only in the rear garden limiting the use of this to 11pm each day.

All licensable activities, permitted hours, opening hours and conditions to remain as existing.

1.3 The application has been properly made and all procedures correctly followed. The application has been attached as **Appendix A**. Photographs of the blue notice in place and copy of newspaper advert are attached as **Appendix B**.

2.0 BACKGROUND AND HISTORY OF PREMISES

2.1 The current premises licence PR0041 is attached as **Appendix C**.

Analysis of Issues

3.0 OPERATING SCHEDULE

3.1 The operating schedule is completed by the applicant and contains additional measures to illustrate how they propose to promote the four licensing objectives as required by provision of the Licensing Act 2003.

3.2 Following review of the current premises licence operating schedule (Annex 2 at **Appendix C**) by the Licensing Officer. The applicant has requested to remove and replace their current operating schedule conditions. The measures listed below will be attached as conditions to any licence as may be granted (See **Appendix D**):

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3.2 Following review of the current premises licence operating schedule (Annex 2 at **Appendix C**) by the Licensing Officer. The applicant has requested to remove and replace their current operating schedule conditions. The measures listed below will be attached as conditions to any licence as may be granted (See **Appendix D**):

1. All staff involved in the sale of alcohol shall receive training on the law relating to prohibited sales, the age verification policy adopted by the premises, awareness of drugs in licensed premises and the conditions attaching to the premises licence. Refresher training shall be provided at least once every 12 months.
2. A record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by police, licensing or other authorised officers.
3. The volume of music will be reduced to background level once the terminal hour for live or recorded music has passed.
4. A notice will be prominently placed at the exits asking customers to leave quietly.
5. A Challenge 21 policy shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport holographically marked PASS scheme identification cards). Appropriate signage advising customers of the policy shall prominently displayed in the premises.
6. AWP and cigarette machines will be sited in areas that are visible to staff.
7. An incident log shall be kept at the premises. The log should include the date and time of the incident and the name of the member of staff involved. The log to be made available on request to an authorised officer of the Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received
 - d. any incidents of disorder
 - e. any faults in the CCTV system or searching equipment or scanning equipment
 - f. any refusal of the sale of alcohol
 - g. any visit by a relevant authority or emergency service

4.0 CONSULTATION

4.1 The responsible authorities included in consultation are Thames Valley Police, Royal Berkshire Fire & Rescue, Environmental Health, Trading Standards, Public Health, Planning Authority, Local Safeguarding Children Board, and Home Office Immigration Enforcement.

4.2 Of those consultees identified in paragraph 4.1, no representations were received.

4.3 There have been 16 representations from other persons in objection to the application plus the local ward councillor and parish council. These are attached as **Appendix E** and summarised in the table below:

Name	Representation and Licensing Objective
Caroline Kuipers	Traffic, noise & light pollution – public nuisance
Peter Edwards	Noise – public nuisance. Parking
Carol McDiarmid	Garden nuisance
Peter Van Went	Noise – public nuisance. Parking
Dr David & Jane Mcilroy	Noise & light pollution – public nuisance. Parking
Anthony McHale	Noise – public nuisance. Traffic & parking
Malcolm Dorward	Noise – public nuisance. Parking
Mark & Natalie Johnson	Noise levels – public nuisance. Traffic & parking
Philip & Sharon Auld	Noise levels – public nuisance. Traffic & parking
Susan Worthington	Noise – public nuisance. Parking
Jim Bolton	Noise, parking, events, 11pm curfew in garden
Hannele Klemtila-McHale	Noise & light pollution, disturbance – public nuisance
Leon Cook	Noise levels & disturbance – public nuisance. Parking
Pamela Cronin	Increased noise levels – public nuisance. Parking
Glen Beard	Traffic and parking, capacity of the Bull
Paul Benton	Light and noise pollution – public nuisance
Cllr Michael Firmager	Increased disturbance – public nuisance. Traffic & parking. In agreement with residents
Sonning Parish Council	Sympathy with neighbours of the pub

4.5 A petition of 20 signatures has been received objecting to the application, this is included with Dr David Mcilroy's representation

4.6 Those that have made a representation have been informed of the time and date of the Licensing and Appeals Sub-Committee hearing and have been informed of their right to attend.

5.0 LEGAL CONSIDERATIONS

5.1 Conditions may only be attached to a Premises Licence where they are deemed appropriate for the promotion of the licensing objectives. They must be proportionate and not duplicate any existing provisions contained in other legislation. The justification behind a refusal or the attachment of conditions must be given to the applicant.

5.2 The Sub-Committee is advised that any findings on any issues of fact should be on the balance of probabilities and any decision should be based on the individual merits of the application.

5.3 The Sub-Committee, in arriving at its decision, must have regard to relevant provisions of national guidance and its own statement of licensing policy and reasons should be given for any departure.

5.4 There is a right of appeal to the Magistrates Court within 21 days from the date the Applicant is notified of the decision of the Licensing Sub-Committee.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

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

Other financial information relevant to the Recommendation/Decision
None

Cross-Council Implications
None

Public Sector Equality Duty
not required

Climate Emergency – <i>This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030</i>
n/a

List of Background Papers
Wokingham Borough Council Statement of Licensing Policy (September 2018) Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018)

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