

Agenda Item 3.

TITLE	Application For Review Of Premises Licence PR0353 Under S51 Licensing Act 2003 Lagoona Park Water Sports, Pingewood
FOR CONSIDERATION BY	Licensing and Appeals Sub-Committee Committee on 10 May 2023
WARD	Shinfield South
LEAD OFFICER	Ed Shaylor – Head of Service – Enforcement & Safety

PURPOSE OF REPORT

To provide relevant information for the Sub-Committee to consider and determine the application for review of premises licence received from Mr Mike Harding, Licensing Officer Wokingham Borough Council as Licensing Act 2003 responsible authority Officer. This relates to the premises licence PR0353 for Lagoona Park Watersports at Pingewood Road South, Pingewood, Reading RG30 3UH

OUTCOMES

In accordance with S52 of the Licensing Act 2003, members are requested to determine the application for review, having regard to the review application, representations received and the requirement to promote the four licensing objectives.

RECOMMENDATIONS

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.

The review and any representations 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 this 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 premises to which licence PR0353 relates is Lagoona Park Watersports at Pingewood Road South, Pingewood, Reading RG30 3UH.

The licence authorises live music, recorded music, performances of dance, other entertainment similar to live or recorded music or dance performance, facilities for dancing, other entertainment facilities similar to making music or dancing, late night refreshment and supply of alcohol. Permitted hours for licensable activities are 1000 to 0500 hours Monday to Sunday.

The premises licence holder is Lagoona Park Watersports Limited and the designated premises supervisor Mrs Shirley Anne McLeod-Ross. Her personal licence PL0910 is issued by Wokingham Borough Council.

The premises licence is attached as **Appendix A**.

The application for review was received by the licensing authority from Mr Mike Harding on 3 March 2023. It was also sent by email to the premises licence holder.

The grounds given for review are:

- Concerns relating to all four licensing objectives

- Allegation of unlicensed boxing event held on 18 February 2023 during which an incident of disorder took place.

Full details of the review with supporting information are set out in the review application which is attached as **Appendix B**

The 28 day consultation period ran from 4 March to 31 March 2023.

The responsible authorities and ward members were notified by email of the application.

Site notices advertising the review application were posted at Wokingham Borough Council offices and at the exterior of the premises.

During the statutory consultation period, the following responses were received from responsible authorities:

Thames Valley Police

On 16 March 2023 Thames Valley Police submitted their representation in support of the review application. This is included as Appendix C

Environmental Health – responded on 7 March 2023 “As statutory consultee for public safety I support the basis of this review and look forward to receiving details of suggested conditions in due course”

Planning – responded on 7 March 2023

“The applicant is advised to check if they require planning permission or if they need to vary a condition on a previous planning permission. It is suggested that the applicant submits a certificate of lawfulness application in order to determine if planning permission is required”

The licence holder has been invited to make any submission they may wish to respond to the review application. Any submission received would be circulated to all parties in advance of the hearing.

List of Appendices

Appendix A: Premises Licence PR0353

Appendix B: Review Application received from Mr Mike Harding on behalf of Wokingham Borough Council as Licensing Authority

Appendix C: Representation from Thames Valley Police

Reasons for Decision

In accordance with legislative requirements, the application must be determined through a hearing of the licensing and appeals sub-committee.

Alternative Options considered, if any

Not applicable

Reasons for considering the report in Part 2

Not applicable

List of Background Papers

Wokingham Borough Council Statement of Licensing Policy (September 2018) Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2022)

Contact Keiran Hinchliffe, Service Manager - Licensing	Service Enforcement & Safety Service
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Telephone No 07562 169377	Email keiran.hinchliffe@wokingham.gov.uk
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Date 20 April 2023	Version No. 1
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