

SUBJECT:	APPLICATION FOR A FURTHER VARIATION OF A PREMISES LICENCE at STOKE PARK CLUB, STOKE POGES GOLF CLUB, PARK ROAD, STOKE POGES, BUCKS SL2 4PG
REPORT OF:	Officer Management Team - Director of Services Prepared by - Licensing Team Leader

1. Purpose of Report

To advise Members considering an Application submitted to the Council by Stoke Park Club Limited (“The Applicant”) in respect of Stoke Park Club, Stoke Poges Golf Club, Park Road, Stoke Poges, Buckinghamshire SL2 4PG (“the Premises”) in relation to which Relevant Representations have been received.

2. Links to Council Policy Objectives

- 2.1 Licensing contributes to the Council’s aims of planning for a thriving and sustainable South Bucks and helping to provide a clean and decent district where there is pride in and ownership of our surroundings and public space. Efficient and effective licensing arrangements link to the Councils main aim to create safer and stronger communities.
- 2.2 The Council’s Licensing Policy helps achieve the Community Plan objectives of reducing crime and fear of crime, a prosperous place to live and work and a pleasant and healthy environment.

3. Background

- 3.1 The Premises consists of a purpose built large Country Club and Mansion House offering 5 star accommodation. The Premises includes a Championship Golf Course, Championship Tennis Courts, Conference Facilities, Spa and fitness facilities, Restaurants and Wedding Receptions. The Premises is situated within 350 acres of parkland and garden. **A location plan is attached to this report marked “Appendix 1”.**
- 3.2 The Premises currently has the benefit of a Premises Licence numbered 05/00398/LAPRE which was granted on 24th November 2005 pursuant to Section 18 of the Licensing Act 2003 there being no objections received under delegated authority **A copy of the current Premises Licence is attached marked “Appendix 2”.**

4. The Application

4.1. This application is for a variation to the existing Premises Licence following alterations to the Ground Floor of the Licensed Premises and also to request additional licensable activities/permissions. (A copy of the Application is attached to this Report marked "Appendix 3").

4.2 The variations now sought are as follows:

Current activities	Current hours	Proposed activity	Proposed hours	Proposed effect of Variation
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<p>Live Music (Indoors and outdoors)</p> <p>Further details:</p>	<p>Live music currently permitted within the following areas of the premises: The Terrace, The Lawn Adjacent to the Club House, The Penn Room, The Polo Lounge, The Orangery, The Presidents Bar, The Great Hall, The Reception Room, The Brasserie, The Buckingham Room, The Ballroom, The Wyatt Room and The Fountain Room.</p>	<p>Live Music (Indoors and outdoors)</p> <p>Further details:</p>	<p>Live music such as an individual playing an instrument to diners i.e. piano/singer or instruments played at a wedding reception.</p> <p>Due to alterations taking place at the premises this variation now seeks to licence all public areas on the ground floor with the exception of the Chapel and all areas outdoors within the grounds of the premises.</p>	<p>Application for music to be permitted within the grounds of the premises rather than just on the terrace and lawn adjacent to the clubhouse.</p>
<p>Standard days and timings:</p>	<p>Monday - Friday 11.00 - 02.00 Saturday 11.00 - 24.00 Sunday 12.00 - 24.00</p>	<p>Standard days and timings:</p>	<p>Monday - Sunday 11.00 - 02.00</p>	<p>An Additional 2 hours at the end of the licensed session on Saturday evenings and Sunday evenings. An additional 1 hour at the start of the licensed session on a Sunday.</p>
<p>Seasonal variations & Non-Standard timings:</p>	<p>None</p>	<p>Seasonal variations & Non-Standard timings:</p>	<p>6 Special Event Days per year permission to extend the licence to 04.00am.</p> <p>New Years Eve and Christmas Eve permission to extend the licence to 04.00am.</p>	<p>For special event days an additional 2 hours at the end of the licensed session if held on a Monday - Friday. An additional 4 hours at the end of the licensed session if held on a Saturday or Sunday.</p> <p>An additional 2 hours at the end of the licensed session New Years Eve and Christmas Eve if falls on a Monday - Friday. An additional 4 hours at the end of</p>

				the licensed session if falls on a Saturday or Sunday.
<p><u>Recorded Music</u> (Indoors only)</p> <p>Further details:</p>	<p>Recorded music currently permitted within the following areas of the premises: the Fountain Room, Great Hall, Reception, Orangery, Presidents Bar and Brasserie.</p>	<p><u>Recorded Music</u> (Indoors and outdoors)</p> <p>Further details:</p>	<p>Recorded music such as the playing of CD's during diners or within the lounge bar or any music played at wedding functions/parties.</p> <p>Due to alterations taking place at the premises this variation now seeks to licence all public areas on the ground floor with the exception of the Chapel and all areas outdoors within the grounds of the premises.</p>	<p>Application for recorded music to be permitted within the grounds of the premises and all public areas of the ground floor of the premises.</p>
<p>Standard days and timings:</p>	<p>Monday - Saturday 11.00 - 02.00 Sunday 12.00 - 24.00</p>	<p>Standard days and timings:</p>	<p>Monday - Sunday 11.00 - 02.00</p>	<p>An Additional 2 hours at the end of the licensed session on Sunday evenings. An additional 1 hour at the start of the licensed session on a Sunday.</p>
<p>Seasonal variations& Non-Standard timings:</p>	<p>None</p>	<p>Seasonal variations & Non-Standard timings:</p>	<p>6 Special Event Days per year permission to extend the licence to 04.00am.</p> <p>New Years Eve and Christmas Eve permission to extend the licence to 04.00am.</p>	<p>For special event days an additional 2 hours at the end of the licensed session if held on a Monday - Saturday. An additional 4 hours at the end of the licensed session if held on a Sunday.</p> <p>An additional 2 hours at the end of the licensed session New Years Eve and Christmas Eve if falls on a Monday - Saturday An additional 4</p>

				hours at the end of the licensed session if falls on a Sunday.
<p><u>Performance of dance</u> (Indoors and outdoors)</p> <p>Further details:</p> <p>Standard days and timings:</p> <p>Seasonal variations & Non-Standard timings:</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p>	<p><u>Performance of dance</u> (Indoors and outdoors)</p> <p>Further details:</p> <p>Standard days and timings:</p> <p>Seasonal variations & Non-Standard timings:</p>	<p>Performance of Dance such as an individual singing and performing with a piano during diners at a sit down meal or dancers at a party.</p> <p>Due to alterations taking place at the premises the applicant seeks to licence all public areas on the ground floor with the exception of the Chapel and all areas outdoors within the grounds of the premises.</p> <p>Monday - Sunday 11.00 - 02.00</p> <p>6 Special Event Days per year permission to extend the licence to 04.00am.</p> <p>New Years Eve and Christmas Eve permission to extend the licence to 04.00am.</p>	<p>New activity</p>
<p><u>Provision of facilities for making music</u> (Indoors only)</p> <p>Description and further details:</p>	<p>Provision of Facilities for making music currently permitted within the following areas of the premises: the Penn Room, Polo Lounge, Orangery, Presidents Bar, Great Hall, Reception Room, Brasserie, Buckingham Room, Ballroom, Wyatt Room and Fountain Room.</p>	<p><u>Provision of facilities for making music</u> (Indoors and outdoors)</p> <p>Description and further details:</p>	<p>On occasions the premises may provide or arrange for the hire of a DJ or entertainment on behalf of hirers i.e. at a wedding reception held in a function room.</p> <p>Due to alterations taking place at the premises the applicant seeks to licence all public</p>	<p>Application for provision of facilities for making music to be permitted within the grounds of the premises and all public areas of the ground floor of the premises.</p>

<p>Standard days and timings:</p> <p>Seasonal variations & Non-Standard timings:</p>	<p>Monday - Saturday 11.00 - 02.00 Sunday 12.00 - 24.00</p> <p>None</p>	<p>Standard days and timings:</p> <p>Seasonal variations & Non-Standard timings:</p>	<p>areas on the ground floor with the exception of the Chapel and all areas outdoors within the grounds of the premises.</p> <p>Monday - Sunday 11.00 - 02.00</p> <p>6 Special Event Days per year permission to extend the licence to 04.00am.</p> <p>New Years Eve and Christmas Eve permission to extend the licence to 04.00am.</p>	<p>An Additional 2 hours at the end of the licensed session on Sunday evenings. An additional 1 hour at the start of the licensed session on a Sunday.</p> <p>For special event days an additional 2 hours at the end of the licensed session if held on a Monday - Saturday. An additional 4 hours at the end of the licensed session if held on a Sunday.</p> <p>An additional 2 hours at the end of the licensed session New Years Eve and Christmas Eve if falls on a Monday - Saturday An additional 4 hours at the end of the licensed session if falls on a Sunday.</p>
<p><u>Provision of facilities for dancing.</u> (Indoors only)</p> <p>Description and further details:</p>	<p>Provision of Facilities for Dancing currently permitted within the following areas of the premises: the Ballroom, Wyatt room, Fountain Room, Orangery, Great Hall, Presidents Bar and Reception Room.</p>	<p><u>Provision of facilities for dancing.</u> (Indoors and outdoors)</p> <p>Description and further details:</p>	<p>The premises has a number of function rooms available for hire for parties and wedding receptions. The premises also is able to provide marquees in the grounds / lawn areas.</p> <p>Due to alterations taking place at the premises the applicant seeks to</p>	<p>Application for provision of facilities for dancing to be permitted within the grounds of the premises and all public areas of the ground floor of the premises.</p>

<p>Standard days and timings:</p> <p>Seasonal variations & Non-Standard timings:</p>	<p>Monday - Saturday 11.00 - 02.00 Sunday 12.00 - 24.00</p> <p>None</p>	<p>Standard days and timings:</p> <p>Seasonal variations & Non-Standard timings:</p>	<p>licence all public areas on the ground floor with the exception of the Chapel and all areas outdoors within the grounds of the premises.</p> <p>Monday - Sunday 11.00 - 02.00</p> <p>6 Special Event Days per year permission to extend the licence to 04.00am.</p> <p>New Years Eve and Christmas Eve permission to extend the licence to 04.00am.</p>	<p>An Additional 2 hours at the end of the licensed session on Sunday evenings. An additional 1 hour at the start of the licensed session on a Sunday.</p> <p>For special event days an additional 2 hours at the end of the licensed session if held on a Monday - Saturday. An additional 4 hours at the end of the licensed session if held on a Sunday.</p> <p>An additional 2 hours at the end of the licensed session New Years Eve and Christmas Eve if falls on a Monday - Saturday An additional 4 hours at the end of the licensed session if falls on a Sunday.</p>
<p><u>Late Night Refreshment</u> (Indoors only)</p> <p>Further details:</p>	<p>Provision of Late Night Refreshment currently permitted within the following areas of the premises: The bar and dining areas.</p>	<p><u>Late Night Refreshment</u> (Indoors and outdoors)</p> <p>Further details:</p>	<p>The premises may serve hot drinks and refreshments after 11.00pm or hot drinks/snacks from the bar areas. Hot refreshments are also to be served by way of room service.</p> <p>Due to alterations taking place at the premises the applicant seeks to licence all public</p>	<p>Application for provision of facilities for Late Night Refreshment to be permitted within the grounds of the premises and all public areas of the ground floor of the premises.</p>

<p>Standard days and timings:</p> <p>Seasonal variations & Non-Standard timings:</p>	<p>Monday - Saturday 23.00 - 02.00 Sunday 23.00 - 24.00</p> <p>Residents of the premises, to be provided in bedrooms Monday - Sunday 23.00 - 05.00</p>	<p>Standard days and timings:</p> <p>Seasonal variations & Non-Standard timings:</p>	<p>areas on the ground floor with the exception of the Chapel and all areas outdoors within the grounds of the premises.</p> <p>Monday - Sunday 23.00 - 05.00</p> <p>None</p>	<p>An Additional 3 hours at the end of the licensed session on Monday - Saturday evenings</p> <p>An Additional 5 hours at the end of the licensed session on Sunday evenings.</p>
<p><u>Supply of alcohol</u></p> <p>Standard days and timings:</p>	<p>Provision of Sale/Supply of alcohol currently permitted within the following areas of the premises:</p> <p>The Bar, The Dining Areas and All bedroom areas (On and Off Sales)</p> <p>Monday - Saturday 10.00 - 02.00 Sunday 10.00 - 24.00</p> <p>The Halfway House and Pro Shop (Off</p>	<p><u>Supply of alcohol</u> (On and Off Sales)</p> <p>Standard days and timings:</p>	<p>Due to alterations taking place at the premises the applicant seeks to licence all public areas on the ground floor with the exception of the Chapel and all areas outdoors within the grounds of the premises.</p> <p>Permission to set up temporary bars as and when required for special functions</p> <p>Permission to set up temporary bars within the Golf Course 1st hole, 14TH Hole, 10TH Hole, 16TH Hole and putting green when required for special functions</p> <p>Monday - Sunday 10.00 - 02.00</p>	<p>Application for sale/supply of alcohol to be permitted within all areas of the ground floor of the premises.</p> <p>Application for sale/supply of alcohol to be permitted within of the grounds of the premises for special functions.</p> <p>Application for sale/supply of alcohol to be permitted within the Golf Course for special functions.</p> <p>An Additional 2 hours at the end of the licensed session on Sunday evenings.</p>

<p>Seasonal variations & Non-Standard timings:</p>	<p>Sales Only) Monday - Sunday 10.00 - 20.00</p> <p>None</p>	<p>Seasonal variations & Non-Standard timings:</p>	<p>6 Special Event Days per year permission to extend the licence to 04.00am.</p> <p>New Years Eve and Christmas Eve permission to extend the licence to 04.00am.</p>	<p>For special event days an additional 2 hours at the end of the licensed session if held on a Monday - Saturday. An additional 4 hours at the end of the licensed session if held on a Sunday.</p> <p>An additional 2 hours at the end of the licensed session New Years Eve and Christmas Eve if falls on a Monday - Saturday An additional 4 hours at the end of the licensed session if falls on a Sunday.</p>
<p><u>Hours premises are open to the public</u></p> <p>Standard days and timings:</p> <p>Seasonal variations & Non-Standard timings:</p>	<p>Monday - Saturday 06.30 - 03.00 Sunday 06.30 - 01.00</p>	<p><u>Hours premises are open to the public</u></p> <p>Standard days and timings:</p> <p>Seasonal variations & Non-Standard timings:</p>	<p>Monday - Sunday 10.00 - 02.30</p> <p>Monday - Sunday 00.00- 24.00 (24 hour opening for residents of the hotel)</p> <p>6 Special Event Days per year permission to extend opening hours to 04.30am.</p> <p>New Years Eve and Christmas Eve permission to extend opening hours to 04.30am.</p>	<p>A reduction in the opening hours of the premises by 3 ½ hours in the morning Monday - Saturday and a reduction of 30 minutes at the end of the day.</p> <p>A reduction in the opening hours of the premises by 3 ½ hours in the morning on Sunday but an increase by 1 ½ hours at the end of the day.</p> <p>For special event days and New Years/Christmas Eve again a</p>

				reduction in the opening hours of the premises by 3 ½ hours in the morning, an increase by 1 ½ hours Monday - Saturday at the end of the day and by 3 ½ hours on a Sunday.
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4.3 All other Licensed activities to remain the same as stated in the current Premises Licence - see Appendix 2.

4.4 The Plan numbered 05/00398/LAPRE attached to the Premises Licence to be amended as follows - to reflect the alterations that have taken place at the premises, the areas to be licensed within the grounds of the Licensed premises and the locations of the proposed temporary bars for special events/functions.

5. Relevant Representations

5.1 Responsible Authorities:

5.1.1 **The Chief Officer of Police:** No objection received copy attached to this Report marked “Appendix 4”.

5.1.2 **Local Authority (Head of Environment - Environmental Health Officer):** Objection received copy attached marked “Appendix 5”. This objection has now been withdrawn subject to agreed additional special conditions being attached to the Premises Licence.

5.1.3 **Fire Authority:** No objection-received copy attached marked “Appendix 6”.

5.1.4 **District Planning Authority (Director of Services - Development Control - Planning Officer):** No objection-received copy attached marked “Appendix 7”.

5.1.5 **Weights and Measures Authority (Trading Standards Officer):** *No response received*

5.1.6 **Child Protection Agency:** *No response received.*

5.2 **Interested Parties:** 9 objections were received in total during the 28 day consultation process which ended on 9TH November 2009 a copy of which are attached marked “Appendix 8”.

These representations and/or objections relate to the following Licensing Objectives:

- The prevention of public nuisance
- The protection of children from harm

6. Local Policy Considerations

6.1 Regard must be had to the Council's Licensing Policy dated 11 December 2007 when determining this application.

6.2 It is considered that the following policies from the Council's Licensing Policy are particularly relevant to this application:

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|---------------|---------------|
| • Policy 1.4 | • Policy 2.5 |
| • Policy 1.5 | • Policy 3.1 |
| • Policy 1.9 | • Policy 4.1 |
| • Policy 1.10 | • Policy 4.4 |
| • Policy 1.11 | • Policy 10.2 |
| • Policy 1.12 | • Policy 10.3 |
| • Policy 1.15 | • Policy 12.1 |
| • Policy 1.16 | • Policy 13.1 |
| • Policy 2.3 | |

7. Licensing Officer's Observations

7.1 The Sub-Committee is obliged to determine this application with a view to promoting the four licensing objectives having regard to the Council's adopted Licensing Policy, National Guidance and all of the Relevant Representations received and the evidence it will hear at the Hearing.

7.2 The Relevant Representations raise the follows issues:

7.2.1 Noise:

Concerns have been raised in relation to the variation submitted for Live Music and Recorded Music. In particular the concerns relate to the 6 special event days, application for music until 4.00am, the Christmas Eve and New Years Eve extension application for music until 4.00am and the application to increase the standard hours for the premises until 2.00am. There are concerns that the music from these events will carry across the grounds from the clubhouse of the premises and cause a disturbance to local residents in their properties.

One objector informs us of an incident in the past whereby they were disturbed and when trying to contact the premises were told a manager was unavailable. Concerns have also been raised in relation to external events held at the premises such as events held in marquees and temporary bars located within the golf course. Again

it is believed any music held outdoors within the grounds of the premises will cause unacceptable nuisance to neighbouring residents.

A further objection letter details problems that have been experienced in the past with the premises over a period of 12 years. The objector details the worst period being approximately 5 years ago when being regularly kept awake in the summer months by music. We are informed that over the last three years the problem has seemed to have disappeared however it is believed this is because the current licence works well.

Concerns have been raised in relation to local resident's sleep being disturbed as and when people leave the premises after functions some of which will finish at 2.00am, some at 4.00am.

A question has been raised by one objector as to why adult people cannot go round a golf course without alcoholic refreshment and has raised concerns with any temporary bars being located near the 10th, 11th, 19th greens and the 11th, 14th and 20th tees, which are adjacent to their residential property. A further objector raises questions in relation to supervision of the temporary bars within the grounds and minors obtaining alcohol.

Comment:

Whilst a number of concerns have been raised by residents in relation to the application for extended hours inside the premises and for music to be permitted in the grounds of the premises I can confirm that since the Licence has been in place in 2005 we have received no complaints into the Licensing Department relating to disturbances and potential breaches of Licence restrictions or management problems at the premises. I note from the Environmental Health Officers report that initially concerns were raised however the Officer now feels that the agreed amended conditions to be imposed on the Licence should adequately address any problems that may arise. Should Members be minded to grant the application and complaints are then received into the Licensing Department of noise disturbances I can confirm Officers will undertake evening visits to the premises and ensure the Licence conditions are being complied with. Conditions contained within the schedule of this report should address the concerns raised by local residents.

7.2.2 Traffic

Concerns have been outlined in relation to an increase in traffic in particular along North Drive between the hours of midnight and 5.00am when residents are attempting to sleep.

Comment:

Whilst a number of the objection letters that we have received make reference to an increase in traffic unfortunately this is a matter

which will be dealt with under separate legislation by the Highways Department and by the Planning Team. I can confirm that when the premises were originally assessed as to its suitability for use as a commercial premises, consultation would have been undertaken by the planning department. As we can see from the consultation that has taken place with the planning authority No objection to the application has been received however the planning authority have requested an informative to be placed upon the licence in relation to ensuring the necessary planning applications/permissions are in place. Please see a copy of the correspondence received attached to this report marked “**Appendix 7**”. Section 13.64 - 13.68 of the DCMS guidance issued under section 182 of the Licensing Act 2003 seeks to set out clearly the approach that should be taken in relation to applications that are received before the relevant planning permissions have been sought or granted.

7.2.3 Fireworks

Concerns have been raised by one objector in particular in relation to fireworks held within the premises. We are informed that they are held very late at night and early morning during week and weekend periods. We are informed that this has been a cause of complaint to Stoke Park Club by residents in the past.

Comment:

Unfortunately Firework displays are not regulated by the Licensing Act 2003 therefore this is not a matter in which the Licensing Team or the Licensing Sub - Committee can consider or assist upon. The Fireworks Regulations 2004 prohibit the use of fireworks at night between the hours of 11pm and 7am however there are certain exemptions for festivals such as New Years Eve, Bonfire Night, Chinese New Year and Diwali. These regulations are enforced by the Police and there is a penalty of up to £5,000 or 6 months in prison for breach of curfew. The noise from fireworks can also be deemed a statutory nuisance under Part III of the Environmental Protection Act 1990 therefore should residents have concerns relating to noise disturbance from Firework Displays or any Health and Safety issues arising from these displays I would strongly advise that contact is made with the Environmental Health Team at the Council Offices who may be able to assist under separate legislative powers.

7.2.8 Consultation of application

Concerns have been raised as to why the notification of this application was not sent to all properties in the SL2 4PG postcode. It is felt that it is unacceptable for properties to be excluded from the notification process.

Comment:

I can confirm that the Licensing Act 2003 sets out the formal procedure for Local Authorities when receiving licensing applications. Unfortunately within the Act there is no requirement

for Local Authorities to notify local residents of Licensing applications however there is a statutory requirement for a Public notice to be displayed at the entrance to the premises and a Public Notice to also be displayed in a local newspaper that circulates the vicinity of the premises. The application must also be displayed on the Council's website for public viewing. The Licensing Sub - Committee in 2007 when reviewing their Licensing Policy decided that to ensure local residents were kept informed of licensing applications that arose in their areas the Licensing Team would go above and beyond the requirement of the Act and notify local Parish Councils so that the application may be discussed at parish meetings and to also send a brief written letter to nearby neighbouring residential properties informing them that there is an application available for viewing at the Council Offices. In relation to this application I can confirm that I have posted 111 letters to local residents, all properties of which we considered immediately surrounded the premises.

7.3 Details of the variations to the Premises Licence sought under this application:

Comment:

7.3.1 Provision of regulated entertainment:

- **Live music:** The Applicant is applying to vary the current permissions contained within the Premises Licence. The Applicant has stated in the application form that it will consist of live music such as an individual playing an instrument to diners a piano/singer or will consist of instruments played at a wedding reception. The premises is currently permitted to hold Live Music within certain areas of the Licensed premises and also outside on The Terrace and on The Lawn Adjacent to the Club House. Due to the alterations that have taken place at the premises the applicants are now seeking to licence the whole ground floor of the premises for this activity and the grounds of the premises. The applicants are also seeking to extend the hours currently permitted for this activity therefore the application will constitute an increase by 2 hours at the end of the licensed session on Saturday evenings and Sunday evenings. And an increase by 1 hour at the start of the licensed session on a Sunday for Standard Days and Timings. For special event days an additional 2 hours at the end of the licensed session if held on a Monday - Friday. An additional 4 hours at the end of the licensed session if held on a Saturday or Sunday. An additional 2 hours at the end of the licensed session New Years Eve and Christmas Eve if falls on a Monday - Friday. An additional 4 hours at the end of the licensed session if falls on a Saturday or Sunday.

- **Recorded music:** The Applicant is applying to vary the current permissions contained within the Premises Licence. The Applicant has stated in the application form that it will consist of Recorded music such as the playing of CD's during diners or within the lounge bar or any music played at wedding functions/parties. The premises is currently permitted to hold Recorded Music within certain areas of the Licensed premises however due to the alterations that have taken place at the premises the applicants are now seeking to licence the whole ground floor of the premises for this activity and the external grounds of the premises. The applicants are also seeking to extend the hours currently permitted for this activity therefore the application will constitute an increase by an Additional 2 hours at the end of the licensed session on Sunday evenings. An additional 1 hour at the start of the licensed session on a Sunday for Standard Days and Timings. For special event days an additional 2 hours at the end of the licensed session if held on a Monday - Saturday. An additional 4 hours at the end of the licensed session if held on a Sunday. An additional 2 hours at the end of the licensed session New Years Eve and Christmas Eve if falls on a Monday - Saturday An additional 4 hours at the end of the licensed session if falls on a Sunday.
- **Performances of dance:** This is a new licensable activity. The Applicant has stated in the application form that it will consist of an individual singing and performing with a piano during diners at a sit down meal or dancers at a party. I can confirm any Live performance of dance to an audience is licensable under the Licensing Act 2003.

7.3.2 Provision of entertainment facilities:

- **making music:** The Applicant is applying to vary the current permissions contained within the Premises Licence. The Applicant has stated in the application form that it will consist of occasions whereby the premises may provide or arrange for the hire of a DJ or entertainment on behalf of hirers i.e. at a wedding reception held in a function room. The premises is currently licensed for this activity within certain areas of the Licensed premises however due to the alterations that have taken place at the premises the applicants are now seeking to licence the whole ground floor of the premises for this activity and the external grounds of the premises. The applicants are also seeking to extend the hours currently permitted for this activity therefore the application will constitute an increase by an additional 2 hours at the end of the licensed session on Sunday evenings. An additional 1 hour at the start of the licensed session on a Sunday for Standard Days and Timings. For special event days an additional 2 hours at the end of the licensed session if held on a Monday - Saturday. An additional 4 hours at the end

of the licensed session if held on a Sunday. An additional 2 hours at the end of the licensed session New Years Eve and Christmas Eve if falls on a Monday - Saturday An additional 4 hours at the end of the licensed session if falls on a Sunday.

- **dancing:** The Applicant is applying to vary the current permissions contained within the Premises Licence. The Applicant has stated in the application form that the premises has a number of function rooms available for hire for parties and wedding receptions. The premises also is able to provide marquees in the grounds / lawn areas. The premises is currently licensed for this activity within certain areas of the Licensed premises however due to the alterations that have taken place at the premises the applicants are now seeking to licence the whole ground floor of the premises for this activity and the external grounds of the premises. The applicants are also seeking to extend the hours currently permitted for this activity therefore the application will constitute an increase by an additional 2 hours at the end of the licensed session on Sunday evenings. An additional 1 hour at the start of the licensed session on a Sunday for Standard Days and Timings. For special event days an additional 2 hours at the end of the licensed session if held on a Monday - Saturday. An additional 4 hours at the end of the licensed session if held on a Sunday. An additional 2 hours at the end of the licensed session New Years Eve and Christmas Eve if falls on a Monday - Saturday An additional 4 hours at the end of the licensed session if falls on a Sunday.

7.3.3 Provision of Late Night Refreshment: The Applicant is applying to vary the current permissions contained within the Premises Licence. The Applicant has stated in the application form that the premises may serve hot drinks and refreshments after 11.00pm or hot drinks/snacks from the bar areas. Hot refreshments are also to be served by way of room service. The premises is currently licensed for this activity within certain areas of the Licensed premises however due to the alterations that have taken place at the premises the applicants are now seeking to licence the whole ground floor of the premises for this activity and the external grounds of the premises. The applicants are also seeking to extend the hours currently permitted for this activity therefore the application will constitute an increase by an additional 3 hours at the end of the licensed session on Monday - Saturday evenings, an additional 5 hours at the end of the licensed session on Sunday evenings.

7.3.4 Supply of alcohol: The Applicant is applying to vary the current permissions contained within the Premises Licence. The premises is currently licensed for this activity within certain areas of the Licensed premises however due to the alterations that have taken place at the premises the applicants are now seeking to

licence the whole ground floor of the premises for this activity with the exception of the Chapel. The applicants are also seeking permission to set up temporary bars as and when required for special functions within the grounds of the licensed premises and permission to set up temporary bars within the Golf Course 1st hole, 14th Hole, 10th Hole, 16th Hole and putting green when required for special functions. The application as submitted will constitute an increase by an Additional 2 hours at the end of the licensed session on Sunday evenings for Standard Timings. For special event days an additional 2 hours at the end of the licensed session if held on a Monday - Saturday. An additional 4 hours at the end of the licensed session if held on a Sunday. An additional 2 hours at the end of the licensed session New Years Eve and Christmas Eve if falls on a Monday - Saturday An additional 4 hours at the end of the licensed session if falls on a Sunday.

7.3.5: Hours premises are open to the public: The Applicant is applying to vary the current permissions for opening hours. The application is seeking to reduce the opening hours of the premises by 3 ½ hours in the morning Monday - Saturday and reduce by 30 minutes at the end of the day. A further reduction in the opening hours of the premises by 3 ½ hours in the morning on Sunday but an increase by 1 ½ hours at the end of the day. For special event days and New Years/Christmas Eve again a reduction in the opening hours of the premises by 3 ½ hours in the morning, an increase by 1 ½ hours Monday - Saturday at the end of the day and by 3 ½ hours on a Sunday. The premises will however remain open 24 hours for residents of the hotel.

8. Resources, Risk and Other Implications

- 8.1 **Resource:** The only resource implications to date have been officer time however if the applicant/a relevant party who has made representations appeals against the decision of the Licensing Sub - Committee -this would result in legal fees to defend the appeal and further costs if we should loose the appeal and therefore have to pay the applicant/a relevant party's costs.
- 8.2 **Human Rights:** The Licensing Sub - Committee's decision regarding this application will have Human Rights implications in respect of both the Applicant and Relevant Representatives including local residents, which also need to be considered equally and fairly so that the decision is proportionate and the right balance is met. The referral of this matter to the Licensing Sub - Committee is laid down in the Licensing Act 2003 and is also in accordance with Article 6 of the Human Rights Act 1998, the right to a fair hearing, which is an absolute right. The Applicant and the Relevant Representatives have been notified of the Hearing and invited to make representations. A statutory right of appeal to the Magistrates Court and the right (if it arises) to challenge the Sub-Committee's decision by way of Judicial Review to the High Court also ensure a fair hearing to both the Applicant and the Relevant Representatives.

- 8.3 Article 8 and Article 1 of the First Protocol - the right to respect for private/family life and peaceful enjoyment of property/possessions (including Licences) - also need to be considered. "Interested Parties" including local residents have a right to respect for their private and family life and their home. They are entitled not to be disturbed by unreasonable noise and/or nuisance. However, this is a qualified right and has to be balanced against the rights of others including the rights of businesses in the area to operate.
- 8.4 Article 14 of the Human Rights Act 1998 - the right to freedom from discrimination, which is an absolute right - also needs to be considered. The human rights provided under the Human Rights Act 1998 must not be subject to discrimination under various headings, including race, national or social origins, association with a national minority group, or other status.
- 8.5 Interference with these rights is acceptable within the terms of the Act if it safeguards the rights of others, is legitimate, proportionate and balanced in that there is a need to find a fair balance between the protection of individual rights and the interests of the community at large - other than rights under Article 6 and 14 which are absolute rights and can not be interfered with.
- 8.6 Therefore if Members refuse to grant the application for a variation to the Premises Licence in whole or in part or grant it subject to Conditions this will be a breach of the rights of the Applicant unless such refusal (in full or part) is and/or the conditions imposed are proportionate and can be justified, on balance, by being outweighed by the rights of the community at large to peaceful enjoyment of their property/possessions. Any restriction placed upon the Premises Licence must not go beyond what is strictly necessary to achieve its legitimate purpose in order to mitigate the interference with the community at large's enjoyment of their property/possessions.
- 8.7 By taking into consideration all the material considerations relating to this application and balancing the interests/rights of all parties involved it is considered that the Sub-Committee's decision will be both proportionate and justified having had regard to the Human Rights Act 1998.

9. Determination by the Licensing Sub-Committee

- 9.1 This is a matter for the Licensing Sub-Committee to determine in the light of the above and any other material considerations.
- 9.2 The Licensing Sub-Committee having had regard to all of these matters must take one of the following steps, as it considers necessary for the promotion of the four licensing objectives:
- 9.2.1 Grant the application in full or in part subject to any Conditions to be attached to the Premises Licence (which

modify, or add to or vary the Conditions already imposed on it) which are consistent with the Operating Schedule and which are considered necessary and proportionate for the promotion of the four licensing objectives in response to relevant representations received and any relevant Mandatory Conditions. (On a “without prejudice” basis, a draft list of suggested conditions is attached to this Report marked “The Schedule”).

9.2.2 Reject the Variation Application.

The Sub-Committee may also vary the Premises Licence subject to different conditions for different parts of the Premises or the different licensable activities if this is considered necessary to promote the four licensing objectives and in response to the representations received.

9.3 The Committee is asked to note that:

9.3.1 It may not reject the whole or part of the application or modify or add to or vary the existing conditions merely because it considers it desirable to do so. It must actually be **necessary** in order to promote the four licensing objectives and be in response to the representations received and full reasons must be given for the Sub-Committee's decision.

9.3.2 any modification or variation to conditions, or any additional conditions to be added to the Premises Licence must be as a result of the effect of the variation if granted on the promotion of the four licensing objectives.

THE SCHEDULE

Existing Mandatory Conditions - to remain on the Premises Licence.

1 Mandatory Condition 1

No supply of alcohol may be made under the premises licence

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended .

2 Mandatory Condition 2

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Without prejudice draft list of suggested new Special Conditions and Informatives.

1. A zero tolerance towards illegal drugs will be enforced at all times at the Licensed Premises
2. All instances of crime and disorder at the Licensed Premises and also instances of crime and disorder in the vicinity of the Licensed Premises that come to the attention of the Management will be reported to the police and a record of the incident will be kept in an incident logbook. The incident logbook will include dates and times of incidents, the person witnessing the incident, the results and action taken and will be made available for inspection to an authorised officer of South Bucks District Council and/or the Police when requested.
3. A CCTV system will be installed, maintained and operated at the Licensed Premises for the duration of all licensable activities. The recordings from the system whether installed in digital or other format will be retained for a period of 28 days and stored during that time in a suitable and secure facility and will be made available to South Bucks District Council and/or the Police when requested. A sign advising patrons that CCTV is in operation will be positioned in a prominent position on the Licensed Premises.
4. Adequate lighting including external lighting and external security lighting will be installed and maintained at the Licensed Premises and working during all licensable activities. This lighting will be subject to the prior written approval of the South Bucks District Council's Environmental Health Officers in order to avoid any nuisance to local residents.
5. A fully licensed designated taxi company will be used to ensure the safety of staff and customers to and from the Licensed Premises. Customers will be verbally advised of which company to use and reminded by signs erected on the Licensed Premises. A notice will be displayed inside the Licensed Premises requesting staff and patrons to advise drivers not to use their vehicle horns.
6. Clear legible notices shall be erected on the Licensed Premises requesting customers, patrons and staff to keep noise to a minimum and respect local residents privacy when entering and leaving the Licensed Premises and to advise customers, patrons and staff to park legally and considerately.
7. All reasonable steps will be taken to ensure that people leaving the Licensed Premises do so in an orderly manner and do not in any way cause annoyance to residents and people passing by the Licensed Premises.
8. If the Regulated Entertainment includes a Disc Jockey, an announcement will be made at the end of the licensed session requesting patrons/customers to leave the Licensed Premises and the vicinity of the Licensed Premises quietly to keep noise to a minimum and to respect local residents' privacy.

9. Any music/Live music/commentary generated during regulated entertainment will not be played at a level where it is audible beyond the perimeter of the Licensed Premises with residential properties.
10. Noise monitoring patrols of the Licensed Premises with residential properties will take place at least hourly after 10pm each evening of the noise generated from the Licensed Premises on every occasion when any Regulated Entertainment is being offered at the Licensed Premises. Immediate steps will be taken to reduce the level of noise and make the necessary adjustments to ensure noise is not heard beyond the perimeter of the Licensed Premises.
11. A recognised proof of age policy will be enforced at the Licensed Premises at all times by the Management in relation to all potential purchasers who appear to be under the age of 21 years of age and will be in the form of photographic identification and a copy of the Proof of Age policy will be displayed in a prominent position in the Licensed Premises.
12. No sales of alcohol will be permitted by persons under the age of 18.

INFORMATIVES

For the avoidance of doubt the applicant is advised to contact the District Planning Authority as to whether planning permission is required with regard to the proposed variation of the use of the site as outlined in this current Licensing Application.

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Background Papers:	Director of Services Licensing Application File reference 09/00381/LAPRE Licensing Act 2003 Licensing Policy - Adopted 7 December 2004 Reviewed on 11^H December 2007. DCMS Guidance