

<b>Report title</b>	<b>Fairmont Windsor Park Hotel – Objection to a Temporary Event Notice</b>
<b>Report author</b>	Daniel Bradding
<b>Department</b>	Environmental Health
<b>Exempt?</b>	No

**Purpose of report:**  
**To resolve**

**Synopsis of report:**  
**To consider an objection to a Temporary Event Notice in respect of the Fairmont Windsor Park Hotel in Englefield Green**

**Recommendation(s):**  
**The Sub-Committee is asked to consider the objection notice from Environmental Health, together with any other submissions made at the hearing, and determine whether it is appropriate for the prevention of public nuisance objective to give a counter notice which will prevent the event from going ahead OR to attach relevant conditions from the existing premises licence.**

<b>Application Type:</b>	Objection to a Temporary Event Notice (TEN)
<b>Ward:</b>	Englefield Green West
<b>Location:</b>	Fairmont Windsor Park Hotel Bishopsgate Road, Englefield Green Egham TW20 0YL
<b>Proposal:</b>	The premises user has given notice of the following licensable activities: (a) the sale by retail of alcohol, and (b) the provision of regulated entertainment (c) the provision of late night refreshment on the following dates and times: <ul style="list-style-type: none"> <li>• Wednesday 8<sup>th</sup>, Thursday 9<sup>th</sup>, Friday 10<sup>th</sup>, Saturday 11<sup>th</sup> May 2024 from 23.00 hrs to 02:00 hrs the following morning inside and outside the premises</li> </ul>

## 1. Context and Background of Report

- 1.1 The Licensing Act 2003 (the 2003 Act) requires the Council (as licensing authority) to carry out its various licensing functions to promote the following four licensing objectives:
- (1) the prevention of crime and disorder;
  - (2) public safety;
  - (3) the prevention of public nuisance;
  - (4) the protection of children from harm.
- 1.2 The 2003 Act further requires the Council to publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The current Statement of Licensing Policy took effect on the 7 January 2021 available online [Statement of Licensing Policy 2021 to 2026 \(runnymede.gov.uk\)](https://www.runnymede.gov.uk/statement-of-licensing-policy-2021-to-2026).
- 1.3 Under the 2003 Act, it is the duty of all licensing authorities, in carrying out their functions, to have regard to guidance issued by the Secretary of State under section 182. As long as the licensing authority has properly understood and considered the Guidance, it may depart from it when it has reason to do so. However, as the licensing authority is under a duty to have regard to the Guidance, it will need to give full reasons for its departure from it. This would be a key consideration for the courts should departure from the Guidance result in a determination, which gives rise to an appeal or judicial review.
- 1.4 Temporary event notices allow licensable activities to be carried on without the need for a premises licence. If a premises has a premises licence, they allow licensable activities to be carried on otherwise than in accordance with the licence. They can therefore allow different activities or different hours. Events carried on under the authority of a temporary event notice are not subject to the conditions on the premises licence.

## 2. Report

### Site Location and History

- 2.1 Fairmont Windsor Park Hotel is situated in Bishopsgate Road, Englefield Green.
- 2.2 There are some residential and commercial properties (for example, but not limited to, a Riding Establishment a Public House and a School) in the vicinity, and it is a rural area of the borough. A plan showing the location of the premises is attached at Appendix 1, with a selection of the nearest residential properties represented by a red dot, the premises is outlined in red.
- 2.3 A premises licence is in force authorising:
- provision of regulated entertainment (live music, recorded music, performances of dance and anything of a similar description), 08:00 hours to 02:00 hours Monday to Saturday, 08:00 – 23:00 hours Sunday, stating 'outdoor to finish at 23:00 each day'
  - provision of late night refreshment, 00:00 hours to 23:59 hours Monday to Sunday
  - sale by retail of alcohol, 00:00 hours to 23:59 hours Monday to Sunday

A copy of the Premises Licence is attached at Appendix 2.

### Application

- 2.4 A Temporary Event Notice was initially submitted by Mr Gagan Sharma on 6<sup>th</sup> March, our licensing administrator clarified if alcohol was required with a positive response on 7<sup>th</sup> March. The form is attached at Appendix 3.

- 2.5 The dates and times shown on the Notice are as follows:  
Wednesday 8<sup>th</sup>, Thursday 9<sup>th</sup>, Friday 10<sup>th</sup>, Saturday 11<sup>th</sup> May 2024 from 23.00 hrs to 02:00 hrs the following morning

The licensable activities notified on the application are:

- a. the sale by retail of alcohol, and
- b. the provision of regulated entertainment
- c. the provision of late night refreshment

The proposed event is for the premises to be used for a wedding. Regulated entertainment and sale of alcohol to take place indoors and outside.

- 2.6 On 7<sup>th</sup> March 2024, Environmental Health served a notice of objection in relation to the temporary event notice. This notice was served within the timescales prescribed.
- 2.7 The objection is based on their concern that the 'prevention of public nuisance' licensing objective would not be met. The objection notice refers to:
- a. a record of widespread complaints from DJ style music, vocals, drumming and other noise when outdoor events are held
  - b. six occasions outdoor events have caused complaint, most recently 11 June 2023.
  - c. no indication that a suitable event management plan or other controls will be in place to limit the likelihood this event will cause public nuisance.
- 2.8 A further email in respect of the objection clarified that an incomplete date in respect of a complaint for '15 November 202' should read '15 November 2022' was provided on 11th March 2024. A full copy of the objection notice with correction is attached at Appendix 4.

### **Considering the Objection**

- 2.9 The factors to be taken into account when considering the objection are listed below:
- (a) The Sub-Committee is obliged to consider these objections with a view to promoting the licensing objectives of the prevention of crime and disorder, public safety and prevention of public nuisance.
  - (b) The Sub-Committee must have regard to any representations made by Environmental Health, the applicant and any supporting evidence.
  - (c) The Sub-Committee must, having regard to the objection notice, give a counter notice under Section 105 of the Act if it considers it appropriate for the promotion of the licensing objectives of the prevention of crime and disorder or public safety or prevention of public nuisance to do so. A counter notice prevents the event from taking place.
  - (d) If the Sub-Committee does not consider it appropriate to give a counter notice, the premises user will be entitled to hold the event as stated in the notice.
  - (e) If the Sub-Committee decides to give a counter notice it must give the counter notice and a notice stating the reasons for the decision to the premises user, Surrey Police and Environmental Health.
  - (f) Alternatively the Sub-Committee can attach conditions from the existing premises licence to the notice because conditions a premises licence is in effect for the premises.

- (g) There is a right of appeal to the Magistrate's Court for the recipient of a counter notice or for Surrey Police or Environmental Health where no counter notice is given, however no appeal may be brought later than 5 working days before the event period begins.

### **3. Policy Framework Implications**

3.1 The following sections of the Council's Licensing Policy are relevant:

- Section 6 – Fundamental Principles
- Section 22 – Temporary Event Notices
- Section 10 – Prevention of public nuisance

#### **National Guidance**

3.2 The following sections of the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 are relevant:

- Paragraphs 2.21 to 2.27 – Public nuisance
- Paragraphs 7.1 to 7.40 – Temporary Event Notices.

### **4. Conclusion**

4.1 The Sub-Committee is asked to consider the objection notice from Environmental Health, together with any other submissions made at the hearing, and determine whether it is appropriate for the prevention of public nuisance objective to give a counter notice which will prevent the event from going ahead OR to attach relevant conditions from the existing premises licence.

Reason for recommendation - To comply with the requirements of the Licensing Act 2003.

5. Background Papers:

Amended Guidance issued under Section 182 of the Licensing Act 2003 (December 2023)

6. Appendices

Appendix 1 - Map showing Fairmont Windsor Park Hotel and surrounding area nearby residential properties indicated by a red dot, premises outlined in red

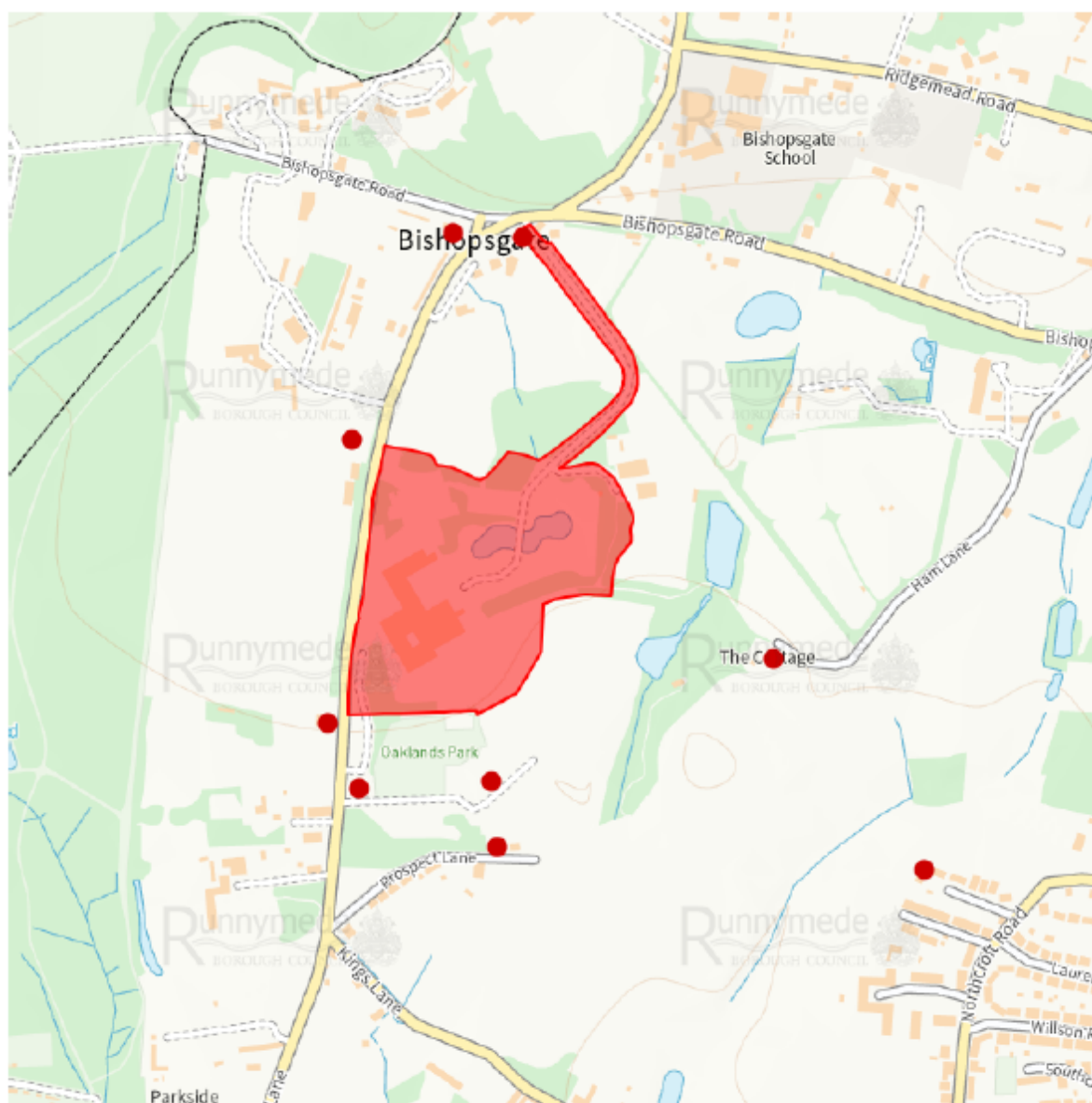
Appendix 2 – Copy of the Premises Licence

Appendix 3 – Temporary event form

Appendix 4 – Objection notice



Fairmont Windsor Park, with nearby residential (red dots)



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