

## LICENSING PANEL SUB-COMMITTEES

FRIDAY, 20 JANUARY 2017

PRESENT: Councillors Adam Smith, John Collins and Sayonara Luxton

Also in attendance: David Howells (Objector)

Officers: Steve Smith, Tanya Leftwich, Andy Carswell and Roxana Khakinia

### APPOINTMENT OF CHAIRMAN

**RESOLVED: That Cllr Luxton be elected as Chairman for the duration of the meeting.**

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Grey.

### DECLARATIONS OF INTEREST

No declarations of interest were noted.

### CONSIDERATION OF APPLICATION TO VARY A PREMISES LICENCE UNDER THE LICENSING ACT 2003

The Chairman welcomed everyone to the meeting and asked them to introduce themselves. The Clerk informed those present that the proceedings were being audio recorded and outlined the meeting procedures, which all indicated that they understood.

The item was introduced by the Council's Licensing Officer, Steve Smith, who explained that unfortunately the applicant was unable to attend due to illness. However the applicant had sent an email to the Council's Licensing Officer the previous evening outlining six points that he wanted raised on his behalf. The Council's Licensing Officer circulated a copy of the email to everyone present.

The Council's Licensing Officer explained that the application related to the premises known as Papa Johns Pizza, Shop 5, Glynwood House, Bridge Avenue, Maidenhead which was a pizza shop used primarily for takeaways, although there was some seating available for customers inside. However he was unable to inform the Sub-Committee on the ratio of people who would eat inside to those who would take away.

The Council's Licensing Officer explained that the premises currently had a Late Night Refreshment Licence which allowed for the sale of hot food until 23:30 on Fridays and Saturdays. The Council's Licensing Officer explained that the premises currently opened until 23:00 from Sunday to Thursday. It was noted that the applicant was applying to extend the business trading hours to 00:30 Monday to Sunday, with the terminal hour being 00:30. The Council's Licensing Officer stated that this application was not for the sale of alcohol but purely for late night refreshment.

The Council's Licensing Officer said the premises was situated in a parade of shops known as Glynwood House in Bridge Avenue, Maidenhead. He stated there were two other licensed premises - a restaurant and a convenience store - in the parade, and two other food outlets, neither of which had a Late Night Refreshment Licence.

The Council's Licensing Officer handed out photos of the frontage and inside of the premises, along with an aerial view map of the surrounding area, to those present.

The Council's Licensing Officer said he had not received any representations from any of the relevant responsible authorities, but had received one representation in objection to the application from an interested party, David Howells, the Planning Manager for Shanly Homes.

The Council's Licensing Officer reminded the Sub-Committee to determine the application with a view to promoting the four licensing objectives, which were the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. He explained to the Sub-Committee that many of David Howells' objections related to planning matters, which were not of concern to the Sub-Committee as they were not covered by the four licensing objectives. However he added that the objection related to the licensing objective 'the prevention of public nuisance'. The Council's Licensing Officer said that David Howells had previously said he would send further supporting documentation in relation to his objections, but these had to date not been received.

The Council's Licensing Officer said there was no explanation on the operating schedule included in the agenda as to how the applicant would meet the licensing objectives. He added that only a few conditions had been attached to the premises' existing licence.

The Sub-Committee was reminded that it could:

- Grant the application as requested
- Modify the conditions of the licence, by altering or omitting or adding to them
- Reject the whole or part of the application.

The Council's Licensing Team Leader advised the Sub-Committee to have regard for national guidance and the Council's own Licensing Policy.

#### Questions to the Licensing Officer

The Chairman asked if Licensing had received any complaints relating to people congregating outside the premises. The Council's Licensing Officer replied that no complaints had been received about the premises.

Councillor Smith asked how late the Kebab Elite store, in the nearby Colonnade, was licensed to remain open and whether any complaints relating to public nuisance had been raised. The Council's Licensing Officer replied that it was licensed until 02:00 and there had been no complaints made to the Council in relation to this store or any other premises in the local vicinity with a Late Night Refreshment License.

#### Objector's case

David Howells told the Sub-Committee that his company had a vested interest in the premises as it owned the flats over the shops in Glynwood House and was constructing a new block of flats directly opposite. He stated that there was potential for public nuisance to the residents of the flats if the premises were allowed to remain open beyond 23:00, caused by delivery vehicles and increased footfall of customers.

David Howells stated that although he accepted licensed premises in The Colonnade were allowed to remain open for longer, they did not have residential units over them, whilst the application site did.

#### Questions to Objector

The Council's Licensing Officer informed the Sub-Committee that the applicant had approached the Licensing team with a view to negotiating a revised closing time of 00:00.

David Howells confirmed the applicant had contacted him on a number of occasions asking if the objection could be withdrawn if a negotiated time of 00:00 could be agreed. David Howells informed the Sub-Committee that he had found the calls 'inappropriate' and amounted to being hassled.

Councillor Smith asked if there was a Residents' Association for people living at Glynwood House. David Howells said he did not know of one, but that it was felt the letter to the Council raising concerns should come from Shanly Homes rather than residents. Councillor Smith asked how many bedrooms would be facing the road in the new block of flats. David Howells said he did not know.

The Chairman stated that she assumed that flats in the new block would be fitted with double glazing to keep out noise.

The Council's Licensing Officer said the Bianco Nero restaurant in Glynwood House had a licence until 00:00. David Howells said that whilst the restaurant had a licence until 00:00 they only tended to open until 23:00.

#### Licensing Officer's Summary

The Council's Licensing Officer summarised by explaining that the current licence at the premises had very few conditions applied to it and that none had been offered. The Council's Licensing Officer reminded Members that the applicant had offered to reduce the time he had originally applied for.

The Chairman asked if Licensing had had any problems with the applicant in the past. The Council's Licensing Officer replied that he had not.

#### Objector's Summary

David Howells indicated that he did not have anything else he wished to add to the discussion.

#### Decision

After considered consideration of all of the evidence the Sub-Committee decided to allow the application to vary the premises licence in part.

The Sub-Committee considered carefully the objections raised by David Howells, who was concerned at the possibility that the late opening hours of the site could be a potential cause of public nuisance to residents of the flats over Glynwood House and in the new block directly opposite, due to noise created by customers and delivery vehicles.

The Sub-Committee noted however that no complaints had been received in respect of public nuisance at the premises, nor had any complaints been made in relation to other premises nearby that were licensed to remain open until later. The Sub-Committee noted that none of the relevant responsible authorities, including Thames Valley Police, Public Health and Trading Standards, had raised any objections to the Council in respect of the variation. The Sub-Committee also took into consideration that many of the objections raised related to planning matters, which could not be considered by the Sub-Committee as they were not relevant to the four licensing objectives.

The Sub-Committee also took into consideration the fact that the applicant had showed a willingness to make a compromise over the opening hours of the premises.

The Sub-Committee felt that it was appropriate to allow the variation to the licence on Fridays and Saturdays.

In making their decision, the Sub-Committee also had regard to national guidance and the Council's own Licensing Policy.

**RESOLVED:**

- That the premises be granted an extension to its licence until 00:30 on Fridays and Saturdays, subject to no additional seating than currently exists being added to the premises.
- That the premises retained its current closing time of 23:00 on Sunday-Thursday.

The meeting, which began at 10:08 am, finished at 10:55 am (deliberations started at 10:39 am).

CHAIRMAN.....

DATE.....