

## LICENSING PANEL SUB-COMMITTEES

MONDAY, 15 MAY 2017

PRESENT: Councillors Phillip Bicknell (sub for Councillor Grey), Derek Sharp and Maureen Hunt

Also in attendance: Also in attendance: Councillor David Coppinger (Ward Councillor for Bray), Michael Brett, Parish Councillor Chris Graham, Betty Jackson (Jesus Hospital), James Jackson (Jesus Hospital), Jonny Lake (Applicant), John Palmer (Jesus Hospital), Paul Tillion (Resident), Alun Thomas (Applicants Legal Advisor), Marc Whitehead (Applicant),

Officers: Tanya Leftwich, Steve Smith and Janette Brettell

### APPOINTMENT OF CHAIRMAN

**RESOLVED Unanimously: That Councillor Bicknell be elected as Chairman for the duration of the meeting.**

It was announced that the meeting was being recorded.

### APOLOGIES FOR ABSENCE

Apologies were received from Councillor Grey, Councillor Bicknell kindly agreed to sub.

### DECLARATIONS OF INTEREST

None.

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

The Chairman welcomed all the parties to the meeting, introduced the Sub-Committee Members and explained the procedure, which all indicated they understood.

The Council's Licensing Officer, Steve Smith, introduced the application for Members to consider. He explained that the application related to a request to vary the plans appended to the existing premises licence to include the garden area to include a bar servery and kitchen facilities at the Crown Inn, High Street, Bray SL6 2AH.

The Sub-Committee was informed that the following conditions had been proposed to promote the licensing objectives:

- No sale of alcohol from the garden bar after 23:00, this had since been reduced to 22:00.
- There shall be no regulated entertainment or amplified music within the garden area.

It was noted that the premises currently enjoyed the following licensable activities and hours:

- Sale of alcohol (on and off) Monday to Sunday 11:00 – midnight.
- Recorded music (indoors) Monday to Sunday 11:00 – midnight.
- Live music (indoors) Monday to Sunday 11:00 – midnight.

The Licensing Officer provided the Sub-Committee with a photo of the outside bar area and kitchen facility and a photo to give an idea of the setting across the garden.

The Council's Licensing Officer referred the Sub-Committee to the representation from Environmental Health (CPES) which could be found on page 41 of the agenda, along with two representations from local residents, a representation from Donnington Hospital Trust (Jesus Hospital) and an objection from Bray Parish Council. It was noted that no representations had been received from Ward Members, although Councillor Coppinger was present at the meeting today.

Members were informed that the applicant was Corona Realty Ltd and the Designated Premises Supervisor was a Mr David Ashton Hyde.

The Sub-Committee were reminded that they could, in this case, either grant the application as asked, modify the conditions of the licence, by altering or omitting or adding to them, or reject the application in part or in its entirety. However the determination of the application had to be made with regards to the licensing objectives which were:

- The prevention of crime and disorder
- Public safety.
- The prevention of public nuisance.
- The protection children from harm.

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

#### Questions of the Licensing Officer

- It was confirmed that the conditions would be updated accordingly if the application was approved.
- That a premise was allowed to apply for up to fifteen Temporary Event Notices (TENs) or accumulation of hours per annum.
- That a TENs was used for a licensing activity not already licensed for at the premise.

#### Applicant's case

Alun Thomas, the Applicant's legal representative, thanked the Licensing Officer for his helpful introduction and introduced Marc Whitehead (MD for the Crown) and Jonny Lake (Executive Head Chef for the Fat Duck) to everyone present. It was noted that the MD had been in the licensing trade for over 20 years and had been with the Crown for 3 years whilst the Executive Head Chef had been with the company for 12 years. Alun Thomas explained that the DPS was not here yet as he was running late, possibly getting the premise ready for opening.

Alun Thomas went onto explain that the Crown could apply for TENs for events in the garden but that they did not want to do that every time hence were here today asking for the licence to be varied.

The Sub-Committee was informed that there had been an event in 2015 where there had been live music, which had been too loud and for that the Crown apologised and assured everyone present that they would not be holding an event like that again.

The Sub-Committee noted that the premise simply wanted to sell alcohol in the premise garden until 22:00 and the location of the garden was shown on a map.

Alun Thomas explained that the premise was sensitive to people and businesses locally.

Jonny Lake added that people liked to enjoy the garden and the traffic of people through the courtyard could lead to delays. It was noted that the premise wanted to have a separate offer in the garden so they could take the stress / pressure of those based inside.

Alun Thomas went onto explain that over the Easter Bank Holiday a TENs had been obtained to allow a children's entertainer to perform. It was noted that the entertainer had got a bit over enthusiastic on a microphone for approximately 30 minutes.

The Sub-Committee was informed that the premise had been voted best pub in Berkshire for two years running.

#### Objector's case

The Chairman requested that repetition from objectors be avoided where possible which everyone indicated they understood. John Palmer representing Jesus Hospital informed everyone present that the Jesus Hospital was a Grade 1 listed property and had previously been the Worshipful Company of Fishmongers. It was noted that local residents and the Donnington Hospital Trust had been concerned about the building and had decided to take it over so that 18 arms people can live in it peacefully.

John Palmer explained that the event over the Easter weekend which involved the use of a microphone and entertainment in the garden had caused real concern and showed the problem it could potentially grow to. Members were informed that the garden extended further than the map showed, approximately 20 metres from one end to the other, and that alcohol was usually being sold in the garden. The Licensing Officer explained that the consumption of alcohol was not a licensed activity and as long as alcohol was only being drunk in the garden and not purchased in the garden then there was not a problem. It was confirmed that if the premise applied for a TENs there was no requirement for them to advertise the fact that they had made an application which meant that the Jesus Hospital would not necessarily be aware. John Palmer went onto explain that he was very worried that if this application was to be granted then it would lead to noise and disruption for the Jesus Hospital.

Betty Jackson representing Jesus Hospital explained that at the moment they had three residents that were suffering from anxiety that was getting worse due to the noise from the premise garden. It was noted that there was no fence between the two properties and that the residents ranged from 73 – 97 years of age. It was noted that Betty Jackson had been called five times over the Easter weekend by upset residents which had resulted in her having to leave someone with cancer. Betty Jackson informed Members that the residents of the Jesus Hospital were in their twilight years and as such deserved tranquillity and rest.

James Jackson representing Jesus Hospital stated that he had estimated there to have been approximately 300 people at the event at the Crown over the Easter weekend when the noise had been 'horrendous'. It was noted that the noise had been caused by the shrieking from the female entertainer and the shrieking from the children present at the event. Members were informed that the nearest resident at the Jesus Hospital was 10 metres from the Crown. The Chairman reminded James Jackson that this event had been a result of a TENs.

Betty Jackson added that she felt the Crown was not keeping up good relations with local residents and local businesses as they had not informed them that they had applied for a TENs. The Chairman explained that whilst he was sympathetic this was not material to the application before them today.

Betty Jackson informed the Sub-Committee that the applicants had on their website that they were planning a celebratory event next Bank Holiday weekend and questioned whether this was to celebrate getting this licence.

Paul Tillion, a resident of Bray Ward, explained that he had been born in the village and lived opposite the Fat Duck. Members were informed that Mr Tillion was disturbed on a daily basis by delivery lorries, taxi's and by general noise. It was noted that families used to live

locally which was sadly no longer the case. Paul Tillion went onto explain that the staff are not present to control things and that the noise, smell and disturbance would only get worse if this application was granted. The Sub-Committee was informed that whilst the staff at the Council were very sympathetic nothing was being done. The Chairman agreed to pass the objectors comments onto Environmental Heath to see if they could do anything to help.

Michael Brett added that when the photos were taken of the premise they weren't taken of Jesus Hospital and that Environmental Heath had only visited the Crown. The Legal Advisor for the applicant pointed out that Mr Brett had not made written representation and therefore should not be giving his view.

Parish Councillor Chris Graham stated that the statement by the Licensing Officer had explained that no complaints had been submitted re: Crown which he felt to be untrue. Parish Councillor Chris Graham recommended the Sub-Committee took a cautious approach as he believed the application by the Crown to be too big a step. Parish Councillor Chris Graham stated that he felt a good compromise would be a 21:00 finish on a Friday, Saturday and Sunday, with no amplified entertainment or music in the garden as it would help limit the impact on locals.

Ward Councillor David Coppinger (representing the Bray Ward) informed the Sub-Committee that he did not think anyone could understand the high regard the Jesus Hospital was held in, not just locally, and that when it looked like it would close Councillor Walters worked closely in conjunction with a Windsor Councillor to stop that happening. Councillor Coppinger stated that he had been delighted with the offer of the reduced hour of 22:00. It was questioned whether the number of seats in the garden could be limited which the Chairman responded to by saying he did not believe so. Councillor Coppinger explained that he understood the tight limitations and that it was impossible to meet the needs of all residents but that communication needed to improve. Councillor Coppinger stated that he would be happy to help and be involved in improving communication between the locals and the Crown.

#### Questions to the Objector

No questions were asked.

#### Questions to the Applicant

In response to questions, the following points were made -

- Councillor Sharp stated that he did feel communication could be better between all parties which Councillor Hunt endorsed.
- Alun Thomas politely rejected Parish Councillor Chris Graham's proposal as they would not want to restrict the use of the garden area during the week.
- Alun Thomas explained that the Crown would shut the bar at 22:00 and that people in the bar could then remain until 00:30. It was noted that there might still be people outside in the garden after 22:00 but that they would no longer be served.
- Alun Thomas explained that if the Crown did apply for a TENs in the future they would do their best to inform the locals as good neighbours.
- Alun Thomas stated that the premise was not planning to expand dramatically.
- Marc Whitehead stated that he was happy to move a good relationship forward.

#### Objector's Summary

John Palmer summarised by stating that he was very keen to ensure peace and quiet at the Jesus Hospital. John Palmer asked the Licensing Officer whether he would approve a TENs if it was received from the Crown in Bray, it was suggested that this question be taken outside of the meeting at the end.

Parish Councillor Chris Graham asked the Sub-Committee to consider his proposal.

#### Applicant's Summary

Alun Thomas summarised by saying that it was helpful to hear locals concerns and that Marc Whitehead would be happy to meet and work with local people / businesses as the premise was a member of the community.

Alun Thomas explained that the premise was confident that they could apply any variation granted by the Sub-Committee with minimal distress to the locals. It was noted that the premise would use their best endeavours to inform locals of TENs applications.

Alun Thomas stated that he believed the Sub-Committee understood what was and was not relevant to the application and that the premise would do its best going forward.

Marc Whitehead and Jonny Lake had nothing further to add.

#### Licensing Officer's Summary

The Licensing Officer stated that the Sub-Committee had heard lots of passionate and emotional concerns from the Jesus Hospital and had heard how the premise planned to go forward with regard to improving relations.

The Licensing Officer explained that the premise was not applying for regulated entertainment or live music and that they had even added no music in the outside area as a condition on the licence.

It was noted that with regard to TENs the Local Authority were simply the authorising authority and that responsible agencies such as Environmental Health and the Thames Valley Police were able to object to any applications they felt were of concern to them.

#### Decision

After careful consideration of all the evidence, the Sub-Committee decided to allow the application to vary the premises licence as follows:

- To vary the plans appended to the existing premises licence to include the garden area to include a bar servery and kitchen facilities.

With the following conditions added to promote the licensing objectives:

- No sale of alcohol from the garden bar after 22:00hrs.
- There shall be no regulated entertainment or amplified music within the garden area.
- Notices shall be prominently displayed at exits requiring customers to respect the needs of local residents.
- A contact number of the duty manager will be made available to local residents.

The Sub-Committee considered the written submissions provided by the applicant, Officers of the Council and Objectors. The Panel also heard oral evidence provided from the following:

- Steve Smith (Licensing Officer at the Royal Borough of Windsor & Maidenhead)
- Alun Thomas (On behalf of the applicant)

- Paul Tillion (Objector)
- Michael Brett (Objector)
- John Palmer (Objector)
- Betty Jackson (Objector)
- James (Jim) Jackson (Objector)
- Parish Councillor Chris Graham (Objector)
- Ward Councillor David Coppinger (On behalf of the Objectors)

In making their decision, the Sub-Committee had regard to its duty to promote the four licensing objectives.

The Sub Committee considered the proposal raised by the Parish Council to limit the variation to Fridays – Sundays, a 21:00 finish with a condition that there be no regulated entertainment or amplified music within the garden area but felt there was no evidence to justify restricting the days or hours that had been requested by the applicant.

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

The Licensing Officer will be sent a copy of this decision letter, and those parties who made representations at the meeting held on 15 May 2017 will also be informed of the Sub-Committee's decision.

**RESOLVED: That the application to vary the plans appended to the existing premises licence to include the garden area to include a bar servery and kitchen facilities be approved with the following conditions added to promote the licensing objectives:**

- **No sale of alcohol from the garden bar after 22:00hrs.**
- **There shall be no regulated entertainment or amplified music within the garden area.**
- **Notices shall be prominently displayed at exits requiring customers to respect the needs of local residents.**
- **A contact number of the duty manager will be made available to local residents.**

The meeting, which began at 10.00 am, finished at 11.25 am

CHAIRMAN.....

DATE.....