

LICENSING PANEL SUB-COMMITTEE

FRIDAY, 31 AUGUST 2018

PRESENT: Councillors Maureen Hunt, Sayonara Luxton and Derek Wilson

Also in attendance: Gurchinder Singh Sidhu (applicant), Genia Taylor and Patti Rain-Wiffin (objectors)

Officers: Steve Smith, Katia Russo, Anthony Lenaghan and Andy Carswell

APPOINTMENT OF CHAIRMAN

RESOLVED UNANIMOUSLY: That Cllr Luxton be appointed Chairman of the Licensing Panel Sub Committee.

APOLOGIES FOR ABSENCE

None received.

DECLARATIONS OF INTEREST

Cllr Wilson declared a personal interest as he was aware that the applicant was a member of the Conservative Party.

PROCEDURES FOR LICENSING PANEL SUB COMMITTEE

The Chairman explained the procedure for the meeting. All present indicated that they understood the procedure.

CONSIDERATION OF APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003

Licensing Officer

The Licensing Officer, Steve Smith, introduced the application for Members to consider. The Licensing Officer explained that the application related to a new Premises License to permit the sale of alcohol on and off the premises at 49a St Marks Road, Maidenhead SL6 6DP between the hours of 10am-10pm Monday-Sunday. The premises in question was a café that operated from 6am-10pm Monday-Sunday.

The Licensing Officer explained that no representations had been made by any of the responsible authorities except for Thames Valley Police, who had requested to a number of conditions relating to CCTV monitoring being added to the operating schedule. If these were agreed then Thames Valley Police would not object to the application. The Licensing Officer stated that the terms of the conditions were acceptable to the applicant. The Panel was informed that the Council had received six objections to the application.

The Licensing Officer explained that the application site was on the corner of St Marks Road and Orchard Grove, a residential cul-de-sac. The site had previously been used as a convenience store but this had been demolished and a new building consisting of a café on the ground floor and basement and flats above it had been erected in its place. The Licensing Officer confirmed that he had visited the premises in question. He reminded Members that although the application requested the sale of alcohol, under the terms of the Deregulation Act

the applicant would also be at liberty to have live entertainment at the café should he wish. The Licensing Officer reminded Members that they should have consideration for the four licensing objectives when making their decision on whether to permit the application as requested, permit but with conditions, or to reject the application.

Questions to the Licensing Officer

Cllr Hunt asked if the application related to the area immediately outside the premises. The Licensing Officer stated that the licence applied for was just for the inside of the building. Responding to a question from the Chairman, the Licensing Officer stated that the conditions requested by Thames Valley Police would be added to the operating schedule along with RBWM's mandatory provisions. The Licensing Officer confirmed that it would be an offence for the applicant to sell alcohol outside the property, but that it would be lawful for a customer to purchase alcohol inside and then consume it off the premises.

Applicant's case

The applicant stated that the Licensing Officer had summed up the history of the site and its current usage well. He stated that there was table space for around 45 people in the café, both in the basement and on the ground floor. The applicant stated that it had always been the intention for a licensed premises to be included in the redevelopment of the site as a replacement for the convenience store.

The applicant informed the Panel that Drink Superstore had been trading for ten years and last year had a turnover in excess of £900,000. He stated that the company had a competent management infrastructure in place and there had never been any issues with any responsible authorities in the past. The applicant stated that the proposed Premises Licence would permit the sale of a limited range of locally-sourced premium and artisanal wines, craft ales and ciders. He stated that no part of the application related to entertainment, although there would be background music. The applicant reminded Members that no objections had been raised by Environmental Health, the Fire Officer, the Planning Officer, the Local Safeguarding Children's Board, Public Health, Trading Standards or RBWM Licensing.

Objectors' case

Genia Taylor, objector, explained that she lived on Orchard Grove and stated that it was a quiet residential area. She stated that residents were concerned that the new premises would be like a pub and the consumption of alcohol would not be regulated, which could lead to conflict between residents and patrons. Mrs Taylor stated that customers would often use Orchard Grove for parking while using the premises despite the road being for resident permit holders only, and that residents had suffered verbal abuse when challenging motorists. Mrs Taylor stated that residents felt they had not been consulted over the use of the new premises and their views had been ignored by the Council. She stated her belief that public safety would be put at risk and that it was causing stress to residents.

Mrs Taylor stated that some residents had been too afraid to attend the Licensing Panel Sub Committee and that they had been followed and photographed by the applicant. She stated that her husband had contacted the police non emergency number after being photographed, and that officers had attended to mediate. However Mrs Taylor's husband did not press charges.

Patti Rain-Wiffin, objector, stated that the café was tastefully decorated and was currently attracting a good clientele. She stated her belief that people passing the café would be vulnerable to people drinking outside if the Premises Licence was granted. Mrs Rain-Wiffin told the Panel that girls attending Newlands School would walk past the café and she stated that they would be vulnerable. She stated that there were other pubs and off licences nearby and that another was not needed, and she stated her belief that this café would be better suited to the town centre.

Questions for objectors

Responding to a question from Cllr Hunt, the objectors stated that there were issues with parking throughout the day. A residents only parking scheme had been introduced in Orchard Grove as part of the conditions for the new building when the convenience store was demolished. Mrs Rain-Wiffin stated that when complaints over parking were raised with the Council, an officer would be despatched and vehicles would be ticketed. However the problem was not actively monitored. Cllr Wilson reminded Members that issues relating to parking were a planning matter and not of material concern to licensing.

The Chairman reminded the objectors that they stated the previous convenience store had had issues of youngsters congregating outside, and asked if they had ever contacted the police. Mrs Taylor stated that she had not, but informed the Panel that the convenience store had a history of mis-selling alcohol to minors. This was confirmed by the Licensing Officer. Cllr Wilson reminded Members that the Council had introduced a test purchase policy in order to be better able to control selling alcohol to those who were underage.

The applicant informed the Panel that he had carried out a consultation of residents and had gone door to door in order to engage with them. Although the response to this had not been entirely positive because of the past history of the site, none of the residents living closest to it had raised objections with the applicant.

Questions to the applicant

Responding to a question from Cllr Hunt, the applicant stated that the café attracted a mixed clientele of professionals, older people and mothers with children. It was designed to be outward facing.

Cllr Hunt asked about the outside areas. The applicant stated that the rear outside area was for use by the occupants of the flats above, and that feedback from residents suggested that they did not want customers to drink out the front. Because of this the applicant did not intend for alcoholic drinks to be taken outside for consumption. The applicant stated in response to a question from Cllr Hunt that wine sales accounted for £180,000 of turnover for Drink Superstore last year. He also stated that the ability to sell alcohol would enable the café to sell Christmas hampers for consumption off site.

Cllr Hunt asked about the use of the café's basement. The applicant stated that this could be held for events, and that the previous day this had been booked by one of Maidenhead's biggest companies for a team meeting. He stated that people had wanted to drink alcohol at this event, which they could do but this would not be regulated. The applicant stated that the Premises Licence would ensure the consumption of alcohol was fully regulated and that if residents had any issues then it could be reviewed. Responding to a question from Cllr Wilson, the applicant stated that the premises had a Delivery Management Plan in order to cause as little disruption to on-street parking as possible; for example, attendees at this event arrived in a single minibus.

The applicant stated that it had not yet been decided if the craft ales would be sold in bottles or on draught, but that the policy was to aim for the premises to be plastic free. Cllr Wilson suggested the use of polycarbonate drinking vessels; the applicant indicated he would be willing to accept their usage if the Panel were minded to insist on this as a condition of the licence.

Regarding noise issues, the Licensing Officer reminded Members that the applicant had not applied for a regulated entertainment licence. However Members were reminded that if any noise issues were reported, the licence could be reviewed. The applicant stated that the basement was fully soundproofed.

The Chairman asked the applicant why he wished to sell alcohol for consumption on the premises. The applicant stated that this would reduce footfall but increase profitability, compared to the site being used as a convenience store. It would also enable them to hold tasting events. Responding to a question from the Chairman, the applicant stated that Drink Superstore was experienced in dealing with the dispersal of groups from outside their premises, and that this site was designed to not have any covered or secluded areas as these tended to be where groups would congregate. The applicant stated that other premises had successfully used Mosquito devices in order to deter youngsters from congregating outside.

The applicant was questioned by Mrs Taylor about taking photographs of her husband. The applicant confirmed that there had been an incident but denied taking a photograph, and the applicant stated that he had been the one to contact the police. The applicant added that it had not been his intention to intimidate any residents and said he was upset if this had been the case. The applicant stated that neighbours had no reason to fear any retribution if they had submitted any objections to the proposed Premises Licence. He accepted that there had previously been issues at the site and that he had gone door-to-door to try and allay residents' fears about the application. The applicant stated that two consultations had taken place; one before the application was submitted and one after. Three people, including the applicant, had conducted the surveys of residents but only one person at a time would approach the houses on Orchard Grove. Mrs Rain-Wiffin stated her belief that a more appropriate course of action would be to invite residents to a meeting at the café, rather than approaching people's homes. She also stated that she could not recall being consulted on the application prior to it being submitted. Mrs Taylor stated that she was visited by the applicant a few days after she had registered an objection with the Council over the application. The applicant stated that this was coincidental and that he was not made aware of the objections from residents until he received notification of the Licensing Panel Sub Committee.

The applicant stated there would be no dedicated smoking area, and that those wishing to smoke would be encouraged to do so in and around the site. The applicant also stated that he had no links to the convenience store that had previously operated at the application site.

Applicant summary

The applicant stated that this was a straightforward application and the café was a good addition to the area. The applicant reiterated that this would lead to a reduced footfall in the area compared to an off licence, thereby reducing inconvenience to residents.

Objector summary

Mrs Rain-Wiffin stated that the café would be a good addition to Maidenhead town centre, and that this was an unsuitable location as it was a quiet residential area. Mrs Taylor stated her belief that if the licence were granted it would raise public safety concerns and lead to further conflict between the business and neighbouring residents.

Licensing Officer summary

The Licensing Officer stated his belief that the café was tastefully decorated and attracted a good clientele. He reminded Members that the conditions agreed with Thames Valley Police would be added to the operating schedule, as would the terms of the Challenge 25 initiative. The Licensing Officer reminded Members that they should take into account 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. Members were reminded that it had been proposed to prevent the consumption of alcohol on the curtilage at the front of the premises.

Decision

After careful consideration the Licensing Panel Sub Committee agreed to grant the application for a new Premises Licence to permit the sale by retail of alcohol for consumption on and off the premises from 10am-10pm Monday-Sunday. There would be an additional condition that forbade drinking alcohol on the outside curtilage of the building.

In making their decision the Panel had regard for the four licensing objectives and took into account the objections raised by residents. Although they accepted that there had been problems at the site in the past, they related to a different premises that was no longer in operation and this was a new licence application. The Panel took the view that the concerns raised by the objectors were largely speculative based on the past history of the site and there was no evidential basis for them. They took into account the concerns regarding parking, but noted that this was a planning issue and not a licensing one.

RESOLVED UNANIMOUSLY: That the new Premises Licence be granted under the Licensing Act 2003, subject to the conditions previously agreed with Thames Valley Police, the mandatory conditions in the RBWM Licensing Policy, and subject to no alcohol being consumed on the curtilage outside the premises.

The meeting, which began at 10.00 am, finished at 12.20 pm

CHAIRMAN.....

DATE.....