

# Public Document Pack

## NOTICE OF MEETING

www.rbwm.gov.uk



# LICENSING PANEL SUB-COMMITTEES

will meet on

**FRIDAY, 31ST AUGUST, 2018**

**At 10.00 am**

in the

**COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD**

TO: MEMBERS OF THE LICENSING PANEL SUB-COMMITTEES

COUNCILLORS MAUREEN HUNT, SAYONARA LUXTON AND DEREK WILSON  
WILSON MAUREEN HUNT, SAYONARA LUXTON AND DEREK WILSON

Karen Shepherd – Service Lead - Democratic Services - Issued: 23<sup>rd</sup> August 2018

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at [www.rbwm.gov.uk](http://www.rbwm.gov.uk) or contact the Panel Administrator **Karen Shepherd** 01628 796529

**Fire Alarm** - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Congregate in the Town Hall Car Park, Park Street, Maidenhead (immediately adjacent to the Town Hall) and do not re-enter the building until told to do so by a member of staff.

**Recording of Meetings** – The Council allows the filming, recording and photography of public Council meetings. This may be undertaken by the Council itself, or any person attending the meeting. By entering the meeting room you are acknowledging that you may be audio or video recorded and that this recording will be available for public viewing on the RBWM website. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting.

## AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APPOINTMENT OF CHAIRMAN</u>  To appoint a Chairman for the duration of the meeting.	
2.	<u>APOLOGIES FOR ABSENCE</u>  To receive any apologies for absence.	
3.	<u>DECLARATIONS OF INTEREST</u>  To receive any declarations of interest.	3 - 4
4.	<u>PROCEDURES FOR LICENSING PANEL SUB COMMITTEE</u>  To note the Licensing Panel Sub Committee Procedures.	5 - 6
5.	<u>CONSIDERATION OF APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003</u>  To consider an application for a new Premises Licence under The Licensing Act 2003 for Drink Superstore Ltd, 49a St Marks Road, Maidenhead, SL6 6DP.	7 - 58

## MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

### Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

### Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
  - a) that body has a piece of business or land in the area of the relevant authority, and
  - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

### Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

### Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

This page is intentionally left blank

## LICENSING SUB-COMMITTEE

### PROCEDURES

The Chairman will welcome all parties to the meeting, introduce the Sub-Committee Members and officers present, and outline the procedure as below:

- a) The Licensing Officer to outline the application and the decision to be taken
- b) Members to ask questions of the Licensing Officer
- c) The Applicant to put their case to the Sub-Committee and clarify any information arising from the Licensing Officer's outline
- d) Any Objectors to address the Sub-Committee and put their case
- e) Members to ask questions of the Objectors
- f) Applicant to ask questions of the Objectors
- g) Any party requested by the Applicant to address the Sub-Committee (at the Sub-Committee's discretion)
- h) Members to ask questions of the Applicant
- i) Objectors to ask questions of the Applicant
- j) Applicant to briefly summarise their position
- k) Objectors to briefly summarise their position
- l) Licensing Officer to provide a summary
- m) Chair to ask all parties if they have said all that they wish to
- n) Sub-Committee to retire for deliberations

**N.B. Decision letter to be sent to applicant within 5 working days**

This page is intentionally left blank

## REPORT TO LICENSING PANEL SUB COMMITTEE.

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

LICENSING PANEL SUB COMMITTEE: 31<sup>st</sup> August 2018

OFFICER REPORTING: Steve Smith

#### A) The Application

Applicant: - Drink Superstore Ltd

Premises: - Drink Superstore Ltd, 49a St Marks Road, Maidenhead, SL6 6DP

The application relates to an application for a new premises licence

A summary of the application is as follows:-

The premises is a specialist retailer and will be selling locally sourced craft ales, wine and ciders. Also coffees, cakes, bread, wine tasting and community friendly store.

The standard opening hours of the premises:

- 06.00 until 22.00 hrs Monday to Sunday

To permit the sale by retail of alcohol for consumption ON and OFF the premises:

- 10.00 until 22.00 hrs Monday to Sunday

Designated Premises Supervisor (DPS): Mr Gurcharan Singh Sidhu

#### B) Relevant Representations

Responsible Authorities.

a. Environmental Health (CPES):	None
b. RBFRS (Fire Officer):	None
c. Planning Officer:	None
d. Local Safeguarding Children's Board (LSCB)	None
e. Public Health:	None
f. Trading Standards:	None
g. Thames Valley Police:	Attached
h. RBWM Licensing:	None

Interested Parties:

- 6 representations from local residents objecting to the application, attached.

Responsible Authorities

Thames Valley Police (TVP) requested a number of conditions (attached). These have all agreed by the applicant.

**C) It is considered the following policies have a bearing upon the application.**

**RBWM licensing policy:-**

2.1 De-regulated Entertainment:-

The Legislative Reform (Entertainment Licensing) Order 2014 came into force on 6 April 2015 with the effect that the following forms of entertainment are no longer licensable –

- Performances of plays between 08.00 and 23.00 provided that the audience does not exceed 500.
- Performances of dance between 08.00 and 23.00, provided that the audience does not exceed 500
- 'Not-for-profit' film exhibition held in community premises between 08.00 and 23.00, provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events between 08.00 and 23.00, provided that those present do not exceed 1000.
- Any contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00, provided that the audience does not exceed 1000.
- Performances of unamplified live music between 08.00 and 23.00, on any premises.
- Performances of amplified live music between 0800 and 2300:
  - On premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500
  - In a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500



- In a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises
- At the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital
- Playing of Recorded Music between 0800 and 2300:
  - On premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500

## 7. Promoting the Prevention of Crime and Disorder

Where relevant representations are made, the Licensing Authority will have particular regard to the following issues in relation to the crime and disorder objective:

- Measure to prevent bottles being carried from premises
- Use of drinks' promotions
- Measure to prevent binge drinking
- Participation in the Pub Watch Scheme
- Use of door supervisors
- Training staff in crime prevention measures
- Search procedures
- Use of close circuit television
- Lighting
- Where premises are new, designing out crime
- Quality of surveillance of premises

### Door Supervisors

Whenever any persons are employed at licensed premises to carry out any security activity, all such persons must be licensed with the Security Industry Authority. Where relevant representations are made the Licensing Authority may consider that certain premises require strict supervision for the purpose of promoting the reduction of crime and disorder. In such cases, the Licensing Authority may impose a condition that licensed door supervisors must be employed at the premises either at all times or such times as certain licensable activities are being carried out.

## 9. Promoting the Prevention of Public Nuisance

Where relevant representations are made, the Licensing Authority will have particular regard to the following issues in relation to the public nuisance objective:

- The disposal of waste, particularly glass
- The use and maintenance of plant, including air extraction and ventilation systems
- Litter in the vicinity of the premises
- Noise from deliveries / collections to and from the premises
- Measures to control behaviour and queues
- Whether door supervisors are able to stay at the entrance to encourage quiet departure
- The provision of Hackney Carriage / Private Hire services at the premises
- Signs on doors and on tables encouraging consideration to the neighbours

### Noise

Where relevant representations are made the Licensing Authority will impose conditions in relation to licensed premises to prevent unnecessary noise and disturbance to local residents where relevant representations are made. This may include restrictions on times when music or other licensable activities may take place and may impose technical restrictions on levels of sound at premises. Conditions may also be imposed requiring licensees to display signs at all exits from premises reminding customers to leave premises quietly and to respect the rights of nearby residents.

## 10. Promoting the Prevention of Children from Harm

10.1 The Royal Borough recognises that the protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms directly associated with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). The Licensing Authority will also consider the need to protect children from sexual exploitation when undertaking licensing functions.

10.2 The Royal Borough will give considerable weight to representations about child protection matters. In addition to the local Safeguarding Children Board, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about harms that alcohol can cause to underage drinkers. In relation to applicants for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons age under 18, the Licensing Authority will have particular regard to ensure that conditions are imposed to ensure that this objective is effectively promoted. Applicants are therefore expected to provide a robust Operating Schedule outlining in particular how they will address the prevention of children from harm objective.

10.3 Alcohol is often a factor in child sexual exploitation, where young people may be encouraged or coerced to drink; alcohol may also be a factor in risk taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or licensed premises being used for the purposes of grooming and enticement.

10.4 The Windsor and Maidenhead Local Safeguarding Children Board (LSCB) works with other statutory authorities and the licensing trade to promote risk management and safeguarding in relation to child sexual exploitation. The LSCB can provide advice to assist licensees to identify risk and report concerns at different types of licensed premises so that children remain safe and businesses operate responsibly.

10.5 The Licensing Authority encourages license holders and operators of licensed premises:

1) To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a criminal offence and

2) To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.

10.7 All applicants need to demonstrate how children and young people will be safeguarded if attending the licensed premises, or how it will be ensured that they do not gain access to the premises if not appropriate. Where relevant representations are made in relation to the protection of children from harm the Licensing Authority may impose conditions restricting the access of children or excluding them altogether from licensed premises. Such conditions will be imposed from the prevention of harm to children objective. Examples of premises which may be included are:

- Where there have been convictions for serving alcohol to minors or with a reputation for under-age drinking
- With a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises
- Where entertainment of an adult or sexual nature is commonly provided
- Where there is concern or evidence that young people are being exploited

Options will include:

- Limitations on the hours when children may be present
- Age limitations below 18
- Limitations or exclusions when criteria when certain activities are taking place
- Requirements for accompanying adults

- Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- The provision of a full range of non-alcoholic drinks

## 6. Key Strategies for 2016 – 2021

### 6.1 Framework Hours

The current staggered closing times of licenced premises, that has developed since 2005 in the Royal Borough, has helped to reduce the problems associated with large numbers of people leaving premises at the same time and reduced congestion at taxi ranks and fast food outlets. However, the later opening hours have brought increased levels of crime, disorder and nuisance. Responsible Authorities, local residents and local Councillors have reported many issues, including noise, anti-social behaviour and litter, which are having an adverse impact on their quality of life. In particular, there has been an increase in violent crime in Windsor town centre between the hours of 00:00 and 04:00.

Having considered the evidence of alcohol related crime, disorder and anti-social behaviour, the number of late night premises and, in particular, the social, practical and regulatory impacts on the morning after the night before, the Licensing Authority has adopted a Framework Hours Policy. This Framework Hours Policy will apply to new and variation applications.

The Framework Hours are: Premises Type:	Commencement Hour for Licensable Activities No earlier than :	Terminal Hour for Licensable Activities No later than:
● Off licence	● 09:00am	● 11:00pm
● Restaurant	● 09:00am	● 01:00am
● Pub/Bars/Night Clubs	● 10:00am	● 02:00am
● Takeaways	● n/a	● 02:00am

Have greater freedom to operate outside framework hours. Such venues are predominantly seated. Examples include:

- Theatres
- Cinemas
- Qualifying Clubs

For the purpose of this policy, premises shall be considered as a restaurant or café if the sale of alcohol is made only to seated customers who are also dining and where this is a condition of the licence, or a condition volunteered in the Operating Schedule for the premises. Where such conditions have not been offered, the premises will be treated as a public house.

Framework Hours are intended to guide applicants on the Licensing Authority's expectations when preparing their Operating Schedule. However, if no relevant

representations are received, the application will be granted by the Licensing Authority under delegated powers.

Any conditions setting out hours of premises refers, unless otherwise stated, to the hours during which licensable activities may take place pursuant to the Premises Licence or Club premises Certificate. The Licensing Authority expects the premises to close thirty minutes after the terminal hour for the latest licensable activity.

## 6.2 Promoting food-led and seated entertainment venues

The Licensing Authority wishes to encourage applications for food-led and other predominantly seated entertainment venues. Nationally, it has been demonstrated that restaurants and similar establishments have a lower impact on crime, disorder and nuisance; this national observation has been experienced locally within the Royal Borough. In order to encourage food-led and other predominantly seated entertainment venues, the Royal Borough has determined to adopt a Framework Hours Policy with a terminal hour of 01:00 being set for such premises.

## 6.3 Licensing and Planning Protocol

### **ANNEXE B - LICENSING AND PLANNING PROTOCOL**

Licensing and Planning are two separate regimes. As a matter of law the Licensing Authority could not refuse an application because of the absence of appropriate planning consent. However the Licensing Authority would generally expect applicants to have planning and other permissions required for lawful operation of the premises in place at the time of the licensing application. For the avoidance of doubt, the granting of any variation to an existing licence which involves a material alteration to a building does not relieve the applicant of the need to apply for planning permission, listed building consent or building regulations approval where appropriate.

The Licensing Authority has recognised that the overlap between the objectives of licensing and planning are a source of confusion for operators and the wider community. It is clear that planning, building control and licensing should properly be separated to avoid duplication and inefficiency. This is relatively easy to state but much harder to formulate any general principle that would assist in demarcating the respective competences of the planning and licensing authorities.

It may however be generally stated that the framework and substance of the

Licensing Act 2003, and its underlying rationale, would strongly suggest that operational matters are intended primarily for regulation by the licensing authorities.

There can, however, be no hard-and-fast rule the planning context in respect of the land use principles and the operational matters thereto is complex and there is likely to be a multiplicity of situations. In appropriate circumstances the planning authority may impose conditions on granting permission for licensed premises that concern operational matters and there may be cases where the planning authority could properly leave such matters to be regulated by the licensing authority. Each case has to be considered upon its own facts.

The inevitable confusion that arises in the practical application of overlapping yet separate regimes undermines the key aim and purpose of greater community involvement in licensing decisions. The Royal Borough has developed a Licensing and Planning Protocol to assist in the proper demarcation of the respective competencies of the licensing and planning regimes.

## **Context**

The Licensing Act 2003 is the legislation that regulates the operation of licensed premises. The licensee is held as responsible for the proper operation of the premises. The licensing objectives are:

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

The Planning Act 2008 is clear that planning permission runs with the land; all planning decisions should be made in line with the national and local planning policies and should balance the environmental, social and economic impacts of a development.

There is a tension between the two legislative frameworks when it comes to the management of the night-time economy. The Royal Borough has in the past used planning conditions to limit the hours of operation of licensed premises and has also imposed similar restrictions on licences via licence conditions.

However, because the legal considerations and policy framework are different for the two processes there is, in theory and in practice, the possibility of a licensed premises having a planning condition stating one “closing time” and a licence condition stating another. This is unhelpful not only to the proprietor/operator of the premises, but also to local residents, and hinders the effective management of the night time economy locally.

The Council has a responsibility to take into account the expectations of local residents to be able to live in peace and enjoy their homes without unreasonable noise, disturbance or fear of crime. Therefore it is an important duty of the Council to manage effectively the night time economy wherever licensed premises exist.

The most flexible and proactive tool to manage these premises is the licensing regime - as any issues arising through mismanagement of opening hours conditions can be dealt with through the current well-established licence review process.

Having a generic regime responsible for the hours of operation of these premises will mean that there is greater clarity for residents and licensees, a single point of responsibility for enforcement and simpler town centre management.

### **6.4 Wider Community Interest**

The Licensing Authority considers that its licensing functions are exercised in the public interest, furthermore that the licensing authority is under a duty to take any steps

with a view to the promotion of the licensing objectives in the interests of the wider community and not just those of the individual licence holder.

The Licensing Authority will have particular regard to those applications in close proximity to residential premises and the likely effect on the promotion of the licensing objectives in such circumstances. Subject to any relevant representations, the Licensing Authority will have particular regard to:

- The nature of the activities
- The character of the surrounding area
- Measures for limitation of noise emissions from the premises. These may include as appropriate; noise limitation devices, sound insulation, whether windows are to be opened, the insulation of acoustic lobbies and double glazing
- Measures to deal with queuing, where necessary
- Use of outdoor areas
- Measures to deal with dispersal of customers from the premises as necessary, including the employment of door supervisors, use of dedicated Hackney Carriage / Private Hire firms, notices in the premises requesting customers to respect neighbours
- Winding down periods, particularly in public houses and nightclubs etc.

## **D) 182 National Guidance April 2017**

### Crime and Disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises

for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licenced premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in the licensed premises might include requiring a premises licence holder to undertake right to work check on all staff employed at the licensed premises or requiring that a copy of any documents checked as part of a right to work check are retained at the licensed premises.

## Public nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.



2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the 10 | Revised Guidance issued under section 182 of the Licensing Act 2003 early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant

representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

#### Protection of Children from harm

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly to alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- Adult entertainment is provided
- A member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- It is known that unaccompanied children have been allowed access;
- There is known association with drug taking or dealing; or
- In some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises

2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is no possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity

of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- Restrictions on the hours when children may be present;
- Restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- Restrictions on the parts of the premises to which children may have access;
- Requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 year old with alcohol-related illness or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in

the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

### **E) Observations.**

The Sub Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

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

In making its decision, the Committee is also obliged to have regard to national guidance and the Council's own Licensing Policy. Of course, the Committee must have regard to all of the representations made and the evidence it hears.

The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

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

# Royal Borough of Windsor and Maidenhead

## Application for a premises licence to be granted under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/we DRINK SUPERSTORE LTD  
*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

#### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>49A ST MARKS ROAD,</u> <u>MAIDENHEAD,</u> <u>BERKSHIRE,</u>			
Post town	<u>MAIDENHEAD</u>	Postcode	<u>SL6 6DP</u>

Telephone number at premises (if any)	<u>N/A</u>	<u>07816496146 MOBILE</u>
Non-domestic rateable value of premises	£	<u>8,900</u>

#### Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *                 | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *            |                                     |                             |
| i. as a limited company                           | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership                              | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or          | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation)   | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                              | <input type="checkbox"/>            | please complete section (B) |
| d) a charity                                      | <input type="checkbox"/>            | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/>            | please complete section (B) |
| f) a health service body                          | <input type="checkbox"/>            | please complete section (B) |

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	DRINK SUPERSCORE LTD
Address	23 MONTAGUE ROAD, UXBRIDGE, ENGLAND, UB8 1QL
Registered number (where applicable)	07308296
Description of applicant (for example, partnership, company, unincorporated association etc.)	COMPANY
Telephone number (if any)	07815496146 (MOBILE)
E-mail address (optional)	GURCHDLIVE.COM

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
18	05	2018

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

SPECIALIST RETAILER SELLING LOCALLY  
 SOURCED CRAFT ALES, WINE & CIPERS.  
 ALSO COFFEES, CAKES AND BREADS,  
 WINE TASTINGS AND COMMUNITY FRIENDLY  
 STORE

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

/
---

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)



**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

Plays Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				<b>Please give further details here</b> (please read guidance note 3)	
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)			
Wed						
Thur			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)			
Fri						
Sat						
Sun						

**D**

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)					
Mon								
Tue								
Wed						<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur								
Fri						<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat								
Sun								

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)					
Mon								
Tue								
Wed						<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Thur								
Fri						<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat								
Sun								

**H**

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 3)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)</p>		
Fri					
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)</p>		
Sun					



**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption –</b> <u>please tick</u> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	10.00	22.00			
Tue	10.00	22.00			
Wed	10.00	22.00			
Thur	10.00	22.00			
Fri	10.00	22.00			
Sat	10.00	22.00			
Sun	10.00	22.00	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Thur	10.00	22.00			
Fri	10.00	22.00			
Sat	10.00	22.00			
Sun	10.00	22.00			
Mon	10.00	22.00			
Tue	10.00	22.00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	GURCHARAN SINGH SIDHU
Address	5 BALDWIN PLACE, MARDENHEAD, BERKSHIRE
Postcode	SL6 5BP
Personal licence number (if known)	PA 060013
Issuing licensing authority (if known)	R. BURN

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

(This area is currently blank for highlighting concerns.)

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	6AM	10PM	
Tue	6AM	10PM	
Wed	6AM	10PM	
Thur	6AM	10PM	
Fri	6AM	10PM	
Sat	6AM	10PM	
Sun	6AM	10PM	

**Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)**

M Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 9)

TO BE MINDFUL OF THE LICENSING OBJECTIVES IN THE DAILY RUNNING OF THE BUSINESS. ENSURE WE TO PROVIDE FULL CO-OPERATION TO ANY EMERGENCY SERVICE AND ANY CRIMINAL ENCLINCES. WE TEND TO FOSTER EXCELLENT WORKING RELATIONSHIP WITH THE LOCAL AUTHORITY.

b) The prevention of crime and disorder

EFFECTIVE AND RESPONSIBLE MANAGEMENT OF THE PREMISES, TRAINING + SUPERVISION OF STAFF CCTV SYSTEMS INSTALLED AND MAINTAINED IN GOOD WORKING ORDER. WE WILL ADOPT A POLICY NOT TO EXCESSIVELY DISCOUNT DRINKS, A CIGARETTE CONCESSION POLICY TO KEEP ON KEOWN UNDESIRABLES AND TROUBLE MAKERS.

c) Public safety

SUITABLE AND SUFFICIENT RISK ASSESSMENTS, MEANS OF ESCAPE, FIRE ALARM AND FIRE FIGHTING EQUIPMENT, EMERGENCY LIGHTING. NO SALE OF ALCOHOL TO DRUNK PERSONS.

d) The prevention of public nuisance

RESPONSIBLE MANAGEMENT OF THE PREMISES, CONTROL OF OPERATING HOURS, ADEQUATE REFUSE BINS PROVIDED.

e) The protection of children from harm

EFFECTIVE + RESPONSIBLE MANAGEMENT, APPROPRIATE INSTRUCTION, TRAINING + SUPERVISION OF STAFF INCLUDING CHALLENGE 25 POLICY IN PLACE. REFUSED SALES LOG MAINTAINED. PHOTOGRAPHIC PROOF OF AGE I.D. ACCEPTED

Consent of individual to being specified as premises supervisor

I Guillermo Smith Shaw ..... [full name of prospective supervisor]  
of S Balaun Park, Maidenhead,  
Beacons, SL6 5BP ..... [home address of prospective premises

supervisor] hereby confirm that I give my consent to be specified as the designated premises  
supervisor in relation to the application for (49A ST MARKS ROAD) PREMISES  
[type of application] licence

by DRINK SUPERSTORE LTD ..... [name of  
applicant] relating to a premises licence ..... [number of existing

licence, if any] for 49A ST MARKS ROAD, MAIDENHEAD,  
BEACONS, SL6 6DP ..... [name & address of premises to which

the application relates] and any premises licence to be granted or varied in respect of this  
application made by DRINK SUPERSTORE LTD .....

..... [name of applicant] concerning the supply of alcohol at 49A .....  
ST MARKS ROAD, MAIDENHEAD, SL6 6DP ..... [name &  
address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence,  
details of which I set out below.

Personal Licence number PA060013 ..... [insert Personal Licence number, if  
any] Personal Licence issuing authority R.B.W.M. .....

.....  
[insert name & address & telephone number of Personal Licence issuing authority, if any]

Guillermo Smith Shaw  
18/4/18

Signed  
Name (please print)  
Dated

**Checklist:**


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	18/11/18
Capacity	MANAGING DIRECTOR

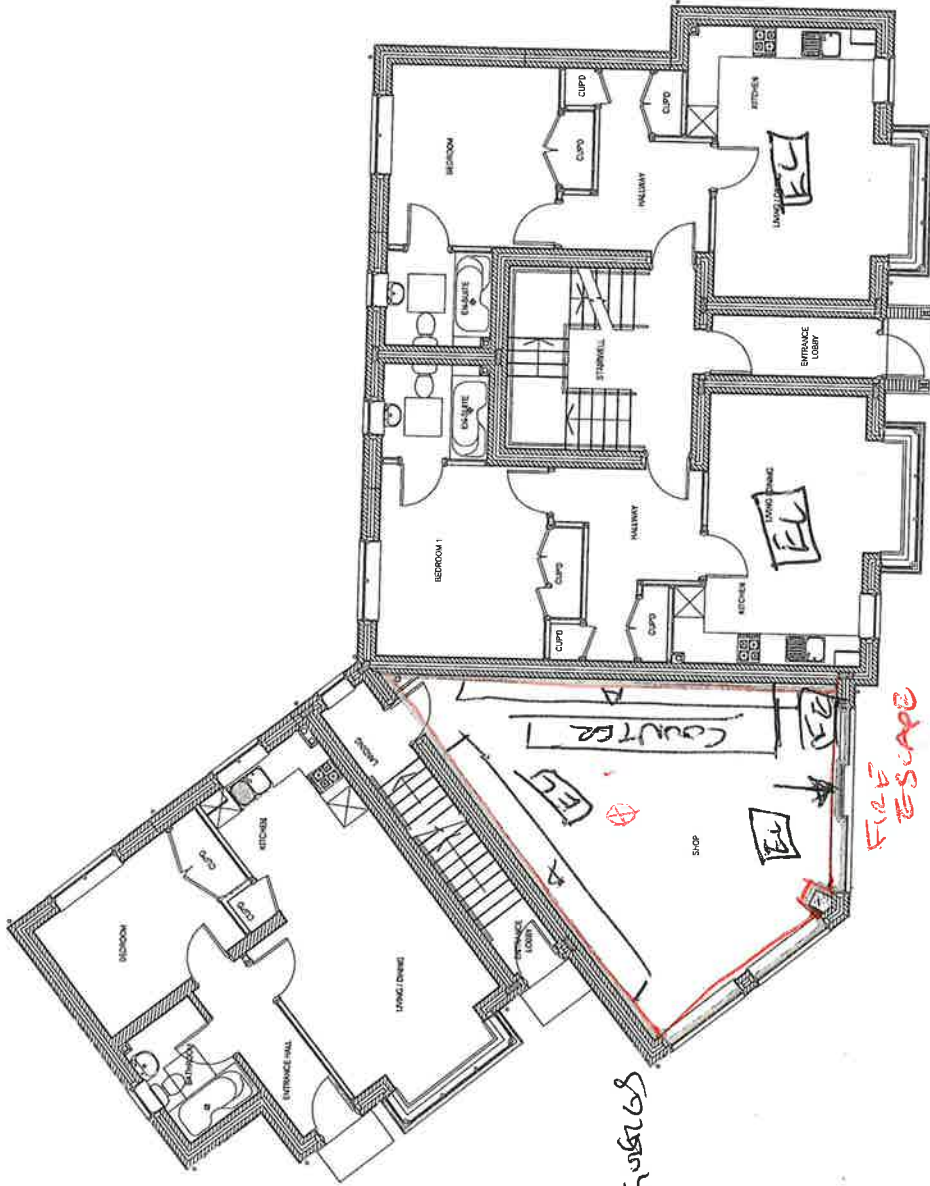
**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	N/A
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

## Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



- ⊕ - SMOKE DETECTORS
- ⊕ - ALCOHOL
- ⊕ - FIRE EXTINGUISHERS

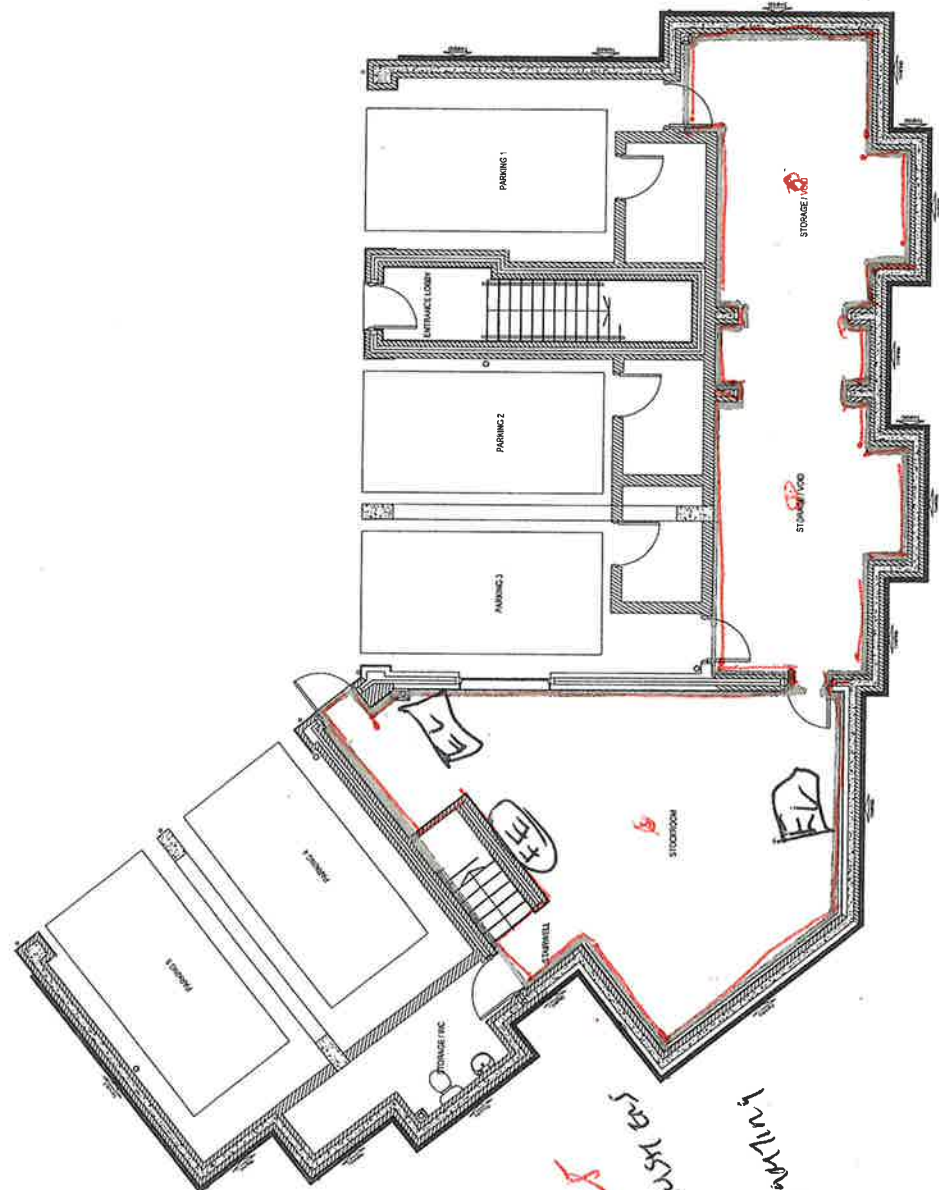
**GROUND FLOOR**

Variation of condition No. 16/03813/VAR in relation to Planning Approval No. 14/04041/FUL.  
 Variations relate to:

- 1) Amendments required by building control.
  - 2) Top floor apartment amendments.
- Drawing adapted from Alan Yell GA series drawing.

<b>progetto design</b> partnership RIBA Chartered Practice 1 Holmesdale Road, Sevenoaks, Kent TN13 3XL Tel: +44 (0)773 443 9223 Email: info@progettodesign.co.uk © Progetto Design LLP	Client <b>GURCHARAN SINGH SIDHU</b> 49 St Marks Rd, Maidenhed	Project <b>GROUND FLOOR PLAN</b>	Job No. <b>16/10</b>	Dwg No. <b>(PL)12</b>
	Dwg Title <b>GROUND FLOOR PLAN</b>	Date <b>14/02/17</b>	Revision	Scale <b>1:100 @A3</b>





STORAGE 1/2  
 STORAGE 2/3  
 STORAGE 3/4  
 ENTRANCE/LOBBY  
 PARKING 1  
 PARKING 2  
 PARKING 3  
 STORAGE 1  
 STORAGE 2  
 STORAGE 3  
 STORAGE 4

# LOWER GROUND FLOOR

Variation of condition No. 16/03813/VAR in relation to Planning Approval No. 14/04041/FUL.  
 Variations relate to:  
 1) Amendments required by building control.  
 2) Top floor apartment amendments.  
 Drawing adapted from Alan Yell GA series drawing.

Client <b>progetto design partnership</b> RIBA Chartered Practice	Project <b>GURCHARAN SINGH SIDHU</b> 49 St Marks Rd, Maldenhead	Job No. <b>(PL)11</b>	Dwg No. <b>(PL)11</b>
Dwg Title <b>LOWER GROUND FLOOR PLAN</b>	Date <b>14/02/17</b>	Date <b>14/02/17</b>	Revision
1 Holmesdale Road, Sevenoaks, Kent TN13 3XL. Tel: +44 (0)773 443 9223 Email: info@progetto.design.co.uk © Progetto Design LLP		Scales 1:100 @A3	

**NOTICE OF APPLICATION FOR A PREMISES LICENCE TO  
BE GRANTED UNDER THE LICENSING ACT 2003**

We Drink Superstore Ltd give notice of application for a  
Premises license to be granted under the licensing act 2003.  
This has been made to **Royal Borough of Windsor and  
Maidenhead, Licensing, Town Hall, St Ives Road,  
Maidenhead, Berkshire, SL6 1EE**

Licensable activities and accompanying hours applied are:

Sale of Alcohol by retail from Monday to Sunday 10.00am to  
22.00pm. The shop will be open from 6am to 22.00pm

Full details of the application sought can be viewed at: Royal  
Borough of Windsor and Maidenhead, Licensing Team,  
Town Hall, St Ives Road, Maidenhead, Berkshire, SL6 1RF.

Interested parties or Responsible authorities can make  
written representation to Royal Borough of Windsor and  
Maidenhead, Licensing Team, Town Hall, St Ives Road,  
Maidenhead, SL6 1RF within 28 Days from 21.04.2018 to  
18.05.2018.

It is a offence to knowingly or recklessly to make a false  
statement or representation in connection with an  
application and the maximum fine which a person is liable  
on summary conviction for the offence is £5,000

# THAMES VALLEY POLICE

Division/Station : HQ Licensing

From : Debie Pearmain  
Police Licensing Officer

To : Steve Smith  
Licensing Officer, RBWM

Ref :

Date : 23rd April 2018 Tel.No.01865 854022

Subject :

**Application for a Premises Licence – Drink Superstore, 49A St Marks Road, Maidenhead**

Thames Valley Police request the following conditions are attached, alongside those already offered, to the premises licence:

Digital CCTV monitoring system to be installed and maintained to Thames Valley Police standard. Recording to be kept securely for 31 days and made available to Thames Valley Police employees and Authorised Persons as defined by Sections 13 & 69 Licensing Act 2003 upon request.

DPS or nominated person to be trained on how to work the CCTV system to the standard where the nominated person can download any potential evidence required by Thames Valley Police employees and Authorised persons as defined by Sections 13 & 69 Licensing Act 2003.

Nominated person is responsible in supplying the necessary media (discs, data stick) containing any downloaded content. Refusals Register to be on the premises and kept up to date and made available upon the request of Police, Trading Standards Officers and authorised persons as defined by Sections 13 & 69 Licensing Act 2003.

**If the applicant agrees with the requested conditions there will be no Police objections.**

Submitted for your information and necessary action.

Regards

Debie Pearmain  
Police Licensing Officer

## Katia Russo

---

**From:** GURCH SINGH <gurch@live.com>  
**Sent:** 23 April 2018 14:58  
**To:** Katia Russo  
**Subject:** Re: New Premises Licence - Additional Thames Valley Police

**Importance:** High

Dear Katia,

I can confirm that **I am happy with the conditions and in agreement with them to be added.**

Kind regards,

Gurch Singh  
Drink Superstore Ltd

On 23 Apr 2018, at 14:53, Katia Russo <[Katia.Russo@RBWM.gov.uk](mailto:Katia.Russo@RBWM.gov.uk)> wrote:

Dear Gurch,

**Drink Superstore**

I am writing with reference to the application mentioned above.

Thames Valley Police has requested the following conditions to be attached, alongside those already offered, to the premises licence:

- Digital CCTV monitoring system to be installed and maintained to Thames Valley Police standard. Recording to be kept securely for 31 days and made available to Thames Valley Police employees and Authorised Persons as defined by Sections 13 & 69 Licensing Act 2003 upon request.
- DPS or nominated person to be trained on how to work the CCTV system to the standard where the nominated person can download any potential evidence required by Thames Valley Police employees and Authorised persons as defined by Sections 13 & 69 Licensing Act 2003.
- Nominated person is responsible in supplying the necessary media (discs, data stick) containing any downloaded content. Refusals Register to be on the premises and kept up to date and made available upon the request of Police, Trading Standards Officers and authorised persons as defined by Sections 13 & 69 Licensing Act 2003.

**Please can you confirm that you are in agreement with them.**

Best Regards,

Katia Russo

**Assistant Licensing Enforcement Officer**  
**Licensing | Royal Borough of Windsor & Maidenhead**

Town Hall, St Ives Road, Maidenhead SL6 1RF  
**Tel:** 01628 685851  
Mobile: 07788625949  
[katia.russo@rbwm.gov.uk](mailto:katia.russo@rbwm.gov.uk)  
[www.rbwm.gov.uk](http://www.rbwm.gov.uk)

This message is personal to and intended for the exclusive use of the named addressee only. It may contain material protected by legal or other privilege (laws restricting its use). If this message reaches you in error we apologise – in which case we request that you do not save it, print it, forward it, act on it, or tell anyone anything about it. All emails received and sent by the Royal Borough of Windsor and Maidenhead are subject to the Freedom of Information Act 2000 and other legislation, and may therefore be disclosed to a third party. Any views or opinions in this email are solely those of the author, and do not necessarily represent those of the Royal Borough. We also have partnerships with third parties (including Optalis and Achieving for Children who provide social care on behalf of the Royal Borough of Windsor and Maidenhead). The content of any emails sent by employees of these partners remain their responsibility, and are not the Royal Borough's responsibility. All emails sent by the Royal Borough are checked for viruses, but this does not constitute a guarantee that they are virus-free. Thank you <http://www.rbwm.gov.uk>

## Katia Russo

---

**From:** Genia Taylor [REDACTED]  
**Sent:** 10 May 2018 15:46  
**To:** Katia Russo  
**Cc:** Genia Taylor; vince taylor  
**Subject:** Objection to Licence application for 49a St Marks Road - We Drink.  
**Attachments:** IMG\_1552.jpg; IMG\_1549.jpg; IMG\_1551.jpg  
  
**Categories:** Dealing with

Dear Katia and Licencing Team ,

**Ref: Objection to Licence application for 49a St Marks Road - We Drink.**

I attached photos and below are my reasons & risks to residents:

- **Public Safety**

- **Public nuisance**

- 1) Conflict and possibility of an intimidating behaviours from drunk people if the residents were not happy about impact after such licence is introduced.
- 2) Sickening or noxious smells from people drinkers smoking - smoking law and small space will prevent residents enjoying a simple walk and we will have to endure exposure to smoke and related litter on the road.
- 3) Loud or irritating noises: It is common sense that alcohol consumption invites people to behave differently and ON Licence Premises will impact and interrupt our quiet residential area and cause years of unhappiness to disputes to road.
- 4) Hazards: Small premises and access to the external sitting (see photo) necessitates that drinkers will carry or consume drinks, smoke on the narrow public footpath: tripping, broken glass, litter hazard. Residents feeling intimidated.
- 5) Road Accident: proximity to the road, people under influence having fun stepping into busy road. Patrons parking on double yellow as the Area has no traffic enforcement and preventing visibility on the ROAD JUNCTION.

**The prevention of children from harm.**

ON Licence premises will expose children to access to unattended alcoholic drinks being left on the tables, drunk people, poor choice of adult language.

Kind Regards

Mrs G Taylor, [REDACTED] Orchard Grove, Maidenhead, SL6 6DR



**TO RENT  
STUNNING  
1, 2 & 3 BEDR  
APARTMENTS  
RENT WITH O  
STREET PARK**

**PRO  
SPE  
CT**

Find out more  
[PROSPECT.CO.UK/hibbert-](http://PROSPECT.CO.UK/hibbert-)







## Katia Russo

---

**From:** Emma Hayward [REDACTED]  
**Sent:** 09 May 2018 22:15  
**To:** Katia Russo  
**Cc:** [REDACTED]  
**Subject:** 49a st marks road - formal objection

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Katia,

Please take this is my formal representation to the 49a st marks road - drink superstore ltd.

I object to this proposal as it is not appropriate for the residential nature of the locality. In addition, based on the Licensing objectives set out in the 2003 Act, I believe the following objectives will not be meet at this location:

1. The prevention of crime and disorder - selling alcohol for consumption on site will significantly increase the risk of antisocial behaviour in what is, on the whole, a residential area.
2. The prevention of nuisance - selling alcohol for consumption onsite / outside will significantly increase the risk of public nuisance in what is, on the whole, a residential area. In particular issues such as drunken behaviour, noise and antisocial gatherings will significantly increase.
3. The prevention of children from harm -  
Again this is, on the whole, a residential area. Within the cul de sac location of Orchard Grove there are a number of children who live and play in the locality. Selling Alcohol for consumption on this site, which has the potential to cause nuisance and antisocial behaviour, has the potential to cause risks to the safety of the children within the area.

I trust that you will consider my points above and advise me on the next steps. I look forward to hearing from you.

Regards  
Emma Hayward  
Orchard Grove  
[REDACTED]

Sent from my iPhone

## Katia Russo

---

**From:** Jane Woodward [REDACTED]  
**Sent:** 10 May 2018 18:55  
**To:** Steve Smith ( Licensing)  
**Cc:** Katia Russo  
**Subject:** 49a St Marks Road - formal objection

Dear Steve,

Please take this is my formal representation to the 49a St Marks Road - Drink Superstore Ltd.

I object to this proposal as it is not appropriate for the residential nature of the locality. In addition, based on the Licensing objectives set out in the 2003 Act, I believe the following objectives will not be met at this location:

1. The prevention of crime and disorder - selling alcohol for consumption on site will significantly increase the risk of antisocial behaviour in what is, on the whole, a quiet residential area.
2. The prevention of nuisance - selling alcohol for consumption onsite / outside will significantly increase the risk of public nuisance in what is, on the whole, a quiet residential area. In particular issues such as drunken behaviour, noise and antisocial gatherings will significantly increase.
3. The prevention of children from harm -  
Again this is, on the whole, a quite residential area. Within the cul de sac location of Orchard Grove there are a number of children who live and safely play in the locality. Selling alcohol for consumption on this site, which has the potential to cause nuisance and antisocial behaviour, has the potential to cause risks to the safety of the children within the area.

Thank you for taken the above points into consideration.

Kind regards,

Jane Woodward  
Resident of Orchard Grove, Maidenhead,

**From:** Mani & Simon Garcia [REDACTED]  
**Sent:** 10 May 2018 19:10  
**To:** Katia Russo  
**Subject:** Objection to Licensing Application: 49a St Marks Road - We Drink

**Objection to Licensing Application:**

**49a St Marks Road – Drink Superstore Ltd**

I am writing to you about the request for a license from We Drink at 49a St Marks Road, Maidenhead.

I find it hard to believe yet another application for retailer selling cheap alcohol from 10am to 10pm Monday to Sunday has been made.

We seriously don't need another establishment in this area selling cut price alcohol when we already have Tesco, Majestic Wine, Maidenhead Food & Wine and St Marks Food & Wine all within 100 metres of each other.

My other concern is that the property seems to have erected seating outside which would only encourage people to purchase and then consume their alcohol at the establishment. On the corner of Orchard Grove- a quiet residential cul de sac.

Previous retailer to 49a St Marks Road were no stranger to the council for selling alcohol to minors and illegal imported wines. Under its new name- promises to be no different.

It offers nothing new to the community or neighbourhood other than illegal parking, and the potential to cause antisocial behaviour .

We are a majority residential area with a high proportion of families living here and I believe that We Drink Superstore is not conducive to a safe environment.

I object to this proposal as it is not appropriate for the residential nature of the locality. In addition, based on the Licensing objectives set out in the 2003 Act, I believe the following objectives will not be met at this location:

1. The prevention of crime and disorder - selling alcohol for consumption on site will significantly increase the risk of antisocial behaviour in what is, on the whole, a residential area.
2. The prevention of nuisance - selling alcohol for consumption onsite / outside will significantly increase the risk of public nuisance in what is, on the whole, a residential area. In particular issues such as drunken behaviour, noise and antisocial gatherings, illegal car parking will significantly increase.
3. The prevention of children from harm -



## Katia Russo

---

**From:** Patti Rain-Wiffin [REDACTED]  
**Sent:** 11 May 2018 14:13  
**To:** Katia Russo  
**Cc:** Richard Wiffin  
**Subject:** Objection to Licensing Application: 49a St Marks Road - We Drink

Dear Ms Russo,

### **Objection to Licensing Application:**

#### **49a St Marks Road – Drink Superstore Ltd**

I am writing to you about the request for a license from We Drink at 49a St Marks Road, Maidenhead.

We find it hard to believe yet another application for retailer selling cheap alcohol from 10am to 10pm Monday to Sunday has been made.

We seriously don't need another establishment in this area selling cut price alcohol when we already have Tesco, Majestic Wine, Maidenhead Food & Wine and St Marks Food & Wine all within 100 metres of each other.

Our other concern is that the property seems to have erected seating outside which would only encourage people to purchase and then consume their alcohol at the establishment. On the corner of Orchard Grove- a quiet residential cul de sac.

Previous retailer to 49a St Marks Road were no stranger to the council for selling alcohol to minors and illegal imported wines. Under its new name- promises to be no different.

It offers nothing new to the community or neighbourhood other than illegal parking, and the potential to cause antisocial behaviour .

We are a majority residential area with a high proportion of families living here with young children and equally important, elderly people therefore, I believe that We Drink Superstore is not conducive to a safe environment.

I object to this proposal as it is not appropriate for the residential nature of the locality. In addition, based on the Licensing objectives set out in the 2003 Act, I believe the following objectives will not be met at this location:

1. The prevention of crime and disorder - selling alcohol for consumption on site will significantly increase the risk of antisocial behaviour in what is, on the whole, a residential area.

2. The prevention of nuisance - selling alcohol for consumption onsite / outside will significantly increase the risk of public nuisance in what is, on the whole, a residential area. In particular issues such as drunken behaviour, noise and antisocial gatherings, illegal car parking will significantly increase.

3. The prevention of children from harm - Again this is, on the whole, a residential area. Within the cul de sac location of Orchard Grove there are a number of children who live and play in the locality. Selling Alcohol for consumption on this site, which has the potential to cause nuisance and antisocial behaviour, has the potential to cause risks to the safety of the children within the area.

I trust that you will consider my points above and advise me on the next steps.

I look forward to hearing from you.

Regards  
Richard & Patti Wiffin  
Orchard Grove  
[REDACTED]

## Katia Russo

---

**From:** Bernard Allen [REDACTED]  
**Sent:** 11 May 2018 10:46  
**To:** Katia Russo  
**Subject:** Objection to Licensing Application: 49a St Marks Road - We Drink

Dear Katia,

I would like to object to the Sale of Alcohol license for 49a St. Marks Road.

49a St Marks road appears to be being converted to a Cafe/Bar with outside seating onto Orchard Grove.

Orchard Grove is a quiet residential road with a large number of young families and I do not think it appropriate that alcohol be consumed either inside or on this outside area, which will be openly visible to most of the houses in Orchard Grove.

I am also surprised that someone can effectively open a bar in a residential street without any form of public consultation other than this license application .

best regards  
Bernard Allen  
■ Orchard Grove



## Katia Russo

---

**From:** Genia Taylor [REDACTED]  
**Sent:** 16 August 2018 16:39  
**To:** Katia Russo  
**Subject:** Drink Superstore Licence - additional objection

Caution: External email. Think before clicking links or opening attachments.

Dear Katia,

I would like to submit the following additional objection to be included to the Hearing Agenda:

- **Public nuisance**

The licence application is for **On\ Off Alcohol Licence on premises which holds ONLY A1 planning**. That could be viewed as planned breach of rules that are designed to prevent Public Nuisance.

I feel that granting ON Alcohol Licence to A1 premises would constitute Council failure in its Duty of Care to the public to prevent Public nuisance.

Currently, the premises operates as Café offering on site consumptions that is a breach of its A1 planning rules. That is already causing public nuisance to residence.

*The A1 use class comprises shops including post offices, ticket or travel agencies, shops selling sandwiches or other cold food for consumption off the premises, hairdressers, funeral directors, establishments displaying goods to the general public such as kitchen or double-glazing showrooms, hire shops serving the general public (as opposed to plant hire businesses, etc), dry cleaners, premises receiving goods from the general public to be washed, cleaned or repaired and internet cafes.*

Regards  
G Taylor

## Location of the Premises

