

## LICENSING PANEL SUB-COMMITTEE

MONDAY, 15 OCTOBER 2018

PRESENT: Councillors Malcolm Alexander, Sayonara Luxton and Derek Wilson

Officers: Sarah Conquest, Roxana Khakinia, Shilpa Manek and Steve Smith

### APPOINTMENT OF CHAIRMAN

Councillor Alexander proposed Councillor Luxton to be Chairman for the Panel. This was seconded by Councillor Wilson.

### APOLOGIES FOR ABSENCE

There were no apologies for absence received.

### DECLARATIONS OF INTEREST

No Declarations of Interest were received.

### 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 variation to the current license. The Licensing Officer informed the Panel that the original application was submitted on 31 July 2018 and just before the consultation period ended, the application was resubmitted on 25 August 2018 and that consultation ended on 21 September 2018. The new application had changed hours within it. All parties had been informed.

The Licensing Officer had received relevant representation from Thames Valley Police, Environmental Health, Trading Standards and residents. The Panel were informed that if they granted the variation to the current license then further conditions had been submitted. All the representations were available in the Agenda pack.

The Licensing Officer informed the Panel that Mr Vik Maharaj was the owner of the premises and the Designated Premises Supervisor (DPS) since July 2015. The Boom Boom Bar was situated at Arch 3, Goswell Hill, Windsor and was one of six licensed premises, in-between Charlies Horse and the Fuzzy Bear Comedy Club. The nearest residents were at the rear of the premises. The Licensing Officer informed the Panel that since 1 January 2018, The Boom Boom Bar had had some temporary events notices. Mr Maharaj worked positively with the residents, the police, the licensing team and was a member of Pub Watch.

The Licensing Officer reminded the Panel that they should have consideration for the four licensing objectives and the wider community intention when making their decision on whether to permit the variation to the licence, permit with conditions, or to reject the variation to the licence.

#### **Questions to the Licensing Officer**

Councillor Alexander asked the Licensing Officer about the business needs to increase the licenced hours and the hours of the other five similar licensed premises. The Licensing Officer

informed the Panel that Mr Maharaj felt that the additional hours were required for his premises and the other five licensed premises had the same or longer opening hours. Councillor Wilson enquired about the how close the other licensed premises were and if they operated seven days a week. The Licensing Officer informed the Panel that the other licensed premises were next to the Boom Boom Bar and were all in a row. The operating times varied for each premises. Councillor Luxton asked the Licensing Officer many questions, these included if licensing were content with the staff on the door and the internal staff, Was the DPS present at all times when alcohol was being sold, was the premises a bar or a club, How far were the nearest residential homes and summertime opening hours. The Licensing Officer informed the Panel that Licensing had a good working relationship with all the staff and had never had issues with the SIA staff. During operating hours, the DPS or the Personal Licence holder were present at the bar The Boom Boom bar was a bar with a premises licence and not a bonified member club. The nearest residential home was 25-30 meters away at the rear of the premises. Councillor Luxton asked about smoking outside and it was confirmed that smoking was allowed on Goswell Hill and not at the back of the bar. The summertime hours were factored in to licenses.

## **Objectors' Case**

### Thames Valley Police

Louise Warbrick informed the Panel that Goswell Hill was the highest demand area in Windsor. It was difficult to say it's all because of the Boom Boom Bar but it contributed to the problems. It had been reviewed and peak times for incidents had been identified. There had been no specific concerns with the SIA staff. There had always been a positive relationship between the premises and the police. There had been a significant incident on 1 January 2018 and one further incident since the report. Thames Valley Police were suggesting five further conditions if the application were to be approved.

### Trading Standards

Rajinder Mann, Fair Trading Officer, informed the Panel that they felt that the original four conditions would still be necessary. This would include the Challenge 25 policy. The Fair Trading Officer confirmed that there had been no underage cases from the bar. The Fair Trading Officer was concerned about the selling of alcohol and the drinking of alcohol to and by under age children at private parties, which Mr Maharaj had indicated could take place at the bar.

### Environmental Health

Daniel Bayles, Community Protection Lead, highlighted that they had had complaints about this premises and were concerned that if the application was granted, the residents would experience extended periods of disturbance from patrons leaving the area. The Community Protection Lead also had concerns of increased levels of Anti-Social Behaviour such as more litter, noise, vomiting and urinating all in the vicinity of the bar and therefore in the vicinity of residential homes.

The Community Protection Lead suggested three conditions if the application was allowed, which were detailed in the Agenda pack.

### Mr Jones (Resident)

Mr Jones, Resident, made a complaint to the Panel about the amount of noise from the extraction unit. Mr Jones informed the Panel that the extraction unit noise was very loud and intrusive. It had got a lot louder in recent days and was all day till 2am. In the recent weeks it was on continuously and was very disturbing. There was also a lot of noise from the exterior if

the bar such as bottle emptying, screaming, shouting, loud music and congregation racket. The Environmental Protection Lead would look into this further.

#### Mr Gill (Resident)

Mr Gill, Resident, owner of the Bar Yello, was objecting. Mr Gill informed the Panel that even though the Scotch Bar had a licence till 4-4.30am, it always finished trading by 2am and was empty by 2.30am.

Mr Gill reminded the Panel that even if the Panel were minded to allow the application, it would still require planning permission. The Licensing Officer confirmed that this was correct and it was common protocol that Planning are informed.

#### **Questions to the Objectors**

Councillor Luxton confirmed the two major incidents with the Inspector, one on the 1 January 2018 and the second on the 23 September 2018. Councillor Luxton asked if there had been any underage children incidents and it was confirmed that there had not.

Councillor Wilson thanked the Inspector for the very detailed account. Councillor Wilson informed the residents that the levels of noise could be recorded over time to see how loud they were. The Environmental Protection Lead would look into this.

Councillor Alexander asked if the Street Angels records had been checked. It was confirmed that the Street Angels did keep a record but it had not been checked for this application. Councillor Alexander asked the distance from the Boom Boom Bar to the first residential home and it was confirmed that the distance was 20 – 30 metres.

#### **Applicant's Case**

Mr Panchal introduced himself as Mr Maharaj's representative and also introduced Mr Maharaj, the owner and the Head of Security, Matthew Reynolds.

Mr Panchal informed the Panel that Mr Maharaj had always worked alongside the police, had always adhered to all conditions and was happy to endorse all new conditions that had been proposed. Mr Panchal informed the Panel that they also wanted to suggest additional conditions for the new application. These included the following:

- Good record keeping of all staff training and all incidents.
- Better signage asking customers to leave quietly.
- Putting a dispersal policy in place.
- Better signage for customers of the nearest taxi ranks and public transport.
- No deliveries between 7pm and 7am, seven days a week.

#### **Questions to the Applicant**

The Panel discussed the following points:

- Why the applicant had wanted a licence from 11pm to 3am everyday and how busy the bar was on Monday, Tuesday and Wednesday. The applicant confirmed that he wanted the bar to be available for all times and for private parties.
- The applicant confirmed that the bar contributed to the marshalling scheme and at busy times, there were 2-5 staff on duty.
- What would door staff do if underage children or someone with a fake id tried to enter the bar. The Head of Security confirmed that they would be refused entry, the id would be scanned and the police would be informed. This would also be recorded in the id book.
- Were tests for drugs carried out. Drug tests could not be carried out but random searches for drugs could be carried out and a search could be carried out with a wand for knives.

- How were all the additional conditions suggested by the applicant going to be monitored. Mr Panchal informed the Panel that it would be obligatory for the applicant to adhere to the additional conditions and this would be then monitored by the Licensing Officer.
- The Panel discussed private parties and what kind they would be, adult or under 18 years, alcohol was discussed and what kind of dancing there would be. Also the cinema licence was discussed and what kind of movies would be shown.
- The Trading Standards Officer wanted to know what would be the protocol if someone already drunk wanted to enter the bar and also with someone who got drunk on the premises. The Head of Security informed the Panel that anyone trying to enter, who was already drunk, would not be allowed in to the bar and anyone who got drunk in the bar would be escorted off the premises and other bars would be alerted.
- The Trading Standards Officer wanted to know if all the information stored from the id scanning was GDPR Compliant and it was confirmed that the scanner was a nationwide function and was readable by anyone using the same system in the country.
- The Applicant informed the Panel that the additional hours were applied for to retain business since most of the other bars closed by 2am except the bar next door. The additional door staff of eight between the two bars would be more manageable over a two hour period instead of a one hour period.

### **Objectors' Summary**

Thames Valley Police, Trading Standards and Environmental Protection had nothing further to add.

### **Applicant's Summary**

Mr Panchal summed up that the applicant was a good operator following robust protocols and working well with other local bars, the police and the licensing team.

### **Licensing Officer Summary**

The Licensing Officer summed up by clarifying all the conditions requested by the police, trading standards and environmental protection and the conditions suggested by the applicant if the application was approved. The Licensing Officer also went through the wider community effects.

### **Decision**

After careful consideration, the Licensing Panel Sub Committee refused to grant the variation to the current licence.

In making their decision, the Panel had regard for the four licensing objectives and took into account the objections raised by the Thames Valley Police, Environmental Health, Trading Standards and residents.

The meeting, which began at 10.00 am, finished at 1.15 pm

CHAIRMAN.....

DATE.....