

## LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

FRIDAY, 29 JANUARY 2021

PRESENT: Councillors John Bowden, Gerry Clark and Geoff Hill

Also in attendance: Councillors Mandy Brar, David Cannon, Samantha Rayner and Gurch Singh

Officers: Mark Beeley, Michael McNaughton, Craig Hawkings, Shilpa Manek and Rachel Lucas

### APPOINTMENT OF CHAIRMAN

Mark Beeley, Democratic Services Officer, opened the meeting and explained that a Chairman would need to be appointed for the meeting.

A motion for Councillor Hill to be Chairman was put forward, which was proposed by Councillor Bowden and seconded by Councillor Clark.

**RESOLVED UNANIMOUSLY: That Councillor Hill be appointed as Chairman of the Licencing Panel Sub Committee for the duration of the meeting.**

### APOLOGIES FOR ABSENCE

There were no apologies for absence received.

### DECLARATIONS OF INTEREST

Councillor Bowden declared a personal interest because he had met the applicant, along with Councillors Rayner and Shelim, at the venue. At the time, Councillor Bowden disclosed that he was a member of one of RBWMs Planning Panels and that he was visiting as an observer. Furthermore, Councillor Bowden represented the ward which this application was located but would be coming to the Sub Committee with an open mind.

### PROCEDURES FOR SUB COMMITTEE

The Sub Committee and those present noted the meeting procedures.

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

The reporting officer, Craig Hawkings, Licensing Enforcement Officer, introduced and went through the report.

This meeting of a Licensing Sub-Committee was convened to hear an application for a new premise licence located within the Royal Borough of Windsor & Maidenhead. In line with Licensing Act 2003 S18 (3)(a), when relevant representations are made against an application, a hearing must be held to consider them. A relevant representation made against an application for a new premises licence must relate to at least one of the four licensing objectives set out in the Licensing Act 2003. These are 'The Prevention of Crime and Disorder', 'Public Safety', 'The Prevention of Public Nuisance', and 'The Protection of Children from Harm'.

The purpose of this hearing was for the Sub-Committee to hear the application, receive written and oral representations from other parties and then to make a decision in respect of the application.

The Applicant was Mr Graham Lumley for the premises 14-15a Goswell Hill, Windsor, SL4 1RH. Mr Lumley had applied, under the Licensing Act 2003, for a New Premises licence to be granted.

The application was:

- 1) To Licence 14a – 15a Goswell Hill, Windsor, SL4 1RH Including the Plaza, Windsor for the purposes of operating as a Bar / Restaurant for the sale of alcohol for (Consumption On the premises).

A summary of the application was as follows:

The standard opening hours of the premises:

- 11:00 Until 23:00 hrs Monday to Sunday

To permit the sale by retail of alcohol for consumption On the premises:

- 11:00 until 22:00 hrs Monday to Sunday

The Designated Premises Supervisor (DPS) would be Miss Amelia Lumley.

This application had received no representations from the responsible authorities which included; Royal Borough Fire and Rescue Service, Planning, Local Safeguarding Children's Board, Public Health, Trading Standards, Thames Valley Police and RBWM Licensing. There were representations from Environmental Health. Extra conditions had been proposed by Thames Valley Police in addition to the proposed conditions received within the application. The applicant had agreed to all the conditions proposed by Thames Valley Police. There had been no individual representations from residents that were relevant to the application.

The Licensing Panel Sub Committee was obliged to determine the application with a view to promoting the four licensing objectives which were:

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

In making its decision, the Sub-Committee was also obliged to have regard to national guidance and the Council's own Licensing Policy. The Sub-Committee must have regard to all of the representations made and the evidence that it heard.

The Sub-Committee must, having regard to the application and to the relevant representations, take such step or steps as it considered appropriate for the promotion of the licensing objectives.

The steps that were available to the Sub-Committee were:

(a) Reject the application;

(b) Refuse to specify a person in the licence as the premise's supervisor;

(\*Note – not all of these will be relevant to this particular application)

(c) Grant the application but modify the activities and/or the hours and/or the conditions of the licence;

(d) Grant the application.

Where conditions were attached to a licence then reasons for those conditions must be given.

The Sub-Committee were reminded that any party to the hearing may appeal against the decision of the Sub-Committee to the Magistrates' Court within 21 days of the notification of the determination.

### **Questions to the Reporting Officer**

Councillor Bowden commented on the licence being primarily for the plaza area. He asked if there was a difference in the application being outside. The Reporting Officer said that the licence covered the inside premises and also the plaza area outside which was owned by the applicant.

Councillor Bowden asked if notification had been given to other shops and businesses in the immediate area. The Reporting Officer explained that the only requirement was to put an advert in the local newspaper and put up blue notices in the area. These requirements were fully complied with.

Councillor Bowden asked where drinks would be consumed on the premises. The Reporting Officer said that drinks would be served and consumed in the outside plaza area.

Councillor Hill asked if consideration had been given to people walking past the plaza and visiting the businesses around the plaza. The Reporting Officer said that this would be considered as part of the planning process as it was on private land.

Councillor Hill said that there could be a temptation for customers to take alcohol off the site. The Reporting Officer said that the licence was to sell alcohol on site and it would be up to the licence holder to ensure that alcohol was not taken off site. There was a no drinking policy in Windsor Town Centre.

Councillor Hill commented on the recommendation from TVP that alcohol sales ceased at 10pm. Environmental Health had recommended that a 7pm limitation was brought in and also objected to the application. The Reporting Officer explained that TVP had originally objected to the application but this was withdrawn when the applicant agreed to the conditions that they recommended.

Councillor Hill asked if the two premises could be treated separately and have different closing times. The Reporting Officer said that this was possible but in this case it would probably be easier to consider the application as one location.

The applicant did not have any questions for the Reporting Officer.

### **Applicants Case**

Mr Graham Lumley gave the Sub Committee some background to the businesses which he owned. Mr Lumley ran two businesses with his son and daughter who were heavily involved, with the main target being the family market. 20% of customers were 18-22 while 84% were families. 75% of customers who booked the experiences were women and most of the customers were from local and surrounding areas. Mr Lumley lived in Windsor and he wanted to help improve the town, the area that the application was centred on was currently not a nice

area. The plaza area would predominately be for table service and would be more like a restaurant than a pub. There would be very little standing space, with around a dozen places at the bar only.

### **Questions to the Applicant by Members**

Councillor Bowden commented on the size of the plaza and asked how much space was available around the edge of the plaza. Mr Lumley said that there would be a minimum of 2 metres around the whole perimeter and the plaza would not intrude on the paved area.

Councillor Bowden asked the applicant if they had applied for planning permission. Mr Lumley said that an application had originally been made to the council but there had been no verbal communications from the planning team so the application was withdrawn. Plans had now been resubmitted to the council.

Councillor Clark asked how many people usually used the escape room premises and how many that it was planned to be if the plaza area was granted permission. Mr Lumley explained that they wanted to be within the law, for example if a customer wanted to sit in the reception area of the escape room experience with a drink then they could do so if he was granted this licence. Mr Lumley said that there would be a maximum of 120 covers in the plaza.

Councillor Clark asked how long customers usually stayed on the premises for. Mr Lumley said that it was usually around an hour.

Councillor Hill referenced the concerns of the Environmental Health team on public nuisance and noise. He asked about the toilet facilities which would be provided on the premises. Mr Lumley said that there were anti-social behaviour problems in the area already and he hoped that the plaza would help to improve the areas reputation and image. Toilet facilities would come as part of the planning application.

Councillor Hill asked further questions on the opening hours, how the premises would be secure at night and what the applicant would do to prevent alcohol being taken off the premises. Mr Lumley said that the area was contained but may have to look at door staff as part of the planning application. The fence around the plaza would ensure that people were kept out and would also be difficult to get in. It was important that the opening hours were not significantly limited, as had been suggested in the objection by Environmental Health.

Councillor Bowden asked if there would be any additional lighting provided by the applicant in the plaza. Mr Lumley said that each individual hut would have lighting along with other additional lighting in the plaza. The lighting in the area currently needed to be reviewed and upgraded.

### **Other persons to make their representations**

Michael McNaughton, Environmental Health, said that the activities that were proposed on the site could cause problems as historically the team had received noise complaints caused by behaviour in the area. He did not believe the issue of noise had been appropriately addressed by the applicant and therefore the Environmental Health had objected to the application.

### **Members to ask questions of other persons**

Councillor Clark asked Michael McNaughton if any conversations had been held with the applicant around the issues that had been raised.

Michael McNaughton confirmed that the team had discussed the application with Mr Lumley and explained that a robust management plan was needed to show how potential complaints would be dealt with. A professional noise assessment would take in background noise and see what mitigation could be put in place. However, noise was subjective so the noise assessment was not an alternative to the objection from Environmental Health.

### **Applicant to ask questions of other persons**

Mr Lumley clarified a few of the points raised by Michael McNaughton. He said that the only residents in the area were on Bridgewater Terrace. A letter had been posted through every letter box on the street to make local residents and businesses aware of the plans and there had been direct communication too to discuss any issues.

Councillor Singh and Councillor Rayner joined the meeting.

### **Summary**

Mr Lumley felt that he had expressed everything he wished to say.

Craig Hawkings, Reporting Officer, summarised the four licensing objectives and reminded the Panel of the four options that they could choose for this application.

### **Decision**

After careful consideration of all the evidence, the Sub-Committee decided to allow the application with the following conditions:

- 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 is able to download any potential evidence required by Thames Valley Police employees and Authorised Persons as defined by Sections 13 & 69 Licensing Act 2003.
- DPS or nominated person is responsible in supplying the necessary media (discs, data stick) containing any downloaded content.
- DPS or nominated person to attend the Local Pub watch scheme.
- Appropriate barriers to be used to ensure the seating area is enclosed and controlled.
- 12 customers to be seated at the bar area.
- Sale of Alcohol to be 10.00pm with the premises to be closed at 11.00pm.

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

- Craig Hawkings (Reporting Officer, RBWM)
- Mr Graham Lumley (Applicant)
- Mr Michael McNaughton (Environmental Health, RBWM)

In making their decision, the Sub-Committee also had regard to national guidance and the Council's own Licensing Policy and to its duty to promote the four licensing objectives.

The meeting, which began at 2.00 pm, finished at 3.00 pm

CHAIRMAN.....

DATE.....