

NOTICE
OF
MEETING
LICENSING PANEL

will meet on

TUESDAY, 19TH APRIL, 2022

At 6.00 pm

in the

GREY ROOM - YORK HOUSE AND ON [RBWM YOUTUBE](#)

TO: MEMBERS OF THE LICENSING PANEL

COUNCILLORS GURPREET BHANGRA (CHAIRMAN), DAVID HILTON (VICE-CHAIRMAN), PHIL HASELER, JOHN BOWDEN, DAVID CANNON, JOHN BALDWIN, MANDY BRAR, KAREN DAVIES, JON DAVEY, GEOFF HILL AND SAYONARA LUXTON

SUBSTITUTE MEMBERS

COUNCILLORS MAUREEN HUNT, ROSS MCWILLIAMS, GARY MUIR, JULIAN SHARPE, SHAMSUL SHELM, DONNA STIMSON, CLIVE BASKERVILLE, SIMON BOND, CATHERINE DEL CAMPO, NEIL KNOWLES AND HELEN TAYLOR

Karen Shepherd – Head of Governance - Issued: 7 April 2022

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 or contact the Panel Administrator **Oran Norris-Browne** Oran.Norris-Browne@RBWM.gov.uk

Recording of Meetings – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain. If you have any questions regarding the council's policy, please speak to Democratic Services or Legal representative at the meeting.

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	-
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	3 - 4
3.	<u>MINUTES</u> To approve the minutes of the meeting held on 12 October 2021.	5 - 8
4.	<u>MINUTES OF THE LICENSING AND PUBLIC SPACE PROTECTION ORDER SUB COMMITTEE</u> To note the minutes of the Sub-Committees held on 30 September 2021, 17 March 2022 and 28 March 2022.	9 - 32
5.	<u>DEALING WITH THE NIGHT TIME ECONOMY</u> To receive the above report.	To Follow
6.	<u>DATES OF FUTURE MEETINGS</u> Dates of future meetings: <ul style="list-style-type: none">• 5 July 2022• 25 October 2022• 13 February 2023• 4 April 2023	-

MEMBERS' GUIDE TO DECLARING INTERESTS AT 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 Disclosable Pecuniary Interest (DPI) or Other Registerable 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.

Any Member with concerns about the nature of their interest should consult the Monitoring Officer in advance of the meeting.

Non-participation in case of Disclosable Pecuniary Interest (DPI)

Where a matter arises at a meeting which directly relates to one of your DPIs (summary below, further details set out in Table 1 of the Members' Code of Conduct) you must disclose the interest, **not participate in any discussion or vote on the matter and must not remain in the room** unless you have been granted a dispensation. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted by the Monitoring Officer in limited circumstances, to enable you to participate and vote on a matter in which you have a DPI.

Where you have a DPI on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

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 (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her 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 council.*
- *Any licence to occupy land in the area of the council for a month or longer.*
- *Any tenancy where the landlord is the council, and the tenant is a body in which the relevant person has a beneficial interest in the securities of.*
- *Any beneficial interest in securities of a body where:*
 - a) *that body has a place of business or land in the area of the council, 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.

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (summary below and as set out in Table 2 of the Members Code of Conduct), you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

Other Registerable Interests (relating to the Member or their partner):

You have an interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority*
- b) any body*
 - (i) exercising functions of a public nature*
 - (ii) directed to charitable purposes or*

one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Disclosure of Non- Registerable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate, you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer) you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to disclose under DPIs as set out in Table 1 of the Members' code of Conduct

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer, you do not have to disclose the nature of the interest.

Other declarations

Members may wish to declare at the beginning of the meeting any other information they feel should be in the public domain in relation to an item on the agenda; such Member statements will be included in the minutes for transparency.

Agenda Item 3

LICENSING PANEL

TUESDAY, 12 OCTOBER 2021

PRESENT: Councillors Gurpreet Bhangra (Chairman), Phil Haseler, John Bowden, John Baldwin, Mandy Brar, Karen Davies, Jon Davey and Sayonara Luxton

Also in attendance: Councillor Gurch Singh

Officers: Shilpa Manek, Greg Nelson and Tracy Hendren

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors David Cannon and David Hilton and Councillor Sharpe was substituting.

DECLARATIONS OF INTEREST

For transparency Councillor Bhangra informed all that he held a TfL private hire licence and was a SIA close protection officer. Councillor Brar informed all that she was an RBWM licence holder.

MINUTES OF THE LICENSING PANEL

RESOLVED UNANIMOUSLY: that the minutes of the last meeting held on 20 April 2021 were a true and accurate record.

This was proposed by Councillor Haseler and seconded by Councillor Luxton.

MINUTES OF THE LICENSING AND PUBLIC SPACE PROTECTION ORDER SUB COMMITTEE

RESOLVED UNANIMOUSLY: that the minutes of all the Licensing and Public Space Protection Order Sub Committees were noted by the Panel.

GAMBLING ACT 2005 STATEMENT OF PRINCIPLES - THREE YEAR REVIEW

Greg Nelson, Trading Standards and Licencing Manager, started by thanking Panel Members for their assistance with the numerous sub committees. Greg Nelson introduced the report and informed the Panel of the recommendations in the report, which were:

That the Licensing Panel noted the report and Recommended to Full Council that the RBWM Gambling Act 2005 Statement of Principles 2022 - 2025 be adopted.

Greg Nelson pointed out a typo in the report on the last page, 116, that would be amended before the report went to Full Council. For the entry in the table that read "Applications for licenced premises, gaming machines permit", should be Up to 2 machines and over 2 machines.

RESOLVED UNANIMOUSLY: that the report be debated.

This was proposed by Councillor Haseler and seconded by Councillor Bowden.

Councillor Haseler thanked the Officer for the report. Councillor Haseler asked that in paragraph 2.13.9, the licensing authority would expect that the licensees and the applicants would have the policies and procedures in place to protect vulnerable persons, including regular training for staff using a program. Would that program be set by the authority or do individual companies devise their own? Was there any consistency? Greg Nelson commented that the authority would follow guidance from the gambling commission on that and it was consistent across the country.

Councillor Bowden thanked Officers for all their hard work on the licensing and public space protection sub committees. Councillor Bowden commented that there was one betting shop in the high street in Windsor which is supervised by the authority. Councillor Bowden asked who supervised the betting at both Windsor and Ascot racecourses and was informed that the authority would license the premises but it was the gambling commission that covered the events for betting. The borough had carried out a large number of test purchasing in conjunction with the gambling commission and a large number of under 18s had been refused. Councillor Bowden asked about betting shops in the Dedworth and Clewer area and it was confirmed that there were three in total. Councillor Bowden pointed out that the betting shop in Windsor town centre attracted many visitors when it was busy.

Councillor Davey asked about the fees that were charged by the authority and if any of those funds were used to help gambling addicts and was there an opportunity to create a levy. Greg Nelson responded that the answer was no, the money that was charged was set in statute and it covered the cost of issuing and policing the licence and no a levy could not be introduced.

Councillor Davies commented that she was very pleased to see, after discussion at the last meeting, that the adult and children safeguarding executive steering groups had both consulted on the policy. Also it was great to see a focus on improving safeguarding for vulnerable persons. Councillor Davies asked about the ability to seek evidence as to get effectiveness of policies and procedures that the premises had put into place, was this something that the authority already did or whether it was a new thing.

Greg Nelson commented that this was already done by the authority. Inspections of gambling premises were carried out and the authority asked the premises to provide a refusals book.

Councillor Brar asked if parish councillors were no longer consulted as interested parties, and Greg Nelson informed the Panel that they had not consulted parish councils for this policy but it would definitely be taken on board for next time.

Councillor Sharpe asked how RBWM were in line with other councils. Greg Nelson advised that RBWM were more robust with the policy. The gambling commission wanted councils to write their own policies with respect to their own areas. The policies were all very different, tailored to the needs to each different authority area. RBWM were providing very robust protection for adults in the area.

Councillor Luxton asked if gambling places sold alcohol such as Windsor and Ascot racecourses. Greg Nelson commented that betting shops were not allowed to sell alcohol. Councillor Luxton asked if there were limits on gambling machines. Greg Nelson informed the Panel that there were five classes of gambling. The limits had been reduced.

Councillor Bowden asked about prominent advertising on new premises, especially in the conservation areas. Greg Nelson commented that this was not a licensing issue, planning may be able to advise.

Councillor Haseler asked why the borough had no casino's and Greg Nelson advised that this was because there were regulations in place that only 7-8 places in the country were allowed

to have a casino and RBWM cannot grant any casino licenses. This is decided by central government.

Councillor Brar asked if there were any limitations or guidelines in place and Greg Nelson informed the Panel that there were similar regulations in place like in the licensing act. These included timing restrictions, guidance of where to get help and no cash machines near-by.

Councillor Haseler proposed the officers recommendation to recommend to Full Council that the RBWM Gambling Act 2005 Statement of Principles 2022 - 2025 be adopted. This was seconded by Councillor Davey.

A named vote was taken.

RESOLVED UNANIMOUSLY: that the Licensing Panel recommends to Full Council that the RBWM Gambling Act 2005 Statement of Principles 2022 - 2025 be adopted.

GAMBLING ACT 2005 STATEMENT OF PRINCIPLES - THREE YEAR REVIEW (Motion)	
Councillor Gurpreet Bhangra	For
Councillor Phil Haseler	For
Councillor John Bowden	For
Councillor John Baldwin	For
Councillor Mandy Brar	For
Councillor Karen Davies	For
Councillor Jon Davey	For
Councillor Sayonara Luxton	For
Carried	

DATES OF FUTURE MEETINGS

Members noted the next meeting of the Licensing Panel would be 1 February 2022.

The meeting, which began at 7.00 pm, finished at 7.45 pm

CHAIRMAN.....

DATE.....

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Agenda Item 4

LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

THURSDAY, 30 SEPTEMBER 2021

PRESENT: Councillors John Bowden, Mandy Brar and David Cannon

Also in attendance: Mr Razim Bakiri (Applicant) and Mr Marcus Lavelle (Applicants Representative)

Officers: Jane Cryer, Craig Hawkings and Mark Beeley

APPOINTMENT OF CHAIRMAN

Councillor Bowden nominated Councillor Cannon as Chairman, this was seconded by Councillor Brar.

RESOLVED UNANIMOUSLY: That Councillor Cannon was elected as Chairman for the meeting.

APOLOGIES FOR ABSENCE

There were no apologies for absence received.

DECLARATIONS OF INTEREST

Councillor Brar declared a personal interest as she was a licensee.

PROCEDURES FOR SUB COMMITTEE

The clerk read out the procedures that the Sub Committee would follow.

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

The Reporting Officer to outline the application and the decision to be taken

Craig Hawkings, Licensing Team Leader, set out the application. 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 the Licensing Act 2003, when relevant representations were made against an application, a hearing had to be held to consider them. A relevant representation made against an application for a new premises licence had to relate to at least one of the four licensing objectives set out in the Licensing Act 2003. These were; '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 365 Services (UK) Ltd and the DPS was Mr Blerim Pacolli for the premises 88 Maidenhead Road, Windsor, SL4 5EJ. 365 Services (UK) Ltd had applied, under the Licensing Act 2003, for a new premises licence to be granted. The application was to licence a café. A summary of the application was as follows:

- Sale of Alcohol on and off the premises
Monday – Saturday 10:00 – 18:00
Sunday 10:00 – 16:00

The Designated Premises Supervisor (DPS) was Mr Blerim Pacolli.

This application had received no representations from the responsible authorities which included; Environmental Health, Royal Borough Fire and Rescue Service, Planning, Local Safeguarding Children's Board, Public Health, Trading Standards, Thames Valley Police and RBWM Licensing. There had been 13 individual representations from residents that were relevant to the application as they related to one or more of the four licensing objectives.

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 had to 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 had to be given.

The Sub-Committee were reminded that any party to the hearing could 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 from Members

Councillor Bowden asked if 6pm was the end time on the original application.

Craig Hawkings confirmed that the end time had always been 6pm, the additional regulated activity had been withdrawn by the applicant.

Councillor Bowden commented that he was familiar with the premises.

Councillor Brar asked if the premises had CCTV, she was informed that this was a question for the applicant to answer.

The Chairman asked if the application was purely for the sale of alcohol and whether there would be any external noise after 6pm, as a number of the representations had been based on late night entertainment and music.

Craig Hawkings confirmed that the application was solely for the sale of alcohol and that there would be no external noise after this time as the premises would be closed. If the license was granted it would not override the planning restrictions which had been placed on the premises.

Councillor Bowden asked if the off sale of alcohol element of the application was in sealed vessels and if the petrol station alongside the premises was also a licensed premise.

Craig Hawkings confirmed that off sale was in sealed vessels and later in the hearing it was confirmed that the petrol station next to the premises was a licensed premise.

Questions to the Reporting Officer from the applicant

The applicant had no further questions for the Reporting Officer.

Applicants Case

The applicants representative explained that the café was the natural evolution of the site, it had been a motor based mechanics for over 40 years. The applicant had taken over the site in 2011 and had made over £500,000 worth of improvements, with the building being insulated and this had stopped noise from breaking out. In 2017, the applicant was granted planning permission and a change of use was applied for, with the premises being changed from industrial to restaurant/café use. The applicants representative showed where the premises was located on the site using images which had been provided to the Sub Committee. The applicants representative explained that sough dough pizzas would be served, which could be ready in around 5 minutes. There was expected to be a dwell time of around half an hour.

Questions to the applicant from Members

Councillor Brar asked whether there was CCTV in place at the site.

The applicants representative confirmed that they had accepted a condition from Thames Valley Police that CCTV was in place. The auto centre already had a CCTV system and the new building where the café would be located came with a new CCTV system already installed.

Councillor Brar asked if there was already anti-social behaviour in the area, as had been referenced by some of the representations made against the application.

The applicants representative said that most residential properties did not have direct line of site of the café building. On the anti-social behaviour, a complaint had been made to the council, who investigated but found no issues. The beeping of car horns was due to cars waiting at the garage, which did cause some noise. However, the applicants operations were all internal. The premises was based on a major road with an industrial area, there was a minimal chance that the café would be heard by local residents over this.

The Chairman commented on the anti-social behaviour and asked if there was any cut through which could be used or whether the perimeter of the site was secure.

The applicants representative confirmed that it was not possible to walk through the site.

The Chairman asked if the café was currently operating.

The applicants representative said that the refurbishment works were still ongoing so the café was not yet open.

Councillor Brar asked about speakers outside the café, which had been mentioned in one of the representations.

The applicants representative confirmed that small speakers were present at the premises but these were not currently in use as the café was not open.

The Chairman asked what the planned purpose of the speakers was and whether external tables were planned.

The applicants representative explained that low volume background music would be played but it was not there to provide entertainment. There were no plans currently for external tables.

Summary from applicant

The applicants representative made reference to a court appeal case for a failed application, quoting paragraph 24 of the judges comments; “while a licensing committee is not bound to follow a planning decision makers conclusion, nor vice versa, each will and should have regard to the other where both make decisions in the same context.” The applicants representative felt that this was similar to the case being presented to the Sub Committee, which was one of public nuisance, but the planning authority felt that in 2017 this site was of suitable use and therefore the Sub Committee should look to grant the license.

Summary from the Reporting Officer

The Licensing Panel Sub Committee was obliged to determine this 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 Committee had to have regard to all of the representations made and the evidence that it heard.

The Sub-Committee had to, 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 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 had to be given.

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

Decision

After careful consideration of all the evidence, the Sub-Committee decided to allow the application as applied for.

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 at the Royal Borough of Windsor & Maidenhead)
- Mr Razim Bakiri (Applicant) and Mr Marcus Lavelle (Applicants Representative)

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

The meeting, which began at 10.10 am, finished at 10.45 am

CHAIRMAN.....

DATE.....

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LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

THURSDAY, 17 MARCH 2022

PRESENT: Councillors David Cannon, John Bowden and Mandy Brar

Also in attendance: Councillor Gurch Singh, Mr Christopher Grunert (Applicants Representative), Miss Joanne Golding (Whitbread Group plc), Mr Greg Coulton (Objector) and Mr Mike Coulton (Objector)

Officers: Mark Beeley, Laurence Ellis, Jane Cryer and Craig Hawkings

APPOINTMENT OF CHAIRMAN

Councillor Brar proposed Councillor Cannon as Chairman. This was seconded by Councillor Bowden.

RESOLVED UNANIMOUSLY: That Councillor Cannon was elected as Chairman for the meeting.

APOLOGIES FOR ABSENCE

There were no apologies for absence received.

DECLARATIONS OF INTEREST

There were no declarations of interest received.

PROCEDURES FOR SUB COMMITTEE

The clerk read out the procedures that the Sub Committee would follow, this was noted by all those present.

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

Jane Cryer, Legal Advisor, advised the Sub Committee that the objection to the application had been received late.

Craig Hawkings, Licensing Team Leader, clarified that the objection had been received on time but the request to speak at the meeting had been received late.

The applicants representative confirmed that they had no objection to the individual being allowed the opportunity to speak and address the Sub Committee.

The Reporting Officer to outline the application and the decision to be taken

Craig Hawkings, Licensing Team Leader, set out the application. 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 the Licensing Act 2003, when relevant representations were made against an application, a hearing had to be held to consider them. A relevant representation made against an application for a new premises licence had to relate to at least one of the four licensing objectives set out in the Licensing Act

2003. These were; '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 Whitbread Group plc and the Designated Premises Supervisor (DPS) was Miss Jacqueline Allum for the premises Premier Inn Hotel, Mellor Walk, Windsor. Whitbread Group plc had applied, under the Licensing Act 2003, for a new premises licence to be granted. The application was to licence a stand-alone hotel with related licenced accommodation operating under the Premier Inn brand. A summary of the application was as follows:

Non-residents:

- Recorded Music
Monday to Sunday 10:00 – 00:30
- Late Night Refreshment
Monday to Sunday 23:00 – 00:30
- Supply of alcohol (On & Off the premises)
Monday to Sunday 10:00 – 00:30

Hotel residents:

- Recorded Music
Monday to Sunday 10:00 – 01:00
- Late Night Refreshment
Monday to Sunday 23:00 – 01:00
- Supply of alcohol (On & Off the premises)
Monday to Sunday 00:00 – 00:00

Seasonal Variation

- To extend the proposed hours on New Year's Eve to New Year's Eve – terminal hour as proposed being 00:30 on 2 January.

The Designated Premises Supervisor (DPS) was Miss Jacqueline Allum.

This application had received no representations from the responsible authorities which included; Environmental Health, Royal Borough Fire and Rescue Service, Planning, Local Safeguarding Children's Board, Public Health, Trading Standards, Thames Valley Police and RBWM Licensing. There had been one individual representation from a resident that was relevant to the application as they related to one or more of the four licensing objectives.

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 had to 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 had to be given.

The Sub-Committee were reminded that any party to the hearing could 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 from Members

Councillor Cannon asked what the rationale was for there to be a 30 minute difference between residents and non-residents in the application, he asked if this was normal licensing procedure.

Craig Hawkings said that it was for the applicant to explain why there was a difference, the applicant was free to apply for what they wished.

Councillor Brar asked if it was common practise for 24 hours to be requested for late night refreshments at hotels.

Craig Hawkings clarified that it was the supply of alcohol which was being requested for 24 hours a day, this was common.

Questions to the Reporting Officer from the applicant

The applicants representative raised some issues with the report, the applicant had not applied to play recorded music at all. However, the playing of moving images on a screen had been applied for until 12.30am. Late night refreshment for residents of the hotel was not a licensable activity. It was important to note that the sale of alcohol was unrestricted for residents but was restricted to the hours listed in the application for non-residents.

Craig Hawkings confirmed that this was correct, the applicant was looking to license the ability to play film rather than recorded music, this element of the application could be ignored. Late night refreshment for residents was not a licensable activity.

Applicants Case

The applicants representative explained that Whitbread Group plc operated a number of brands, with Premier Inn being one of those brands. There was a brand standard which had become the expectation of guests when staying at a Premier Inn hotel and it was important from a business point of view to maintain this reputation. Whitbread Group plc were looking to redevelop the hotel and make it family friendly, there was plenty to do in Windsor for visitors. In the week, Premier Inn often served individuals and business customers, while at the weekend and holidays it was usually predominately families for leisure purposes. The food and bar area of the hotel would be licensed but Premier Inn did not license the bedrooms, these were serviced using the off sale of alcohol to residents.

The applicants representative drew the Sub Committee's attention to the drinks list, which had been included in the agenda pack. The prices were not at the lower end of the scale and the hotel would therefore not be a 'wet lead' venue where alcohol was a priority focus. As an example, a bottle of wine from the hotel bar was significantly more expensive than other close by supermarkets. The bar was run in house by Premier Inn's restaurant brand and had the feel of a hotel bar, it was not going to be a nightlife hotspot that would be competing with other bars and clubs in the local area.

Considering the objection which had been made to the application, the applicants representative could not agree with the issues raised. Food would not be allowed to leave the premises, residents were free to go back to their rooms but non-residents were not allowed to take food off site. There was no need to reduce the hours that had been applied for, Premier Inn was not associated with issues related to alcohol. Staff had the hotel had a lot of control, with most of the facilities like lifts only accessible via a room key card. The main front door would also be locked after 11pm to the general public and would only be accessible to residents staying at the hotel. This was a system which Premier Inn had implemented at all of their hotels and had worked well. A 24 hour reception was also available in case of any issues.

Considering the potential issues with smoking from residents which had been raised in the objection, the applicants representative said that smoking was not promoted but was a personal choice. The law stated that smoking needed to take place outside premises, there would not be a designated smoking area. Whitbread Group plc took pride in promoting the four licensing objectives, everything at Premier Inn was carefully managed and they were careful to abide by the 'good night's sleep' guarantee. Whitbread Group plc had a duty to consider the public and the local community. There had been one objection received to the application, none of the responsible authorities had made a representation and they were completely neutral on matters like this. The applicants representative asked the Sub Committee to consider granting the application in full, as had been requested.

Questions to the applicant from Members

Councillor Bowden suggested that visitors to the night time economy in Windsor may use the hotel to stay overnight. He asked if large TV screens would be used to show sport.

The applicants representative said that there a 'good night's sleep' guarantee, the main door was controlled and there would be a 24 hour reception so that any issues with noise could be easily managed and controlled. The hotel was not planning to subscribe to sports channels like Sky Sports or BT Sport at the current time.

Councillor Brar asked how the hotel would manage things like live music events.

The applicants representative clarified that the hotel would not be promoting live or recorded music, this was not part of the licensing application.

Councillor Cannon asked for confirmation of where the hotel entrance would be.

He was informed that the only entrance for pedestrian access would be on the corner, opposite the Crown Hotel car park.

Representations from other persons

There was one objector to the application, from Greg Coulton. He explained that he had invested in the building adjoining the proposed Premier Inn, where apartments would be built which would have their own self-contained kitchens. The clients for the Premier Inn would be business customers in the week but it was at the weekend where there was concern. The hotel could be used by visitors who would go to local bars and clubs and cause disruption to residents in the surrounding area. It was good to see that the entrance was planned to be the opposite side to Mr Coulton's development, but he expressed concern that there would be no security guards at the entrance to the hotel, they would ensure that customers were not disturbed. Premier Inn had a promise to offer refunds if customers were not satisfied with the experience they had received, this was not possible for Mr Coulton. Mr Coulton asked if the main door would definitely be shut from 11pm, with it only be accessible to those with a key card after this time. He suggested that the request for late night refreshments to be licensed was reviewed by the Sub Committee, he was happy with this for residents but not for non-residents. Other hotels in the local area were more restricted, for example the Caste Hotel was only allowed to serve until 11pm.

Members to ask questions of other persons

Councillor Cannon asked where Mr Coulton's development was located, in proximity to the Premier Inn and whether this development had been completed.

Mr Coulton said it was to the left of the Premier Inn hotel and the developers were unable to change the exterior of the building due to it being a heritage asset, the inside of the building would be converted from office space to residential units.

The applicants representative asked what sort of accommodation would be offered by Mr Coulton.

Councillor Cannon said that this was not a consideration for the Sub Committee as it was a future development.

Mr Coulton explained that there would be a mix of lets but he was looking at a number of different options.

Summary from applicant

The applicants representative added that Whitbread Group plc had offered to meet with the objector prior to the meeting to discuss the issues which had been raised. The concerns were similar across both parties, the applicant also did not want any noise or other issues to occur in the local area. Addressing the request for a door supervisor, this was not needed as the situation would be managed effectively by staff at the hotel. There was a strong evidence across the many branches of Premier Inn across the country. The main doors would be shut at 11pm but access was not denied. The licence applied for was well within the RBWM framework policy hours. The applicants representative hoped that he had given assurance to both the Sub Committee and the objector that there would be no issues if this license was granted as applied for.

Summary from the Reporting Officer

The Licensing Panel Sub Committee was obliged to determine this 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 Committee had to have regard to all of the representations made and the evidence that it heard.

The Sub-Committee had to, 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 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 had to be given.

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

Decision

After careful consideration of all the evidence, the Sub-Committee decided to allow the application as applied for, including the conditions which had already been agreed in Appendix D of the main report.

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 at the Royal Borough of Windsor & Maidenhead)
- Mr Christopher Grunert (Applicants Representative)
- Mr Greg Coulton (Objector)

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

The meeting, which began at 10.00 am, finished at 11.05 am

CHAIRMAN.....

DATE.....

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LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

MONDAY, 28 MARCH 2022

PRESENT: Councillors Gurpreet Bhangra, Mandy Brar and David Cannon

Also in attendance: Councillor John Bowden, Councillor Donna Stimson, Councillor Rayner, David Dadds, Debbie Pearmain, Inspector Mike Darrah, Sergeant McLulich and James Searle

Officers: Jane Cryer, Craig Hawkings, Desmond Michael, Greg Nelson, Oran Norris-Browne and Rebecca Oates

APPOINTMENT OF CHAIRMAN

Councillor Bhangra proposed that Councillor Cannon be Chairman. This was seconded by Councillor Brar.

RESOLVED UNANIMOUSLY: That Councillor Cannon be Chairman for the remainder of the hearing.

APOLOGIES FOR ABSENCE

Apologies were received from Councillor Hilton, Councillor Bhangra substituted for him on the Panel.

DECLARATIONS OF INTEREST

No declarations of interest were made.

PROCEDURES FOR SUB COMMITTEE

Members noted the procedures for the sub-committee.

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

Firstly, David Dadds, the Applicant's representative asked that the CCTV footage that Thames Valley Police wished to play be excluded from the hearing. He said that this was due to it not having been provided to the Applicant in advance of the hearing and therefore if shown would cause prejudice against the Applicant. Upon retiring, Jane Cryer, Legal Advisor to the Panel agreed with this and therefore the Chairman announced that this CCTV footage would not be shown and therefore was excluded from the rest of the hearing both orally and visually.

The Chairman then asked both Mr Dadds and Inspector Mike Darrah, Thames Valley Police if they had any comment on this matter. Neither had comment.

Craig Hawkings, Reporting Officer for the Royal Borough of Windsor & Maidenhead introduced the report and outlined the information that the Sub-Committee had to consider. A summary of the application was as follows.

Late Night Refreshment to be served:

Monday - Tuesday 23:00 – 01:40
Wednesday - Thursday 23:00 – 03:40
Friday - Saturday 23:00 – 04:30
Sunday 23:00 – 03:40

Hours that premises open to the public:

Monday - Tuesday 11:00 – 01:40
Wednesday - Thursday 11:00 – 03:40
Friday - Saturday 11:00 – 04:30
Sunday 11:00 – 03:40

On the Sunday before each Bank Holiday, Christmas Eve and New Year's Eve, the terminal hour for late shall be extended to 04:30.

2 existing premises licenses existed. These were PL000329, issued 25 December 2005 and PL107021, issued 9 February 2016.

Craig Hawkings went on to state that where, as here, relevant representations had been made, the Licensing Authority must hold a hearing to consider them, unless agreed by the parties. The Licensing and Public Space Protection Order Sub-Committee could take steps as are appropriate for the promotion of the Licensing Objectives as relevant. To be "relevant", the representation had to relate to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives which were set out in the Licensing Act 2003.

He stated that the four licensing objectives were:

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

In terms of responsible authorities, Craig Hawkings stated that representations had been made by both Thames Valley Police and the Royal Borough of Windsor & Maidenhead Licensing Team. Other representations were also received from Councillor Rayner, Ward Councillor for Eton & Castle, CC Stim UK Tradeco 3 Limited (ATIK Nightclub) and P. Banham.

Craig Hawkings then outlined the framework hours that had been set by the Borough with regards to late night refreshment businesses such as Takeaways. He noted that the license that was being applied for, fell outside of these framework hours.

The Chairman asked what the 2 current licenses that the premises had covered in terms of timings and activities. Craig Hawkings informed the Panel that these could be found in Appendix 1 of the main report, which outlined the premises' current licenses and the relevant conditions that were attached.

Councillor Brar asked if multiple licenses were allowed to be held on a premises. Craig Hawkings confirmed that this was allowed.

Councillor Bhangra asked how long the premises had held a license. Craig Hawkings confirmed that records dated back to 2005.

David Dadds asked Craig Hawkings for clarity with regards to the hours that were being applied for within the new application. Craig Hawkings confirmed that the license was a new standalone license, however in terms of operating hours, the only changes were Wednesday's hours being extended from 01.40 hours to 03.40 hours.

David Dadds then asked if the interested parties that were attending could be identified. This then occurred.

The Chairman asked for further clarification on the 2 current license's operating hours on a Friday and Saturday. Craig Hawkings confirmed these times were the same as what appeared within the new licensing application.

David Dadds was then invited by the Chairman to make his representation on behalf of the Applicant. David Dadds began by stating in essence that this new license was to merely extend the opening hours of the premises by 2 hours on a Wednesday. This was due to a change in opening hours from the nearby nightclub ATIK, where the premises received a lot of business from. The premises' current license allowed for them to open until 03.40 hours on a Thursday night, which was to capitalise on the ATIK trade. However, ATIK had since changed their operating night to a Wednesday and therefore the Applicant wished to follow suit.

David Dadds added that trade had occurred on the Thursday nights for up to 17 years and that some conditions that had been added to the licenses in the past, had been suggested by the Applicant rather than the Licensing Authority. Door supervision was added as a condition, and David Dadds believed that the premises were the first in the Borough to do this. He added that the data would suggest that there was little or no crime and disorder historically at the premises. Over 17 years there had been no cautions given to the premises, which would give cause for concern to the Panel.

David Dadds then addressed resident issues with the premises, where he discussed a survey that had been carried out on 100 residents, where only 3 replied by stating that they had issues with the premises. He then said that data of crime and disorder on a Thursday night had not been provided by Thames Valley Police, which would show the premises to undermine any of the licensing objectives set by the borough. This included no witness statements, incident reports or crime statistics.

David Dadds then expressed concern over Thames Valley Police's representations that had been published. David Dadds said that Inspector Mike Darrah had written, that during a meeting between the pair, regarding the premises, David Dadds was accused to have said the following. Whilst discussing the premises response to an incident, David Dadds allegedly described it as "*just* a domestic incident". David Dadds stated that this was false and demanded that this statement be withdrawn by the Police. He stated that the Police were personally attacking him as the Applicant's Advocate, which was wrong as the focus should have been on the Applicant, and the license itself.

David Dadds then stated as seen within the report, that the Police believed the Applicant to be very co-operative, however they felt that David Dadds was not. He believed this to be wrong and also noted that there was a lack of information relating to the specifics of these meetings such as dates. He added that no minutes were provided of these meetings and no gradual step by step action plan had been provided either.

David Dadds said that with regards to the Applicant's 2 brothers, neither worked or resided at the premises anymore and that the Police were made aware of this. The matter referred to by the Police within their representations, although serious, was purely a domestic one between the Applicant's 2 brothers and it was also subject to an ongoing investigation. Therefore, it would not have been correct to discuss it. David Dadds stated that the 2 brothers had been told by the Applicant that they were not allowed on the premises until the incident had been resolved.

David Dadds then stated that in addition to his points already made on comments from both Debbie Pearmain, Thames Valley Police and Inspector Mike Darrah, there were also further issues identified that came from Sergeant Alasdair McLulich, Thames Valley Police. He said that it was clear that the Police were ganging up on the Applicant. He referred to a statement by Sergeant Alasdair McLulich within the report that stated that during an assault there had been no support from the premises.

David Dadds emphasised again that this was unacceptable and stated that the door staff used at the premises were the same used by ATIK, yet no concerns were ever raised with ATIK regarding incidents such as the ones referred to by the Police.

David Dadds also referred to an incident that was discussed by the Sergeant over an incident that had occurred 4 years ago. He questioned if this was ever followed up and whether the premises was ever spoken too.

David Dadds concluded his case by asking the Sub-Committee to grant the license in accordance with the Licensing Act 2003 and emphasised again that no material evidence had been presented to the Panel by the objectors that showed the premises to be in breach of any of the 4 licensing objectives.

The Chairman asked for clarity over the applications operating hours. David Dadds confirmed that this was effectively looking at replicating the current license's times for Thursday and making this the same on Wednesdays. He added that he was also happy to swap the 2 days if required and only operate on the Wednesday out of the 2 nights, but the application was indeed for both.

Inspector Mike Darrah stated that the application that had been put before the Sub-Committee to consider would have a negative impact on residents and that crime and disorder would increase on the night of Wednesday. He added that with this being a weekday, the majority of residents would be sleeping in preparation for work the following morning, and by granting the license this would ensure that residents would be negatively impacted further. He also said that the Police believed that the premises was not being run as effectively as it should have been, in relation to the licensing objectives.

Inspector Mike Darrah then went on to outline the roles that the 3 other Thames Valley Police Officers held and what they would be presenting during the course of the hearing. He clarified that the Police were not ganging up and were merely objecting to the application through the best means.

David Dadds wanted to ensure that any evidence that was provided orally by the Police, was only duplications of the written representations that had been presented within the reports. Inspector Mike Darrah confirmed that this was the case, and that no new evidence was going to be presented.

Inspector Mike Darrah stated that post-pandemic, managing the night time economy had become increasingly difficult. He noted that the average age of users of the night time economy had been seen to decrease heavily from an average age of 21 and 22 years old down to 18 and 19 years old. He identified 2 locations as being so-called pinch points in the night time economy. These were identified as being Goswell Hill and William Street/Victoria Street.

Inspector Mike Darrah identified the location of the premises in question as being a hotspot for crime and disorder, with many incidents having occurred inside and outside the premises and also on Victoria Street itself as a whole. He said that incidents were being seen to be increasing and that although the data was not available, there was no reason to believe that the same issues would not occur on a Wednesday if the license was granted. This data was not available as of course the premises was not currently open on the day in question.

Inspector Mike Darrah said that the Police believed that the premises were not as proactive in dealing with crime and disorder as much as other premises were such as ATIK nightclub. He added that during a meeting between himself, Debbie Pearmain and David Dadds, Mr Dadds had indeed referred to an incident as "*just a domestic incident*". David Dadds refuted this and was informed by the Chairman that he would have his opportunity to respond upon the conclusion of the Inspector's statement.

Inspector Mike Darrah said that the premises were meant to have 2 door staff present, with 1 being stationed outside and one inside the premises. Police Officers had fed back that this was not always the case and that the door staff were also often reluctant to aid the Police when incidents occurred.

The Chairman checked with David Dadds to ensure that he had access to the Police's evidence that had been circulated within the report. David Dadds asked for clarity as to what was being referred too. Inspector Mike Darrah provided this clarity with page numbers, report titles and brief summaries of the first reports. The clerk then offered clarity to the Sub-Committee on the issues that were arising to do with the Police reports and implored members to refer to incidents themselves rather than page numbers to avoid confusion.

David Dadds expressed concern over incidents that Inspector Mike Darrah was referring to and stated that these had not been submitted as written representations, which caused him and his client prejudice. The Legal Officer stated that the Police must not orally produce any evidence that had not been included within the reports that had been circulated prior to the hearing.

Debbie Pearmain summarised to the Sub-Committee the Licensed Premises Incident Reports that had been provided within the reports. There were 10 of these reports that all participants in the Sub-Committee had access too. Inspector Mike Darrah then summarised the occurrence enquiry log reports to the Sub-Committee that were present within the reports.

Debbie Pearmain stated that she had met with the applicant many times over the years and found him to be very co-operative. She added that she felt David Dadds was dismissive of some things that the Police brought up, in relation to the premises and its license. Debbie Pearmain then outlined the approach that the Police had when it came to licensed premises, which included placing them into tiers 1, 2 or 3, which were outlined within the report. Since 2018, at least 8 meetings had occurred between Debbie Pearmain and the applicant with regards to issues around the license.

Sergeant McLulich said that there were only 9 night time economy officers spread between 3 towns. He said that large crowds gathered on Victoria Street and that incidents that occurred between individuals then continue outside the premises in question. The crowds that gathered outside of the premises obstructed the road into just one lane, which was dangerous and Heavy Goods Vehicles also frequented this location, causing further danger.

Sergeant McLulich referred to his statement in 2020, which was provided within the reports that stated that when he was assaulted as a Police Officer, there was no support from the staff of the premises at all and that he had to make an emergency request for assistance for other officers. He also outlined the amount of mess and litter that was spread around the surrounding area of the premises, that was caused by customers at the premises. He added that there were no dedicated officers to police the area if the license was granted for a Wednesday.

Police Community Support Officer (PCSO) James Searle discussed a project that had been set up to identify hotspots for crime and disorder. Over 100 properties had been visited and doors were knocked on, where residents were asked what it was like living in Windsor with regards to crime and disorder and what their ideals were. He stated that from his experience as a PCSO, he believed that if the license was to be granted then this would increase the amount of crime and disorder and negatively impact residents further, who already had concerns.

PCSO James Searle was to then read out a statement from a resident, however David Dadds asked for clarity before this happened as to when this statement was taken and if it had been provided within the written representations. PCSO James Searle confirmed that the statement had been taken on 8 February 2022.

At this stage, the Chairman paused the hearing at 13:25pm, with it resuming again at 13:35pm.

David Dadds expressed his concern over the statement, however he said that it did not need to be excluded and instead he wanted to ensure that fair weight was applied. The Legal Officer confirmed this to be the correct procedure. The Chairman then invited PCSO James Searle to proceed. PCSO James Searle then read out a statement from John Pryor, Regional Manager of Snap Fitness. The Sub-Committee noted this.

Councillor Bhangra asked Inspector Mike Darrah what the Police classed Thursday as if Wednesday was classed as being mid-week and if there was any evidence of incidents occurring on these days. Inspector Mike Darrah replied by saying that both days were classed by the Police as being mid-week and that there was currently no evidence to hand of any incidents happening on those days.

Councillor Brar asked how many customers exited ATIK and visited the premises in question. Inspector Mike Darrah said that he couldn't provide an exact figure, but he confirmed that a large number of ATIK customers visited the premises afterwards.

Councillor Bhangra asked if there were any other late-night refreshments open at the same time as the premises nearby during the early hours of the morning. Debbie Pearmain confirmed that Subway was the only one, but this closed at 01:00 hours.

The Chairman asked for some clarity on the number of Police Officers that would be present on the nights that the license was in effect. Inspector Mike Darrah said that every night of the year would be graded as Red, Amber, and Green. Red would see more officers present on a night than Amber or Green. He added that a drain on resources would almost definitely occur if the license was granted.

Councillor Brar asked if there was a minimum number of officers present on weekend nights. It was confirmed that the minimum was 1 Sergeant and 9 officers, but this could go up to 1 Sergeant and 16 officers on a red day for example.

David Dadds asked if the premises had left tier 1 at all during the course of the current license or if any warnings or action plans had been given. Debbie Pearmain confirmed that they had not left tier 1 and that only advice had been given.

David Dadds asked PCSO James Searle on how many residents he had heard from by knocking on doors and when this was undertaken. PCSO James Searle confirmed that 100 doors were knocked on, but not all of course answered. He confirmed the project commenced in September 2021. Only 1 resident was said to have had an issue with the generality of the area, such as noise within the area. David Dadds asked if the officer had contacted the premises with regards to this 1 resident's concerns. PCSO James Searle confirmed that he had not and that his superior Inspector Mike Darrah had asked him to make the statement during the hearing.

On behalf of the applicant, David Dadds categorically denied Sergeant McLulich's claim that an incident involving a hammer spilled out from the premises into the street and asked how he could be sure that this came from the premises specifically. He added that CCTV showed that the hammer did not come from the premises and asked for the statement to be withdrawn. Sergeant McLulich said that he was not the officer in charge of the investigation, so could not comment further.

David Dadds asked if the hackney carriage rank on Victoria Street attracted people to convene outside of the premises. Sergeant McLulich answered by saying that historically this was the case, however in recent times many customers used private hire vehicles through apps such as Uber. David Dadds then said that Sergeant McLulich had said that there had been many incidents involving the premises, and he asked for evidence of these. Sergeant

McLulich said that he had not read or seen the reports as they were submitted for review by officers.

David Dadds asked Inspector Mike Darrah once again to withdraw his statement on an incident being described by David Dadds as “*just a domestic incident*”. Inspector Mike Darrah refuted this and claimed that both he and Debbie Pearmain had heard David Dadds say this. David Dadds said that he would be submitting a formal complaint after the hearing to the Police regarding this matter.

David Dadds said that there was no evidence relating specifically to crime and disorder inside the premises itself. Inspector Mike Darrah confirmed this, other than 1 ongoing incident that could not be discussed. Victoria Street & William Street themselves were agreed by Inspector Mike Darrah to have ATIK, a Subway shop and a taxi rank. Inspector Mike Darrah also agreed that there should be a gradual approach to enforcement and if there was ever any resident issues or any matters of crime and disorder, then enforcement would be carried out in relation to tier 1. Debbie Pearmain would make contact with the owner of the premises if action needed to be taken.

Councillor Rayner, Ward Councillor for Eton & Castle introduced herself and explained why she was speaking against the application of the premises’ new license. David Dadds asked the Sub-Committee for clarity on what they possessed in terms of Councillor Rayner’s submitted written representation. The Chairman confirmed that they possessed the same information as David Dadds did. Councillor Rayner took on board the comments made as to only present information that had been submitted as a written representation.

Councillor Rayner said that she supported her residents and also the premises itself. She said however that the area was a very busy residential one and that the operating hours of the premises had caused issues for residents. David Dadds asked for legal advice on Councillor Rayner’s oral submission. The Legal Officer confirmed that Councillor Rayner may not add any additional evidence orally. Councillor Rayner acknowledged this and brought her submission to a close.

David Dadds asked Councillor Rayner within the last year, how many times had she written to the Licensing Authority about the premises. Councillor Rayner confirmed that she didn’t have an exact figure, however confirmed that she had written to both the Licensing Authority and the Police. She confirmed that she had not written to the premises directly as this was not the normal process. The correspondence that she had sent, was all done through email.

Desmond Michael, RBWM Licensing Officer said that within one of the current existing licenses for the premises, it stated that at least 2 SIA officers should be present at all times after 00:00 hours. Upon an inspection by the Licensing Authority on 11 September 2021, officers found at 00:16 hours, only 1 SIA officer was on duty. When staff were questioned, officers were told that a further SIA officer was on their way to attend. Upon revisiting at 01:22 hours, 2 SIA officers were indeed on duty. This was a repeat offence and a breach of the license. The other date was 26 April 2019, where 1 hour after 00:00 hours, Police discovered just 1 SIA officer on duty.

Desmond Michael said that after the repeat offence had occurred, the applicant was invited to attend a meeting with the Licensing Authority in September 2021, in which he did attend. David Dadds asked for clarity as to whether the local authority were to be prosecuting the applicant over this matter. If they were, then the discussion could not go any further. Desmond Michael confirmed that the findings were subject to an ongoing investigation. David Dadds said that due to this situation being subject to judiciary, the discussions should not have been heard and written submissions should not have contained the information.

The Legal Officer confirmed that if there was an ongoing investigation, then this should take precedent and should not have been discussed or disclosed at all. The Chairman advised Desmond Michael to not discuss this further and stated that the Sub-Committee would disregard the evidence that he had provided about this matter so far.

Desmond Michael agreed and summarised by stating that the premises had breached the previous license and showed that this undermined 3 of the licensing objectives set out by the Licensing Authority.

David Dadds asked Desmond Michael if any further inspections had occurred since September 2021 of door staff numbers and if any formal warnings or cautions had been issued over the 17 years of the license being held. Desmond Michael confirmed that there had not been.

The Panel then noted the written submissions that had been submitted to the Sub-Committee. These would be considered within the deliberations.

The Chairman then invited Craig Hawkings to outline the options that were available to the Sub-Committee. These were as follows:

- Reject the application.
- Refuse to specify a person in the licence as the premise's supervisor.
- Grant the application but modify the activities and/or the hours and/or the conditions of the licence.
- Grant the application.

Craig Hawkings stated that if conditions were attached then reasons must be given as to why this was the case. He stated that those reasons should:

- Refer to every relevant representation.
- Start with the policy.
- State the extent to which it had taken account of guidance and policy.
- When deciding in accordance with policy, explain why it had not considered a departure justified.
- When deciding contrary to policy, explain the basis and reason for the departure.
- When refusing in whole or in part, or attaching further conditions state, both that it considered it appropriate to do so in order to promote one or more specified licencing objectives and why this was so.
- The committee may use a legal adviser in helping it to draught its reasons, but the reasons must be the committee's.

Craig Hawkings then stated that any party to the hearing were able to appeal the decision to the Magistrate's Court within 21 days of the determination.

David Dadds was invited by the Chairman to make his closing statement to the Sub-Committee. He summarised his client's position and once again stated that the premises was simply looking to change its operation days from a Thursday to a Wednesday, in line with ATIK's opening hours. He said that before 2016, a condition existed on the license whereby a doorman was required on a Thursday. However, this was removed which strengthened the position that there was no crime and disorder on this day.

David Dadds said that he would challenge the representations that had been made during the hearing and said that there was only 1 incident inside the premises evidenced within the report, and that outside the premises there were many. He stated that it was not proper to associate the premises with these incidents as they were not directly related. The applicant was said by the Police to have been co-operative over the years and that he had received no warnings or cautions over the 17 years of holding a license. He also stated that with regards to complaints about noise and urination, nothing was specific to the premises and no communications had been received from responsible authorities about this. David Dadds then implored the Sub-Committee to grant the application as applied for.

The Chairman asked David Dadds if he was happy to confirm that he had been given every opportunity to participate within the hearing and advise his client appropriately due to him having to attend virtually via zoom, through the use of a hybrid setting.

David Dadds confirmed that he was happy with this.

The Chairman thanked everybody for their time and attendance and informed the Sub-Committee that a letter would be sent out within 5 working days of the hearing informing participants of the decision.

During the deliberations the Sub-Committee gave full consideration to the concerns raised in the objections. However, the committee observed that material which directly impacted on the extended hours of the premises were unclear.

It was noted that the decision itself was extremely finely balanced. The decision was made to grant the application in its entirety, with a reminder that the Licensing Authority may review the operations if further evidence was brought to the Authority's attention.

The Sub-Committee considered the written submissions provided. The Panel also heard oral evidence at the hearing from Officers of Thames Valley Police, Councillor Samantha Rayner, Ward Councillor for Eton and Castle, Desmond Michael, Licensing Officer at the Royal Borough of Windsor & Maidenhead, David Dadds, Applicant's representative and from Craig Hawkings, Reporting Officer at the Royal Borough of Windsor & Maidenhead.

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

The meeting, which began at 11.30 am, finished at 3.10 pm

CHAIRMAN.....

DATE.....

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