

LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

MONDAY, 14 JUNE 2021

PRESENT: Councillors Jon Davey, Phil Haseler (Chairman) and Sayonara Luxton

Also in attendance: Mr Will Calvert (Applicant), Mr Miles Slade (DPS of premises) and Mr David McMahon (Objector)

Officers: Craig Hawkings, Rachel Lucas and Shilpa Manek

APPOINTMENT OF CHAIRMAN

RESOLVED UNANIMOUSLY: That Councillor Haseler be Chairman. This was proposed by Councillor Davey and seconded by Councillor Luxton.

APOLOGIES FOR ABSENCE

No apologies for absence received.

DECLARATIONS OF INTEREST

Councillor Davey declared a personal interest in that he had known the applicant for many years but was attending the Panel with an open mind.

PROCEDURES FOR SUB COMMITTEE

The Chairman read out the procedures to all present at the Sub Committee.

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 Will Calvert and the DPS was Mr Miles Slade for the premises Windsor and Eton Brewery, Units 1-4 Vanstittart Estate, Duke Street, Windsor, SL4 1SE. Mr Calvert had applied, under the Licensing Act 2003, for a new premises licence to be granted.

The application was to Licence the premises to now include the fourth unit in the building that the brewery operates, the brewery previously occupied the other 3 units. The brewery took over the unit in January 2021 and now has responsibility for all four units and the entire building. The unit will allow customers to try and sample all beers produced on site in a unique, well managed and comfortable environment. Brewery tours will also start and finish in the tap room with the tap room also becoming the brewery shop. The new tap room we will only trade until 10pm to showcase the bar as well managed. The purpose of licensing our entire demise is to no longer have to use TEN's when the brewery holds beer festivals which are held throughout the premises periodically.

A summary of the application is as follows:

Live music (Indoors):

- 12:00 hrs. until 23:00 hrs. – Monday – Sunday

Recorded Music (Indoors):

- 11:00 hrs. until – 23:00 hrs. – Monday – Sunday

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

- 09:00 hrs. until 23:00 hrs. - Monday to Sunday

The standard opening hours of the premises:

- 09:00 hrs. until 22:00 hrs. - Monday to Sunday

Designated Premises Supervisor (DPS): Mr. Miles Slade

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, Environmental Health, Thames Valley Police and RBWM Licensing. There had been two 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 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 are attached to a licence then reasons for those conditions must be given.

The Sub-Committee are 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 Haseler asked how long the brewery had been at its current location and if there had been any issues to date. The Reporting Officer confirmed that the brewery had been at the same location for many years and there had been no issues.

Councillor Luxton asked if the music would be played in one specific room or all over the venue. The Reporting Officer reported that the music activity would be in all spaces and the music could be played wherever the applicant wanted to play.

Applicants Case

Mr Will Calvert informed the Sub-Committee that they wanted to take on Unit 4 and create a tap room. This was the room most away from the neighbours. They had done all they could to prevent the licensing objective 'prevention of public nuisance' by ensuring the location was furthest away from the residents, the physical investment by making the room sound proof and there was a noise management plan in place.

The venue was not a music venue, there would be some live music events but mainly background music and this would not be every day.

Questions to the Applicant by Members

Councillor Davey asked what measures could be taken to reassure the residents about the venue, not being a public nuisance. Mr Calvert responded that anyone in the premises would be managed and the management would do all they could for other public nuisance issues around the venue. There was CCTV installed outside the building.

Councillor Luxton asked if the taxi marshalling system would be used and it was confirmed that it would be.

Councillor Luxton asked how long CCTV footage was kept. The Reporting Officer advised the Sub-Committee that the Thames Valley Police guidance was 28 days.

Councillor Haseler asked if there would be outside seating and Mr Calvert confirmed that the pavement was licensed at the front of the premises. In the daytime, this was used but the sides of the premises were not used at present.

Councillor Haseler asked if there was parking in front and on the sides of the premises for visitors and Mr Calvert responded that there was minimum parking spaces and cycle spaces too.

Councillor Luxton Asked if any door staff were required at the venue. It was confirmed that door staff were not needed or required. Customers attended the venue to try beers and it was planned that food would be introduced soon. The venue worked closely with the council and Thames Valley Police.

Questions to the Applicant by the Reporting Officer

None

Questions to the Applicant by the Legal Officer

None

Questions to the Applicant by the Objector

None

Objectors Case

The objector, Mr David McMahon, had been a customer of the brewery for over ten years. Mr McMahon commented that the brewery and all the staff were fantastic. The only issue that the objector had was the noise levels. The brewery was not at the location when the objector had moved into his property. Mr McMahon had no issues if it was only relocation of the tap room but the application stated that there was to be a bar, café and restaurant operating seven days a week. There would be additional collection of refuse and recycling and the doors were left open which caused noise pollution. The noise issues had been outside office hours, for example, the collection of glass recycling was collected at 4am.

Mr McMahon suggested some conditions which included placing a noise limiting device at the rear of the houses, only licensing until 10pm and to not open on Sunday's.

A short discussion was had about sub-letting the venue which the applicant confirmed was not the case and the venue was not going to be sub-let to anyone.

All parties summed up.

The Reporting Officer summed up and commented that there was always a process of review in place if the licence was granted and if a nuisance was being caused. Anyone could apply for the licence to be reviewed. This process would be similar to the application process with a 28 day consultation period that would take place as well as correct advertising.

Decision

After careful consideration of all the evidence, the Sub-Committee decided to allow the application as applied for. The venue had already been in the same location for many years and had no complaints or issues reported to the police.

The Sub-Committee considered the written submissions provided by the applicant, officers of the council and the objectors. The Sub-Committee also heard oral evidence by the following:

- Craig Hawkings – Reporting Officer
- Mr Will Calvert – Applicant
- Mr Miles Slade – DPS
- Mr David McMahon – Objector

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

The meeting, which began at 2.00 pm, finished at 3.10 pm

CHAIRMAN.....
DATE.....

