

LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

TUESDAY, 24 AUGUST 2021

PRESENT: Councillors John Bowden (Chairman), David Cannon and Geoff Hill

Also in attendance: Councillor Maureen Hunt

Officers: Joseph Cannon, Mark Beeley and Craig Hawkings

APPOINTMENT OF CHAIRMAN

Councillor Cannon proposed Councillor Bowden as Chairman, this was seconded by Councillor Hill.

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

APOLOGIES FOR ABSENCE

There were no apologies for absence received.

DECLARATIONS OF INTEREST

In the interests of transparency, Josef Cannon, Legal Advisor, confirmed that he was not related to Councillor Cannon.

PROCEDURES FOR SUB COMMITTEE

The Chairman set out and explained 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 Mode De Vi Carbon Limited and the DPS was Mr Mathew Valentine for the premises Black Boys Inn and land to the rear of Black Boys Inn, Henley Road Hurley, Maidenhead, SL6 5NQ. Mode De Vi Carbon Limited had applied, under the Licensing Act 2003, for a new premises licence to be granted.

The application was to licence the Black Boys Inn Public House and surrounding land for pop up installation for outdoor events. A summary of the application was as follows:

- Exhibition of Films (Both):
Mon – Sat 09:00 – 00:00 Sun 09:00 – 23:00
- Screening of Indoor Sporting Events:
Mon – Sun 09:00 – 00:00
- Provision of live music (Both):
Mon – Sat 09:00 – 00:00 Sun 09:00 – 23:00
- Recorded Music (Both):
Mon – Sat 09:00 – 00:00 Sun 09:00 – 23:00
- Late night refreshment (Both):
Mon – Sat 23:00 – 00:00
- Sale and Supply of Alcohol (On & Off):
Mon – Sat 09:00 – 00:00 Sun 09:00 – 23:00
- Hours open to the Public:
Mon - Sun 09:00 – 00:00
- Seasonal Variation:
Camping 24 Hours in summer season May 1st to September 30th.

The Designated Premises Supervisor (DPS) was Mr Mathew Valentine.

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 84 individual representations from residents that were relevant to the application as they related to one or more of the four licensing objectives. There had been one representation in support of 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 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 if it was a new license being applied for.

Craig Hawkings confirmed that it was a new license application, there was no license currently at the site.

Councillor Hill commented on the door supervisors at the entrance of the premises and asked why they would only be there from 12pm.

Craig Hawkings said that this was a business decision from the applicant, there had been no objection to this from Thames Valley Police.

Councillor Hill asked if a capacity limit had been agreed.

Craig Hawkings said that it should be as it was required as part of the fire risk assessment, there had also been no objections from the fire service.

Councillor Hill commented on large sections of the application form which had not been filled in.

Craig Hawkings said that this question should be addressed to the applicant.

Mr Jon Payne, representing a number of objectors, was granted permission to pose some questions to the Reporting Officer through the Sub Committee.

Mr Payne commented on the dialogue from some licensing authorities which had been included as part of the agenda pack and whether these were relevant representations on the application.

Craig Hawkings explained that the licensing authorities had come to an agreement with the applicant when the application was submitted, otherwise those licensing authorities would have raised an objection.

Mr Payne believed that Thames Valley Police had objected to the application, there was nothing in the paperwork to suggest that they did not object.

Craig Hawkings confirmed that all conditions had been agreed by the applicant.

Mr Payne picked out an email on p.196 of the agenda pack, which was a representation in support of the application. Mr Payne asked if the representation referred to the four licensing

objectives, as he felt that there had been a number of other representations from objectors which had been excluded for not meeting the licensing objectives.

Josef Cannon, Legal Advisor, said that the email had been included as the Licensing team felt that it did correspond to the licensing objectives. The Sub Committee would be making a decision based on the four licensing objectives.

Mr Payne picked out some issues with the blue notice which had been submitted and questioned its validity. The notice did not state that the application could be viewed on the council's website and that there was no mention of a penalty for misinformation. The blue notice seemed to initially suggest that the pub would be licensed, but then goes on to mention land to the rear of the property also being part of the application. Mr Payne said that the blue notice was required for an application but the council website was not mentioned on the notice, therefore he argued that it was not valid.

Josef Cannon summarised that Mr Payne believed the blue notice was not valid and that the application should therefore be resubmitted. Josef Cannon said that while the notice did not comply in full, it did not mean that the application should be automatically rejected. The notice not including the council's website would not have caused any prejudice as residents knew where and how they could access the councils website. There had been 84 representations received for this application, therefore it was unlikely any points or arguments would have been missed when considering this application. It was unlikely that this application would be rejected in court.

Questions to the Reporting Officer from the applicant

Mr Matthew Valentine explained that he had corrected the errors in the application when he had been informed. The council had confirmed that the application was still able to be processed and considered by the Sub Committee.

The Chairman agreed that the hearing should go ahead.

Applicants Case

Mr Valentine said that the premises currently had a temporary license and they had been cooperating with the police to ensure that there were no issues. He had also worked extensively with the Environmental Health team, but due to a new officer recently coming in there had been a bit of confusion. Originally, the application was going to have a late closing time but Mr Valentine was advised to use more standard opening hours. The first application was published by accident and had seemed to have created a significant amount of anger and ill-feeling from local residents. A number of the activities listed on the form were not planned to be part of the business at Black Boys Inn. For example, if Mr Valentine wanted to show films or indoor sporting events, he needed to make sure it was listed in the license in the unlikely chance that this might be used.

Black Boys Inn had been a previously licensed premises but had struggled to remain sustainable. The extensive space that the site provided allowed it to be a suitable music venue. The pub was also listed as a community asset. The garden would host live music events, along with other things like weddings and corporate events. A number of noise nuisance incidents had been logged against Black Boys Inn, the surrounding area was remote and therefore it was possible for neighbours to hear music being played. A noise management plan was currently being worked on and this would be ready soon.

Mr Valentine concluded by pointing out that there had been no objections from any of the licensing authorities. Officers had visited the site and where happy, Mr Valentine just wanted to run a local pub and ensure the business was profitable.

Questions to the applicant from Members

Councillor Cannon suggested that the application was not as extensive as the application form had initially sounded. He asked for clarification on what the application was that the Sub Committee were considering.

Mr Valentine said that the form was effectively asking the applicant to confirm that if the listed activities were undertaken, would the licensing objectives be abided by. This was why the activities had been included, to show that if Mr Valentine was to use them, he would ensure that they would be within the regulations.

Councillor Cannon said that the Sub Committee could therefore impose restrictions on some of these events.

Mr Valentine said that he would be happy for the Sub Committee to place restrictions on the license for most of the activities which had been listed and were not relevant to the application. Mr Valentine suggested that he would still like the option of being able to show indoor sporting events.

Josef Cannon explained that the scope of the application set out what had been applied for. Mr Valentine was not intending to go beyond this scope, subject to any conditions that the Sub Committee chose to implement, should they grant a new license.

Craig Hawkings confirmed that any large events over a certain capacity were required to go through the Safety Advisory Group. This group involved a significant number of teams and departments.

Councillor Hill asked about the door supervisors and why they were only planned to be present at the premises after 12pm.

Mr Valentine said that they only opened on Saturdays and Sundays at 12pm, if the premises were to open earlier than this it was likely that it would be for family orientated events. If an event was likely to be loud and involve young people, then door supervisors would be present. The temporary license which had been granted did not require Black Boys Inn to have door supervisors, but this had been balanced with when Mr Valentine felt it was needed.

Councillor Hill asked about the capacity limit of Black Boys Inn.

Mr Valentine said that the temporary license had a maximum capacity of 499, there had been no issues with this from the fire authority. The maximum number of customers Black Boys Inn had received so far was around 120.

Councillor Hill asked if the fire risk assessment had been completed.

Mr Valentine said that an independent report had been put together by an external company to ensure that everything was compliant. There were 5 guest rooms at the premises, but most of the activity would be outside.

Councillor Hill was surprised that the emergency lighting only lasted 15 minutes, this did not seem like a significant amount of time.

Mr Valentine explained that there was a significant amount of solar lighting around the site, which would usually stay on for around 3 hours.

Councillor Hill expressed his concern about the lack of emergency lighting. He asked about the electrical safety certificate and the use of sports entertainment indoors.

Mr Valentine confirmed that this was up to date. The sports entertainment part of the application would allow the premises to show sporting events, there was no intention to hold its own sporting events at the premises.

Councillor Hill asked about noise and insulation at the site, he had noted that there was no noise management plan submitted as part of the application.

Mr Valentine explained that he had been working with the Environmental Health team, with Black Boys Inn having their own consultant. The music being played on the premises was not of an offensive nature, most of the events that had been held had finished by 10pm, with one going on until midnight.

Councillor Hill mentioned the noise specific report which had been produced and distributed to the Sub Committee in advance of the hearing as a supplement.

Mr Valentine believed that some of the information in the report was incorrect or wrong. It was not an unbiased report and had differing arguments. There were currently no conditions on the license as part of the temporary license.

The Chairman asked for clarification on the Environmental Health officer who had been involved.

Mr Valentine explained that the officer had gone on annual leave over the summer but the communications and work done with Black Boys Inn had not been passed on to the covering officer, which had caused some confusion.

Councillor Hill asked about the parking available at the site.

Mr Valentine said that decking had been built on the original car park but there was a field next to the premises which had space for around 40 cars.

Councillor Hill mentioned first aid and how this was dealt with.

Mr Valentine confirmed that staff were trained in first aid and there was a first aid box at the site.

Councillor Hill expressed concerns about the light pollution that the site would cause for residents nearby.

Mr Valentine said that there had been one DJ set so far, which had a light which was shown up into the trees. Some of the bamboo bushes around the site were lit up by uplighters but these were not shining at anyone.

Councillor Hill asked if there were enough sanitary facilities at the site.

Mr Valentine replied by saying that a temporary toilet block was used which was connected to a septic tank.

The Chairman asked if Mr Valentine was planning to use large outdoor screens to show big sporting events like the Euros or Olympics.

Mr Valentine said the plan was to show things like football on moderately sized screens, these would mostly be for regular customers rather than big events that attracted customers specifically for the sporting event that was being shown.

The Chairman commented on litter restrictions and that a radius of 5m could be included as part of the license to ensure that no litter was discarded in the surrounding area.

Mr Valentine said that he was not aware of any issues of littering but staff did check and collect any litter that had been left.

The Chairman asked if searches took place on customers at the entrance of the premises to ensure that alcohol was not being brought onto the premises. He asked how many security staff would usually be present for events.

Mr Valentine said that for larger events door supervisors were present and could deter customers from bringing in their own alcohol. For every 80 people, there would be 2 door staff. For a big event, Mr Valentine would usually employ 8 door staff.

Councillor Hill asked how Mr Valentine would control the camping aspect of the application.

Mr Valentine explained that the camping was an idea to expand the accommodation available on site. It would be used for specific events like weddings.

Mr Payne had a number of questions for Mr Valentine, he was granted permission from the Chairman to pose these questions through the Sub Committee.

Mr Payne said that he was concerned about the scope of the application, it would allow bands to play in the stage area which had been set up and it would look and feel like a festival. Mr Payne commented on the operating schedule and asked if all the options which had been ticked by the applicant were conditions on the license.

Mr Valentine said that it was up to the authority to determine the application and to decide if there should be requirements for security at certain times or on certain events.

Craig Hawkings clarified that any conditions needed to be proportionate, there was no need to duplicate statutory obligations.

Mr Payne asked which conditions would apply for Black Boys Inn.

The Chairman said that any individual conditions would be set by the Sub Committee, if they believed it was needed.

Mr Payne commented on the Safety Advisory Group being required to give approval for any large events. He asked what was considered a large event.

Mr Valentine said that he had asked the police for confirmation, the site was very large and had seating for up to 150 people. The local authority would be able to confirm what was considered as a large event.

Mr Payne asked if the applicant would abide by any recommendations made by the Safety Advisory Group.

Mr Valentine confirmed that he would abide by the rules and advice of any licensing authority.

Mr Payne recommended to the Sub Committee that they should include a condition on the license that the DPS was required to advise the Safety Advisory Group of any large events in advance. He asked if a noise management plan was in progress and if the pub had double glazed windows.

Mr Valentine confirmed that it was still in progress, the premises did not have double glazing but the windows were rarely used.

Mr Payne asked if the outside area of the premises would be used permanently.

Mr Valentine said that the outdoor area was being used at the moment but the indoor space could be used in future.

Mr Payne asked what noise level had been agreed with regards to noise amplifiers. He asked if noise limiters had been in place at events held so far.

Mr Valentine said that the local authority would be clarifying the level that the sound amplifiers should be. Noise limiters had been used, which had been undertaken by an external company.

Mr Payne asked if the applicant would be happy to have noise limiters, Mr Valentine confirmed that he was.

Mr Payne asked if there were signs on display at the exit of the premises. He noted that there were no signs asking customers 'to leave quietly and respect any neighbours'.

Mr Valentine said that signs still needed to be put up at the premises, it was obvious to customers where the exit was.

Mr Payne asked if Mr Valentine was happy to revise the performing times so that they fell within the opening hours. Mr Valentine confirmed that he was happy to revise to the opening times.

Mr Payne mentioned the agreement with Environmental Health, he asked if the team had monitored recent events at Black Boys Inn.

Mr Valentine said that the Environmental Health team had been informed of events but had not heard anything back.

The meeting was adjourned at 11.05am for a short break, the meeting resumed at 11.20am.

Objectors Case

Councillor Hunt explained that she had been a councillor for a while and so therefore knew the peace and tranquillity of the area. There had been a number of representations and concerns from local residents about this application and Councillor Hunt felt that it would have a huge effect, all year round. The performers from Black Boys Inn would face the direction of Frogmill and the sound would travel across the fields, there were no natural barriers to stop it. While the applicant said that there had not been 499 people on the site, Councillor Hunt believed that there was the capacity and ability to host this many people, which would cause chaos in the local area. A highways report showed that Black Boys Lane was a no through road. She asked if the additional parking which had been mentioned adhered to the highway and parking strategy and had adequate space provided for each parking bay.

Josef Cannon intervened and explained that objectors were required to give relevant representations, Councillor Hunt had been discussing highway issues which were not one of the four licensing objectives. Parking could come under public nuisance but none of the licensing authorities had objected to the application on these grounds.

Councillor Hunt argued that the parking situation could become a huge nuisance issue for local residents.

The Chairman said that the 499 figure was unlikely at the site.

Josef Cannon said that there was no limit of 499, this was the general limit which was granted as part of the temporary license. The premises specific limit would be set by the fire authority.

Councillor Hunt continued all arguing that the drum and bass music being played by the venue did not fit in with the surrounding local area and the local characteristics. It was important not to outweigh what was important to the local community and it did not matter how much control the Sub Committee tried to place on the applicant, it was impossible to control everything. The licensing legislation supported protecting the public, this was not a town centre and was an inappropriate location. Councillor Hunt called for greater community involvement for licensing restrictions, she concluded by saying that the license being granted would ruin the peace and enjoyment of the area for local residents.

Councillor Cannon had noted that a number of Councillor Hunt's comments were around the festival aspect of the application and a lack of control. He asked her where she got that view from.

Councillor Hunt said that the application could infringe on a public right of way, this sort of application could be difficult to control.

Councillor Cannon clarified that the application was not for a capacity of 499.

Josef Cannon said that the capacity limit was a fire safety issue, the applicant would need to liaise with the fire service to set a safe capacity limit. It was not for the licensing authority to set the capacity limit, therefore capacity should not be a condition that was imposed as part of the license.

The Chairman added that any large event would need to have fire authority and the Safety Advisory Group approval before it could take place.

Mr Valentine asked where Councillor Hunt had seen a stage.

Councillor Hunt said that she had looked into the premises from the gate at the bottom and saw a stage in the outside area.

Mr Valentine confirmed that there were chairs on the decking area and a DJ booth which could be used if required.

Councillor Hunt said that she had visited the site and had heard the thumping of the base, which was clearly audible outside the venue.

Mr Valentine noted that Councillor Hunt had not mentioned the acoustic guitars which were played most of the time the venue was open. He asked if Councillor Hunt had made efforts to retract some of the comments made about the original application, which had been made in error.

Councillor Hunt said that all residents were aware that the current application was not asking for a 3am closing time, as was first stated in the original application.

Mr Valentine said that the local development neighbourhood plan pointed out that Black Boys Inn should be given support as a community asset.

Councillor Hunt said that she wanted to help support local businesses but there was a fine line. This application totally outweighed the enjoyment of local residents and others of the surrounding countryside.

Geoff Priest, on behalf of Hurley Parish Council, explained that the letter which was included in the agenda set out most of the concerns. He asked why the application was not properly presented. He believed that Black Boys Inn should be given appropriate support within the context of the building, Geoff Priest did not believe the application was in keeping with the nature of the premises.

Chris Hurst gave a presentation on the sound levels which had been recorded outside Black Boys Inn in recent weeks. He explained that there was no noise management plan in place and that he had recorded the noise level outside the premises at a few of the different events which had been hosted at Black Boys Inn. The audio clips of these recordings were played to the Sub Committee.

Josef Cannon said that while it was a legitimate line of submission, there were no limits applied to the temporary license which Black Boys Inn had been granted.

Mr Valentine noted that Chris Hurst's readings were taken outside. He asked if any were taken inside local residents' homes, for comparison.

Chris Hurst said the readings were taken from around 350m away and were representative of the community impact from the venue.

Mr Valentine believed that the acoustics report was different to the one which Chris Hurst had produced.

Chris Hurst said the background noise did not correlate.

Mr Valentine said that the speakers were pointed in the opposite direction to Frogmill.

Councillor Hill asked if a measurement had been taken inside a property, what the likely reduction in decibels would be.

Chris Hurst said that there could be a 10-15 decibel reduction from a partially open window. Closing windows could increase low frequency noise.

Mr Valentine asked if the data shown was a model and therefore only a prediction.

Chris Hurst said that the graph was generic, as he did not know what sound system Mr Valentine was using. The modelling took into account local terrain and natural features.

Craig Hawkings asked when the data was collected.

Chris Hurst said it was on the 14th and 15th August.

Mr Payne said that the Sub Committee only had to look at past events to see the issues Black Boys Inn had already caused. He had asked Environmental Health for the number of complaints which had been lodged against the premises, with a total of 35 complaints being registered in the last two months.

Josef Cannon explained that this was disclosable information and any party was entitled to know that complaints had been made.

Mr Payne said that there was therefore evidence that problems would reoccur, he read out a number of the complaints which had been submitted. There was repeated evidence that neighbours could clearly hear the music being played from the pub. The application was to erect a large screen and stage area for the hours listed in the report. Live sporting events would presumably be screened and there would be the playing of live music, both indoors and outdoors. Live bands would play on a stage which was 1.5m high and these could be bands of any type and genre, as the application was very broad. Late night refreshment and a food truck would be provided, Mr Payne felt that there were clear parallels with a music festival. Commenting on the opening hours, the camping element was 24 hours during the summer season. It was not clear from the application that this was just a 'pub with a pub garden' and Mr Payne argued that it was more than that.

Mr Payne made comments on the capacity limit, but the fire safety team had not made any representations. He speculated on whether the fire authority was aware of the 499 limit, with the responsibility primarily lying with the applicant.

The Chairman commented on Mr Payne's arguments and said that they were speculation rather than representation.

Mr Payne explained that he was exploring the potential perils of the license without any restrictions. Residents were against the license being granted and the Environmental Health team did not give residents protection. The Safety Advisory Group could also not offer the same functions as licensing, the Sub Committee needed to be aware that the application was promoting public nuisance.

The meeting was adjourned for lunch at 1pm, the meeting resumed at 2pm.

Mr Payne focused his argument on what could happen in the future, if the license was granted. He believed that there were substantial reasons why the license should not be granted. If the license was granted but there were no conditions attached, then the Sub Committee would not be abiding by the four licensing objectives, in Mr Payne's view. The four licensing objectives were key to the application, which had been advertised as a festival. There had been no evidence of traffic or noise management plans being produced. Compliance was another issue that was raised, there had been no engagement with local residents on the plans, they had not been approached by the applicant to try and resolve the issues. Mr Payne argued that the temporary license circumvented the framework and the licensing objectives. It had caused significant disturbance to local residents and Mr Payne felt that the Sub Committee could not grant the license given the evidence which had been submitted. Approving the license with very strict conditions would be acceptable, but it had to have regard for the disturbance caused. He appealed to the Sub Committee to not grant the license.

Councillor Cannon asked how many residents Mr Payne was representing. He questioned the relevance of the compliance argument and the points made on the temporary license.

Mr Payne explained that a list of names had been provided to the Sub Committee. He admitted that there was no enforceable breach from the temporary license, but it was evidence that showed that agreements were not complied with.

Josef Cannon clarified that the arguments were potentially relevant, if the temporary license had conditions attached then the argument would carry more weight. The Licensing Act 2003 deregulated the playing of recorded music, therefore any license that was granted would automatically allow recorded and live music to be played.

Councillor Hill asked if a condition could be placed on the volume that music was played.

Josef Cannon said that the law would disapply for music being played between the hours listed in the application. However, this did not mean that music could be played at any volume.

Councillor Cannon asked for clarification that the Sub Committee was unable to impose conditions on the playing of music if it was before 11pm. Joseph Cannon confirmed that this was correct. There was no power for the Sub Committee to regulate music where the license had been granted.

Mr Payne added that if the license was refused, no music could be played. The Noise Act could imply penalties, if required. Mr Payne stated that the license should not be granted.

Councillor Hill asked if the license was granted but the applicant caused issues with local residents, the Sub Committee could review the license and revoke it, if necessary.

Josef Cannon said that at a review of the license, conditions could be imposed that were noise related.

Mr Payne argued that it would be at least two months before a review could be held. Residents would therefore be disturbed for a significant period of time. Mr Payne advised the Sub Committee to grant a license that would not need to be reviewed in the imminent future.

Mr Valentine asked if Mr Payne did not think it was reasonable to allow the business the chance to prove that it could abide by the licensing objectives.

Mr Payne said on reasonable grounds it should be given a chance, but evidence had shown that the license should not be granted.

Mr Valentine said that no conditions of the temporary license had been breached, therefore there was no valid argument on previous evidence. The decking was going through the planning process currently. Mr Valentine asked Mr Payne if he knew all the residents which had made objections to the application.

Mr Payne said that he only knew the residents which had been in contact with him directly.

Mr Valentine believed that future developments were irrelevant to the hearing.

Mr Payne claimed that he had highlighted to the Sub Committee evidence of where problems had occurred and where they would be likely to occur in future.

Mr Valentine commented on Mr Payne saying that 'all residents were opposed to the license being granted'. He had noted from the paperwork that Mr Payne had been appointed by residents in May 2021, this was before any music at Black Boys Inn had been played.

Mr Payne said that the residents were entitled to speak to and appoint a lawyer, the applicant could also have sought legal representation if he had wished.

Debbie Keenan said that she had lived in Frogmill Court for a number of years and the area was traditionally very quiet. She was alarmed and concerned about the application which had been submitted for Black Boys Inn. It was totally inappropriate in all aspects. Noise travelled easily at night, Debbie Keenan referenced music festivals in Henley which were easily heard by residents despite the distance being much greater. For the events which had taken place so far, Debbie Keenan had experienced what they sounded like from the homes of residents living in Frogmill. There was a significant amount of noise and a number of complaints were submitted, with some being from other villages in the area. Debbie Keenan was fearing the events which were scheduled over the Bank Holiday weekend. The problems had a detrimental effect on her mental health, there had been large numbers of people walking past her home at night and there was the potential for a significant number of cars to travel down the narrow country lanes in the area. This traffic could also impede the work of the emergency services. Debbie Keenan believed that there was a significant lack of security on the events which had been hosted so far. She appealed to the Sub Committee to reject the application, or to impose conditions to ensure that things did not get worse.

Councillor Cannon asked how long Debbie Keenan had lived in the area.

Debbie Keenan said that she had lived in the area for over 20 years. Black Boys Inn had always been there and was a licensed premise. However, everything previously had been inside and there was never any outside music.

Charles Brooks said that he had objected to the application on the grounds of the impact on wellbeing, mental health and the negative impact it had on the surrounding area. Frogmill Spinney was a nearby residential home, with 55 residents who had an average age in the 70s. One of the rules at the site was that musical instruments or other music could not be played

overnight that would disturb neighbours. There had been a number of loud events at Black Boys Inn, with the recent 'Ibiza' themed event being a particular problem. The council had sent a representative who deemed that the volume was too loud. The event had caused significant disruption to residents and ruined their enjoyment of the evening. It was totally unacceptable and Charles Brooks advised the Sub Committee that these issues would continue to happen if a license was granted. Charles Brooks was surprised that Thames Valley Police did not have an issue with the lack of an inside venue and there being no license to serve alcohol unless there was a pop up event at the premises.

Mr Valentine asked when the council representative had attended.

Charles Brooks said it was on 14th August, during the Ibiza event.

Stuart Cripps said that the application had not taken into account the surrounding area. He was speaking on behalf of residents and read out some comments from local residents who had contacted him regarding the issues around Black Boys Inn. While the impact of the noise where Stuart Cripps lived was not as bad as Frogmill, it was still having an impact.

Mr Valentine asked if Stuart Cripps had heard the noise from events at Black Boys Inn himself.

Stuart Cripps confirmed that he had not, as he had been away.

Other registered speakers Neil Ketley and Nikki Stanton-Ketley were not present at the meeting and so did not make verbal representations to the Sub Committee.

Mr Payne summarised the objectors arguments. He suggested that the Sub Committee should not approve the application. Residents were objecting to the license, 84 representations had been received and there were probably many more residents who also objected. He concluded by restating that the license for Black Boys Inn should not be granted.

Summary from applicant

Mr Valentine said that the application was not for a festival, as had been suggested by some objectors. It was a marketing campaign that was designed to show the pop-up events as something that would be attractive to young people. Rowdy customers who were walking home would be an issue with any pub or bar and there was no guarantee that the people residents had referenced had been to Black Boys Inn. There had been no issues with traffic or parking for any of the events held so far. Mr Valentine admitted that he could have engaged with residents at the start, he invited any residents who had concerns to have lunch at the Black Boys Inn and talk through any issues that they had. He had only received calls from two residents about the noise, while one objector who had made verbal representations at the hearing had not even heard the noise from Black Boys Inn. Pubs like Black Boys Inn were constantly under threat, it was a busy location but the pub needed something to attract people. 10 people were employed at the pub and if this venture failed, there would be no future as the pub would not survive. Mr Valentine reaffirmed his commitment to working with residents and to find a compromise that everyone was happy with. Mr Valentine informed the Sub Committee that he was happy to accept any conditions that were imposed on the license, should it be granted.

Summary from the Reporting Officer

Craig Hawkings explained that the 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 regard 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.

The Sub-Committee were asked to determine the application.

Decision

After careful consideration of all the evidence, the Sub-Committee decided to allow the application, modified as set out below, and subject to the conditions set out in the Appendix:

Hours

- Films: 0900-2330 Mon-Sat, 0900-2300 Sun
- Indoor sporting events: 0900-2330 Mon-Sun
- Live Music: 0900-2330 Mon-Sat, 0900-2300 Sun
- Recorded Music: 0900-0000 Mon-Sat, 0900-2300 Sun (no change)
- Late Night refreshment: 2300-2345 Mon-Sat
- Supply of alcohol: 0900-2330 Mon-Sat, 0900-2300 Sun
- Hours premises open to the public: 0900-0000 Mon-Sun (no change); any patrons camping on the premises are excluded from the requirement to be off the premises by closing time.

Conditions:

1. There shall be no more than 12 ticketed events involving live music and/or DJs in any calendar year. Any such event shall last no longer than three consecutive days.
2. The Premises Licence Holder shall produce a Noise Management Plan in conjunction with a suitably qualified and experienced noise control consultant (e.g. a member of the Institute of Acoustics, or other such person agreed with the Licensing Authority), which shall address the necessary measures for noise control and preventing public nuisance from noise, including (where appropriate) arrangements as to noise limiting devices, speaker specification and orientation, monitoring and measuring arrangements, and mitigation measures. The Noise Management Plan shall be completed and submitted to – and agreed by - the Licensing Authority in advance of the first licensable activities permitted by this premises licence.
3. The premises shall operate in accordance with the provisions of the Noise Management Plan at all times.
4. Clearly legible and suitable notices shall be displayed at all exits requesting that customers respect the needs of local residents and leave the premises and area quietly.
5. No later than 6 weeks prior to any ticketed event held under this licence, a suitably qualified and experienced noise control consultant (e.g. a member of the Institute of Acoustics, or other such person agreed with the Licensing Authority), shall be appointed to liaise with all parties including the Premises Licence Holder, sound system supplier (where appropriate), sound engineer(s) and the Licensing Authority in respect of all matters relating to noise control prior to and during the event.
6. The noise consultant referred to in condition 5 shall carry out a survey to determine the background noise levels (as defined by the Code of Practice on Environmental Noise Control at Concerts) at the site boundary of the licensed premises and those of nearby noise-sensitive residential properties. The information obtained shall be made available to the Licensing Authority no later than 3 weeks prior to the event.
7. The premises licence holder shall ensure that the sound system supplier and all individual sound engineers are informed of the sound control limits and that any instructions from the noise control consultant regarding noise levels shall be implemented. The noise from the event should not be such as to cause a nuisance.
8. During the ticketed event, the noise control consultant (or a suitably trained person) shall continually monitor noise levels at the sound mixer position and advise the sound engineer accordingly to ensure that noise limits are not exceeded. The Licensing Authority shall have access to the results of noise monitoring at any time.
9. During the ticketed event, the premises licence holder, event organiser or other competent person shall carry out observations in the immediate area around the event, to assess the level of noise. Should such observations confirm that noise is disturbing to the occupiers of premises in the vicinity, appropriate steps shall be taken to control noise levels in order to prevent disturbance to local residents.
10. Any local residents likely to be potentially affected by noise from a ticketed event shall be informed in writing in advance of the event as to:
 - a. The exact times of all performances and sound checks; and

- b. A contact name and telephone number should they wish to make a complaint relating to noise.
11. Where outside lighting (including stage lights, lasers and pyrotechnics) is intended to be used at a ticketed event, the premises licence holder shall submit details of the proposed lighting to the Licensing Authority in advance of any such event for approval; the approved scheme shall be maintained with any updates submitted for further approval depending on the type of event held. Any such lighting should not cause a statutory nuisance.
 12. Where a Large Event is planned (defined for these purposes as one at which more than 499 persons are expected to attend, and which is ticketed), the Premises Licence Holder must give notice of its intention to hold such an event to the Thames Valley Police, and to the Safety Advisory Group (“SAG”) at least three months prior to the date on which that event is to be held; and shall produce a bespoke Event Management Plan for the event no less than two months prior to the date of the event.
 13. Where a ticketed event is held, all bars will be run by professional bar staff and at least one personal licence holder will be on site at all times licensable activities are carried out.
 14. Where a ticketed event is held, appropriate measures shall be in place to ensure that no alcoholic drinks are brought into or taken out of the event.
 15. The premises shall operate a Challenge 25 policy for alcohol sales, where any person who looks under 25 years of age shall be asked to prove their age when attempting to purchase age-restricted goods; and appropriate signage of the adopted policy shall be displayed within the premises. All staff authorised to sell alcohol shall be trained in operating the policy, and in the issue of proxy sales of alcohol, and appropriate records of such training to be kept at the premises.
 16. Acceptable ID for the Challenge 25 policy shall be limited to photographic identification documents, including passport, photocard, driving licence or proof of age card bearing the PASS hologram, or any identification recognised or approved by the Licensing Authority or Thames Valley Police.
 17. A refusals book/log shall be kept at the premises to record all incidents of possible underage/proxy sales of alcohol; and shall be kept up to date; it shall be made available for inspection on request by any Responsible Authority.
 18. There shall be a CCTV system installed, covering the internal and external areas of the licence. CCTV recordings will be kept for a minimum of 28 days.
 19. The DPS (or a nominated person) must be trained on how to work the CCTV system to the standard that the person is able, upon request, to download any potential evidence required by Thames Valley Police, or its employees, and any Authorised Persons (as defined by the Licensing Act 2003).
 20. The person or persons trained in accordance with condition 19 above shall be responsible for supplying the media (disc, data stick) containing any downloaded content.
 21. Where marshals, stewards or security staff are deployed they should be trained in and vigilant to child safety and the safety of vulnerable persons.

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)
- Matthew Valentine (Applicant)
- Councillor Maureen Hunt (Objector)
- Parish Councillor Geoff Priest (Objector)
- Jon Payne (representing a number of Objectors)
- Chris Hurst (called by Mr Payne)
- Debbie Keenan (Objector)
- Charles Brooks (Objector)
- Stuart Cripps (Objector, on behalf of Mr Burfitt)

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

The meeting, which began at 9.10 am, finished at 3.15 pm

CHAIRMAN.....

DATE.....