

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

TUESDAY, 7 JUNE 2022

PRESENT: Councillors David Cannon, Mandy Brar and Sayonara Luxton

Also in attendance: Councillor Ewan Larcombe, Councillor John Baldwin, Mike Ward (applicant) & Carly Gibbons (applicant)

Officers: Oran Norris-Browne, Jane Cryer and Craig Hawkings

### APPOINTMENT OF CHAIRMAN

*Although the agenda had not been published with the required 5 working days' notice, the Sub-Committee agreed to consider this item as an urgent item, in accordance with Section 100B (4) (b) of the Local Government Act 1972 to enable the re-hearing of the application to be held as soon as possible.*

Councillor Luxton proposed that Councillor Cannon be Chairman for the duration of the Sub-Committee. This was seconded by Councillor Brar.

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

### APOLOGIES FOR ABSENCE

No apologies for absence were received.

### DECLARATIONS OF INTEREST

Councillor Cannon declared that he was Ward Councillor for Datchet, Horton & Wraysbury where this premises was located. He had visited this premises socially, as with any premises within his Ward and attended the meeting with an open mind.

### PROCEDURES FOR SUB COMMITTEE

Members noted the procedures for the sub-committee.

### CONSIDERATION OF AN APPLICATION OF A VARIATION TO A CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003

Jane Cryer, Legal Advisor began by informing all participants in the meeting that this was a new hearing and therefore it should be treated as such. All information from the previous hearing ought to be removed, in order to allow for a fresh hearing to take place.

Craig Hawkings, Reporting Officer outlined the report to the Sub-Committee. The application was for a variation to a club premises certificate under the Licensing Act 2003. The premises in question was Wraysbury Cricket Club located at The Green, Wraysbury, TW19 5HE.

The application was for the following licensable activities:

Live Music (Indoors & Outside):

Wednesday-Friday 19:00-23:00

Saturday to Sunday 12:00 – 23:00

|                                      |  |
|--------------------------------------|--|
| Playing of Recorded Music (Indoors): | Monday-Tuesday 15:00-23:00<br>Wednesday 12:00-23:00<br>Thursday 12:00-00:00<br>Friday & Saturday 12:00 – 01:00<br>Sunday 12:00-00:00 |
| Supply of alcohol ON the premises:   | Monday-Tuesday 15:00-23:00<br>Wednesday 12:00-23:00<br>Thursday 12:00-00:00<br>Friday & Saturday 12:00 – 01:00<br>Sunday 12:00-00:00 |
| Hours Premises are open:             | Monday-Tuesday 15:00-23:00<br>Wednesday 12:00-23:00<br>Thursday 12:00-00:00<br>Friday & Saturday 12:00 – 01:00<br>Sunday 12:00-00:00 |

Craig Hawkings stated that no representations had been received from responsible authorities. 42 representations had been received from residents. 30 representations of objection were received from other persons. 12 representations of support were received from other persons.

Craig Hawkings noted that within the report, conditions had been volunteered and agreed by the applicant to adhere to the 4 licensing objectives as set out by the Licensing Act 2003.

Councillor Luxton asked at what time children under the age of 18 were allowed in the premises until. Craig Hawkings stated that this would be a question for the applicant.

The applicant had no questions for the reporting officer.

Mike Ward, applicant, began by making a statement on behalf of the club in relation to the fictitious information that had been spread around regarding the premises. He then said that the club needed to raise funds to ensure the upkeep of the club, the facilities and the green. This additional revenue was important to spend on the green to prevent any injuries occurring to players for example.

Mike Ward stated that a couple of years ago, local sport had been encouraged within the village and that this had led to an increase in members and players at the club. This therefore showed a need to raise funds and improve the facilities. The village green was used not just by the club, but also by the village as a whole too, further suggesting that it was in the village's interest for further revenues to be increased. He then stated the importance of sport on mental health and physical health, especially within children.

Mike Ward said that the club were merely applying for the variation to simply increase their revenues in order to help fund these further improvements to the club. A forum had

also been held with local residents, themselves, and licensing officers to attempt to aid residents in providing them with information.

Carly Gibbons, applicant, then discussed an email that had been sent to Wraysbury Parish Council following a meeting. Opening hours and timings were suggested and verbally agreed between the club and the Parish Council, however no written agreement was received via email. These verbally agreed times were as follows:

|                                       |   |
|---------------------------------------|---|
| Opening Hours:                        | Monday-Wednesday 15:00-23:00<br>Friday & Saturday 12:00-01:00<br>Thursday, Sunday & Bank Holidays 12:00-23:00   |
| Performance of Live Music (Indoors):  | Monday-Wednesday 15:00-23:00<br>Friday & Saturday 12:00 – 01:00<br>Thursday, Sunday & Bank Holidays 12:00-23:00 |
| Playing of Recorded Music (Indoors):  | Monday-Wednesday 15:00-23:00<br>Friday & Saturday 12:00 – 01:00<br>Thursday, Sunday & Bank Holidays 12:00-23:00 |
| Playing of Live Music (Outdoors):     | Monday-Wednesday 15:00-23:00<br>Friday & Saturday 12:00 – 23:00<br>Thursday, Sunday & Bank Holidays 12:00-23:00 |
| Playing of Recorded Music (Outdoors): | Monday-Wednesday 15:00-23:00<br>Friday & Saturday 12:00 – 23:00<br>Thursday, Sunday & Bank Holidays 12:00-23:00 |
| The Supply of Alcohol:                | Monday-Wednesday 15:00-23:00<br>Friday & Saturday 12:00 – 01:00<br>Thursday, Sunday & Bank Holidays 12:00-23:00 |

Mike Ward made it clear that the change they had made from the Parish Council's suggested hours were for Fridays & Saturdays having a finishing time of 01:00 instead of 00:00. This was not agreed in written format, only verbally.

Councillor Brar asked if the club was hired out. Mike Ward stated that this was only done for club members.

Councillor Luxton asked for clarity over the proposed hours from the Parish Council. Mike Ward gave this clarity and stated that these were only verbally agreed and explained that the extra 1 hour they proposed was so that it was in line with neighbouring premises within the area.

Councillor Luxton came back on her question on under 18 entry to the club. Mike Ward stated that there was no set rule on this, however it was very unlikely that under 18's would be within the club after 9pm, or 10pm at the absolute latest.

Councillor Luxton asked about CCTV camera coverage. Mike Ward said that 2 additional cameras had been added and that the whole licensed premises was now covered by CCTV. This aided in adhering to the licensing objectives.

The Chairman asked about the other neighbouring premises that were said to have an opening time until 01:00 hours. Mike Ward outlined the 3 premises in question and provided distances up to around 200 metres and 100 yards.

Councillor Luxton asked how long the club kept CCTV footage for. Mike Ward said that all footage was stored to the cloud, but usually all incidents were wrapped up within a month.

Craig Hawkings had no questions but informed the Sub-Committee that the use of CCTV cameras was a condition that existed within the license.

Jane Cryer asked when the cricket season started and finished. Mike Ward said that the season started in April and ran to the first week of September. The financial stream ran throughout this period, and therefore all of their revenue had to be virtually made for 12 months during this short period.

Jane Cryer then asked for clarity for the Sub-Committee on the forum. Carly Gibbons said that this came about due to a lot of talk on Facebook, both positive and negative. Over 50 people attended, and it did get extremely heated.

Mike Ward summed up for the applicant by saying that there was a lot of fictitious talk ongoing and that they wished for this to stop, and they wished to move on with this new variation.

Councillor Brar asked if there had ever been any complaints against the club. Craig Hawkings stated that there had never been any issues with the club in over 12 years. He also stated that out of the 40 representations that had been made, nobody had attended the hearing to orally present this evidence.

Craig Hawkings summarised by stating that when the Sub-Committee made their decision they 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 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.

The Sub-Committee were then 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.

The Sub-Committee were then asked to determine the application.

All parties confirmed that they were happy that they'd had the opportunity to say everything that they wished too and that they had nothing further to add. The Chairman then acknowledged that Councillor Larcombe had his hand raised in the public gallery. Upon advice of the clerk, the Chairman was advised that there had been no registered speakers for the Sub-Committee to consider. The Legal Advisor stated that unfortunately Councillor Larcombe

was unable to address the Sub-Committee due to the statutory requirements having not been met to enable him to do so. This was in accordance with the Licensing Act 2003.

The meeting, which began at 11.02 am, finished at 11.40 am

CHAIRMAN.....

DATE.....