

LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

FRIDAY, 28 OCTOBER 2022

PRESENT: Councillors Mandy Brar, Sayonara Luxton and David Cannon

Officers: Oran Norris-Browne, Craig Hawkings and Anthony Lenaghan

APPOINTMENT OF CHAIRMAN

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

AGREED: That Councillor Cannon be Chairman for the duration of the meeting.

APOLOGIES FOR ABSENCE

No apologies for absence were received.

DECLARATIONS OF INTEREST

No declarations of interest were made.

PROCEDURES FOR SUB COMMITTEE

The Sub Committee noted the procedures.

CONSIDERATION OF APPLICATION FOR A VARIATION TO A PREMISES LICENSE

Craig Hawkings, Reporting Officer for the Royal Borough of Windsor and Maidenhead began by outlining the report to the Sub-Committee. The application was for a variation to the premises license under the Licensing Act 2003. The premises in question was Boom Boom Bar, 3 The Arches, Goswell Hill, Windsor, SL4 1RH.

The variation to the license that was being applied for was as follows:

- Live Music (indoors) Monday to Wednesday 23:00 - 01:00
Thursday to Sunday 23:00 - 02:00
- Recorded Music Indoors (Indoors) Monday to Wednesday 11:00 - 01:00
Thursday to Sunday 11:00 - 02:00
- Anything of a similar description Monday to Wednesday 11:00 - 01:00
Thursday to Sunday 11:00 - 02:00
- Late Night Refreshment Monday to Wednesday 23:00 - 01:00
Thursday to Sunday 23:00 - 02:00
- Supply of alcohol ON the premises Monday to Wednesday 11:00 - 01:00
Thursday to Sunday 11:00 - 02:00
- Hours premises are open Monday to Wednesday 11:00 - 01:00
Thursday to Sunday 11:00 - 02:30
- Seasonal Variations Christmas Eve 11:00 until 02:30 hrs.
- New Year's Eve from the end of permitted hours on New Year's Eve until the beginning of permitted hours New Year's Day. Additional one (1) hour to be added on the occasion of clocks altering to British Summer Time Additional one (1) hour on all public bank holidays.

Craig Hawkings said that no representations had been received from responsible authorities including RBWM Trading Standards, RBWM Licensing and Thames Valley Police, amongst others. 2 written objections had however been received from local residents in close proximity to the premises. An invitation as per the statutory guidelines was extended to these individuals to attend the hearing and give oral representations, however this was declined.

Councillor Luxton asked for clarification on the hours that were being applied for and if the sale of alcohol time was the same as the operating hours. Craig Hawkings offered clarity to the Sub-Committee and also stated that the sale of alcohol would cease at 02.00 hours, 30 minutes before the end of the night at 02.30 hours.

Councillor Brar asked if this applied to bank holidays also. Craig Hawkings confirmed that was correct.

The Chairman asked if all the existing conditions would remain on the premises license if granted. Craig Hawkings confirmed this.

Vik Maharaj, Applicant, said that he wished to address some of the concerns that had been raised by the 2 objectors within their written representations. He firstly said that safety was the premises' number 1 priority. The premises had a total of 27 CCTV cameras, that were used to monitor events during the evening and to assist the Police when required if anything was ever needed to be reviewed, as with any licensed premises. The premises also deployed up to 5 to 6 door staff on a Saturday night, when their license dictated that this many would not be needed. The premises also had their own dispersal plan which had been shared with Thames Valley Police in the past and been approved. Vik Maharaj also said that their plan was used by the police as an example to show other licensed premises what one should look like. He added that the use of ID scanners also occurred and recognised their importance to keeping both their staff and guests safe.

Vik Maharaj then said that a premises approximately 30 metres away named Labyrinth already had a license which allowed them to be open until 03.30 hours, 7 days per week. He stated that Boom Boom Bar, was asking for a lot less than that.

Vik Maharaj said that the premises had been making use of Temporary Event Notices, that had been granted by RBWM Licensing without any issues. These notices were allowing them to in a sense, trial the extended hours on bank holidays to see if they would work not just for the premises, but also for the police and also the Licensing Authority.

Vik Maharaj added that it was only his premises and ATIK nightclub that regularly attended the Night Time Economy meetings with residents, which showcased their commitment to working with residents. The premises was also in contact with a resident who was a part of a WhatsApp group for residents within the local area to the premises. This allowed the premises to engage closely with these residents. It was noted that one of the written representations also specifically mentioned noise pollution. Vik Maharaj said that their speakers were especially designed by an engineer for the sound to be directed through the club towards the middle, which was away from residents that were located behind the premises. These had also been tested by the responsible authority and were deemed effective at doing this.

Councillor Luxton asked about taxi marshalling. Vik Maharaj said that this was discussed regularly at Pub Watch meetings with residents. The Chairman advised that this was not a matter for the Sub-Committee to determine with regards to the application before them, although he did acknowledge its importance.

Vik Maharaj summarised by simply acknowledging the point made by Councillor Luxton with regards to taxi marshalling and said that it did aid a lot with dispersals.

Craig Hawkings then summarised by stating that when the Sub-Committee make 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) Grant the application but modify the activities and/or the hours and/or the conditions of the licence.
- (c) 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.

During the deliberations the Sub-Committee acknowledged the written submissions that had been made by the 2 objectors and took these into account carefully when making their decision. They also noted that the operating hours in the variation being applied for did fall outside of the RBWM Policy Framework Hours. It was also noted that through the use of Temporary Event Notices, the premises had already operated with these hours over the past 2 years, with no issues having arisen as confirmed to the applicant by Thames Valley Police. Therefore, on balance having carefully considered all of the evidence that had been put before them both orally and in writing, the Sub-Committee unanimously agreed to grant the variation as applied for.

AGREED UNANIMOUSLY: That the variation to the premises license be granted in full as applied for.

The meeting, which began at 10.00 am, finished at 10.40 am

CHAIRMAN.....

DATE.....