

NOTICE
OF
MEETING

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

will meet on

Thursday 2 March 2023

At 10.30 am

In the

Grey Room - York House, Windsor and on [RBWM YouTube](#)

To: Members of the Licensing & Public Space Protection Order (PSPO) Sub Committee

Councillors Sayonara Luxton, Catherine Del Campo and Gurpreet Bhangra

Substitute Members

Councillors David Cannon, John Bowden, Mandy Brar, Jon Davey, Karen Davies, Phil Haseler, Geoff Hill and David Hilton

Kirsty Hunt, Service Lead – Electoral & Democratic Services - Issued: 22 February 2023

Members of the Press and Public are welcome to attend this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Principal Democratic Services Officer **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 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 a Legal representative prior to the meeting.

AGENDA

<u>Item</u>	<u>Subject</u>	<u>Page No</u>
1.	<u>Appointment of Chair</u> The Sub Committee are asked to appoint a Chair for the duration of the hearing.	-
2.	<u>Apologies for Absence</u> The Sub Committee shall receive any apologies for absence .	-
3.	<u>Declarations of Interest</u> The Sub Committee are asked to declare any interests that they may have.	3 - 4
4.	<u>Procedures of the Sub Committee</u> All attendees at the hearing are to note the procedures of the Sub Committee.	5 - 6
5.	<u>Consideration of an application for a new premises license for Bray Cured on the High Street Ltd</u> The Sub Committee are to consider an application for a new premises license to be granted under the Licensing Act 2003.	7 - 48

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:

- a) any unpaid directorships
 - b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
 - c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
- of which you are a member or in a position of general control or management

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, or a body included under Other Registerable Interests in Table 2 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 financial interest or well-being of a body included under Other Registerable Interests as set out in Table 2 (as set out above and in 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 (referred to in the paragraph above) **affects** the 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.

LICENSING SUB-COMMITTEE

PROCEDURES

The Licensing Panel Sub-Committee to elect a Chair. The Chair will welcome all parties to the meeting, introduce the Sub-Committee Members and officers present. The hearing will then proceed as follows;

- a) The Officer Reporting (as the licensing authority) to outline the application and the decision to be taken
- b) Members to ask questions of the Officer Reporting
- c) Applicant to ask questions of the Officer Reporting
- d) The Applicant to put their case to the Sub-Committee
- e) Members to ask questions of the Applicant
- f) Other persons to make their representations
- g) Members to ask questions of other persons
- h) Applicant to ask questions of other persons
- l) Chair to ask if any parties have any further questions or anything they wish to add
- j) Applicant to briefly summarise their position
- k) Officer Reporting to sum up and restate the options for the Members of the Sub Committee
- l) Sub-Committee to retire and make their decision within 5 working days

This page is intentionally left blank

REPORT TO LICENSING PANEL SUB COMMITTEE

CONSIDERATION OF AN APPLICATION OF A NEW PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003

LICENSING PANEL SUB COMMITTEE: Cllr Bhangra, Cllr Del Campo, Cllr Luxton.

OFFICER REPORTING: Craig Hawkings

A) The Application – (Appendix A)

Applicant: Bray Cured on the High Street Ltd

Premises: Thames House, High Street, Bray, SL6 2AH

A map of the area surrounding the premises is at **(Appendix B)**.

The application is to:

Description of Premises: Charcuterie / Café

A summary of the application is as follows;

The application is for the following licensable activities:

- Supply of alcohol ON & Off the premises Monday to Sunday 10:00 – 20:00
- Hours premises are open Monday to Sunday 08:00 – 20:00

Designated Premises Supervisor (DPS): Joanne Barker

The application was advertised in accordance with the statutory regulations.

Last day of Representations: 8 February 2023

B) Relevant Representations Received

Where, as here, relevant representations have 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 can take steps as are appropriate for the promotion of the Licensing Objectives as relevant.

To be “relevant”, the representation has 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 are set out in the Licensing Act 2003.

The four licensing objectives are;

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

In this case the representations received from the responsible authorities are as follows;

a. Environmental Health:	None
b. RBFRS:	None
c. Planning Officer:	None
d. Thames Valley Police	None
e. Public Health:	None
f. Trading Standards:	Agreed Conditions
g. RBWM Licensing:	None

Agreed Conditions – (Appendix C)

Representations received from other persons are as follows;

- 3 Representations of objection received from other persons.

Redacted copies of the representations are at **(Appendix D)**

C) RBWM Licensing Policy

The RBWM Licensing Policy Statement 21 - 26

The sections of the RBWM Licensing Policy relevant to this application are;

1.22 Framework Hours As in the 2016-2021 Licensing Policy, having considered the evidence of alcohol related crime, disorder and anti-social behaviour, the number of late night premises and, in particular, the social, practical and regulatory impacts on the morning after the night before, the licensing authority has adopted a Framework Hours Policy. This Framework Hours Policy will apply to new and variation applications. The framework hours are:

The Framework Hours are:

Premises Type	Commencement Hour for Licensable Activities No earlier than:	Terminal Hour for Licensable Activities No later than:
• Off licence	• 09.00	• 23.00
• Restaurant	• 09.00	• 01.00
• Pub/bar/night club	• 10.00	• 02.00
• Takeaway	• n/a	• 02.00

(As can be seen, the licensed hours applied for in this application do fall within RBWM framework hours for a premises.)

Framework Hours are intended to guide applicants on the Licensing Authority's expectations when preparing their Operating Schedule. However, if no relevant representations had been received, the application would have been granted by the Licensing Authority under delegated powers.

6.9 Wider Community Interest

The Licensing Authority considers that its licensing functions are exercised in the public interest, furthermore that the Licensing Authority is under a duty to take any steps with a view to the promotion of the licensing objectives in the interests of the wider community and not just those of the individual licence holder.

The following will be taken into account by the licensing authority and responsible authorities where an application is made for a premises licence within close proximity to residential properties, and which may have an effect on the promotion of the licensing objectives:

- The nature of the activities
- The character of the surrounding area
- Measures for limitation of noise emissions from the premises. These may include as appropriate; noise limitation devices, sound insulation,

whether windows are to be opened, the insulation of acoustic lobbies and double glazing

- Measures to deal with queuing, where necessary
- Use of outdoor areas
- Measures to deal with dispersal of customers from the premises as necessary, including the employment of door supervisors, use of dedicated Hackney Carriage / Private Hire firms, notices in the premises requesting customers to respect neighbours
- Winding down periods, particularly in public houses and nightclubs etc.
(*Note – not all of these will be relevant to this particular application)

7. Promoting the Prevention of Crime and Disorder

Where appropriate, the licensing authority and responsible authorities may propose conditions relating to the following issues in relation to the Prevention of Crime and Disorder objective:

- Measure to prevent bottles being carried from premises
- Use of drinks' promotions
- Measure to prevent binge drinking
- Participation in the Pub Watch Scheme
- Use of door supervisors
- Training staff in crime prevention measures
- Search procedures
- Use of close circuit television
- Lighting
- Where premises are new, designing out crime
- Quality of surveillance of premise

8. Promoting Public Safety

Where appropriate, the licensing authority and responsible authorities may propose conditions relating to the following issues in relation to the Public Safety objective:

- The use of shatterproof glasses
- The promotion of sensible drinking
- Measures taken to prevent drug spiking
- Drugs policies
- Safe capacities

9. Promoting the Prevention of Public Nuisance

Where appropriate, the licensing authority and responsible authorities may propose conditions relating to the following issues in relation to the Prevention of Public Nuisance objective:

- The disposal of waste, particularly glass
- The use and maintenance of plant, including air extraction and ventilation systems
- Litter in the vicinity of the premises
- Noise from deliveries / collections to and from the premises
- Measures to control behaviour and queues
- Whether door supervisors are able to stay at the entrance to encourage quiet departure
- The provision of Hackney Carriage / Private Hire services at the premises
- Signs on doors and on tables encouraging consideration to the neighbours

10. Promoting the Prevention of Children from Harm

The Royal Borough recognises that the protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms directly associated with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of certain films and adult entertainment).

The licensing authority will consider the need to protect children from sexual exploitation when undertaking licensing functions. Applicants are therefore expected to provide a robust Operating Schedule outlining how they will address the Prevention of Children from Harm objective.

The licensing authority encourages licence holders and operators of licenced premises:

- To ensure that they are fully aware of the signs of child sexual exploitation
- and to understand that the sexual exploitation of a child is sexual abuse
- and a criminal offence
- Proof of Age Cards
- To raise awareness of their staff about child sexual exploitation and
- provide intelligence to the appropriate authorities about concerns and
- about perpetrators who may be operating in their areas.

All applicants need to demonstrate how children and young people will be safeguarded if attending the licenced premises, or how it will be ensured that they do not gain access to the premises if not appropriate.

The licensing authority and other responsible authorities may propose conditions or restrictions in relation to the Protection of Children from Harm objective. These may include;

- Limitations on the hours when children may be present
- Age limitations below 18

- Limitations or exclusions when certain activities are taking place
- Requirements for accompanying adults
- Full exclusion of people under 18 from the premises when any licensable activities are taking place
- The provision of a full range of non-alcoholic drinks

Where necessary and appropriate, a requirement for the production of proof of age cards before any sale of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm.

D) Revised Guidance issued under section 182 of the Licensing Act 2003

The full document is found at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

The sections of the Guidance relevant to this application are;

Licensing objectives and aims

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

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

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and

- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

Crime and disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

Public nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep

or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of Children from harm

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly to alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- Restrictions on the hours when children may be present;
- Restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- Restrictions on the parts of the premises to which children may have access;
- Requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

Hearings

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

E) Conclusion / Summary

The Licensing Panel Sub Committee is obliged to determine this application with a view to promoting the four licensing objectives which are:

- 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 is also obliged to have regard to national guidance and the Council's own Licensing Policy. Of course, the Committee must have regard to all of the representations made and the evidence that it hears.

The Sub-Committee must, having regard to the application and to the relevant representations, take such step or steps as it considers appropriate for the promotion of the licensing objectives. The steps are:

- (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.

In making their decision the Sub-Committee is reminded that they have a duty to behave impartially and that their decision must be based on the evidence that has been presented to them.

In their written decision the Sub-Committee should;

- Refer to every relevant representation and the supporting evidence provided
- State the extent to which it has taken account of RBWM Policy and national Guidance
- When deciding in accordance with RBWM Policy and national guidance, explain why it has not considered a departure justified, if applicable
- When deciding contrary to RBWM Policy or national guidance, explain the basis and reason for the departure in all cases and the evidence that supported this decision
- When refusing an application in whole or in part, or modifying the activities and/or the hours and/or the conditions to a licence that is granted, state why it considered it appropriate to do so in order to promote one or more specified licencing objectives, and the evidence that supported this decision. Any such decision must be cogent and legally sound
- Use the legal adviser's help to draught its reasons and to assist in ensuring that the decision is legally robust, but the reasons must be the Sub-Committee's
- Ensure, as far as is reasonably possible, that their decision will be able to withstand scrutiny should any of the parties to this hearing appeal that decision the to the Magistrates Court

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.

The Sub-Committee are asked to determine the application.

Financial implications: None directly but Members should be aware that any decision of the Sub-Committee may be appealed against in the Magistrates' Court and such an appeal may involve additional costs and possible costs against the Council.

Environmental/Sustainability Implications: Any authorisation under the Licensing Act 2003 may give rise to environmental implications both positive and negative depending upon the application and any measures proposed to take control adverse environmental factors.

Legal implications: As outlined in the report.

Equality Implications: None.

Risk Implications: None.

Community Safety Implications: As outlined in the report.

Background papers:

Licensing Act 2003

Licensing Act 2003 Section 182 Statutory Guidance

Royal Borough of Windsor and Maidenhead Council Licensing Policy

Enclosures/Appendices:

Appendix A – Application and plans

Appendix B – Map of the area

Appendix C – Agreed Conditions

Appendix D – Received representations

Contact details: Craig Hawkings - Licensing Team Leader

Craig.Hawkings@RBWM.gov.uk

Mobile: 07833047887

APPENDIX A

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We BRAY CURED ON THE HIGH STREET LIMITED

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
BRAY CURED LOCAL THAMES HOUSE HIGH STREET BRAY			
Post town	BRAY	Postcode	SL6 2AH
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£	0.00 – rateable value of premises

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- | | |
|--|-----------------------------|
| a) an individual or individuals | please complete section (A) |
| b) a person other than an individual | |
| i as a limited company/limited liability partnership - YES | please complete section (B) |
| ii as a partnership (other than limited liability) | please complete section (B) |
| iii as an unincorporated association or | please complete section (B) |
| iv other (for example a statutory corporation) | please complete section (B) |
| c) a recognised club | please complete section (B) |
| d) a charity | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; - YES or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable) Only if in a persons name

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS - only for limited companies

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name BRAY CURED ON THE HIGH STREET LTD
Address 
Registered number (where applicable) 14390446
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company

Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0 8	0 2	2 0 2 3

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

<p>Please give a general description of the premises (please read guidance note 1)</p> <p>CHARCUTERIE / CAFE</p>
--

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E) -
- f) recorded music (if ticking yes, fill in box F) -
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I) -

Supply of alcohol (if ticking yes, fill in box J) - YES

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
		h		Both	
Mon				Please give further details here (please read guidance note 4)	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)		
Day	Start	Finish			
Mon					
Tue					
Wed			State any seasonal variations for indoor sporting events (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finis h		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finis h		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors		
Day	Start	Finis h		Outdoors		
Mon				Please give further details here (please read guidance note 4)	Both	
Tue						
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors		
Day	Start	Finis h		Outdoors		
Mon				Please give further details here (please read guidance note 4)	Both	
Tue						
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finis h	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					



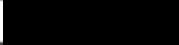

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finis h		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <u>consumption – please tick</u> (please read guidance note 8)	On the premises	
Day	Start	Finish		Off the premises	
Mon	1000	2000	State any seasonal variations for the supply of alcohol (please read guidance note 5)	Both	X
Tue	1000	2000			
Wed	1000	2000			
Thur	1000	2000	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	1000	2000			
Sat	1000	2000			
Sun	1000	2000			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	Joanne Barker
Date of birth	
	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	NORTH WEST LEICESTERSHIRE

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	0800	2000	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p>
Tue	0800	2000	
Wed	0800	2000	
Thur	0800	2000	
Fri	0800	2000	
Sat	0800	2000	
Sun	0800	2000	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

SUMMARY - CCTV, CHALLENGE 25, REGULAR TRAINING, INCIDENT LOG

The applicant has applied for and had granted a number of TENS covering the majority of December 2022 and Jan 2023 conditions and hours of which mimic this application with complaints or issues that the applicant is aware of.

Additional Conditions offered in this operating schedule include: The capacity shall be limited to 15 persons and consumption of alcohol may only be whilst seated. Only 3 smokers from the venue allowed outside at any one time. Customers are not allowed to take drinks in open containers outside the premises.

b) The prevention of crime and disorder

The capacity of the premises shall be limited to 15 persons. Any consumption of alcohol must be whilst seated.

All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of staff training in the Licensing Act 2003 shall be retained and made available to police and authorised officers of the Licensing Authority on request. Staff shall receive refresher training in the Licensing Act 2003 at intervals of no more than 6 months. Signed and dated records shall be kept of all staff training and such records kept available for inspection at the premises for a period of at least one calendar year from the last date of entry

There shall be CCTV in operation at the premises and;

- a) a member of staff who has been nominated in writing and who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.
- b) if the premises are not open, and subject to the tests set out by virtue of the Data Protection Act, within 24 hours of a request for access to the CCTV system from either the police or licensing authority, this staff member must be able to show a Police, HMRC or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- c) CCTV shall record continuously and be retained for not less than 31 days.

c) Public safety

A daily incident log shall be kept at the premises for a period of at least 12 months from the date of last entry, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) any faults in the CCTV repaired within 24hrs
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service.
- (h) any lost property found or handed to staff at the premises.
- (i) any other relevant incidents to be recorded.

d) The prevention of public nuisance

No music or amplified sound shall be generated within the Premises so as to give rise to nuisance within neighbouring dwellings; no music or amplified sound shall be played externally.

Windows shall only be opened for ventilation purposes, no business shall be conducted through them.

e) The protection of children from harm

A "Challenge 25" age verification policy shall be operated at the Premises during the permitted hours for the sale of alcohol and staff shall be trained in respect of the policy. Staff shall ask for proof of age from anyone they suspect of being less than 25 years of age. The only acceptable forms of identification shall be a photo style driving licence, a passport, a photo identification card bearing the PASS logo in a hologram format, military ID or recognised national photographic identity cards from member countries of the European Union.

Posters shall be displayed in prominent positions around the premises advising customers of the Challenge 25 policy in force at the premises.

A record shall be maintained recording every occasion when the sale of alcohol has been refused. The record shall;

- a) give the date and time of the occasion; a brief description of the customer and the name of the member of staff who refused to sell the alcohol.
- b) be kept at the Premises and available for inspection by authorised officers of the Licensing Authority and the Police at all times the Premises are open.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). X

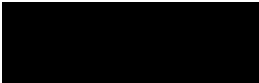
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE

LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	11/01/23
Capacity	Authorised Agent

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Oisín Daly, E [REDACTED]

Post town	[REDACTED]	Postcode	[REDACTED]
-----------	------------	----------	------------

Telephone number (if any)	[REDACTED]
---------------------------	------------

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
info@easylicences.co.uk

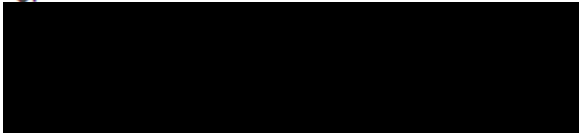
Consent of individual to being specified as premises supervisor

I

Joanne Barker

[full name of prospective premises supervisor]

of



[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

NEW PREMISES LICENCE APPLICATION

[type of application]

by

BRAY CURED ON THE HIGH STREET LTD

[name of applicant]

relating to a premises licence _____
[number of existing licence, if any]

for

BRAY CURED
THAMES HOUSE
HIGH STREET
BRAY
SL6 2AH

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

BRAY CURED ON THE HIGH STREET LTD

[name of applicant]

concerning the supply of alcohol at

BRAY CURED
THAMES HOUSE
HIGH STREET
BRAY
SL6 2AH

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

[REDACTED]

[insert personal licence number, if any]

Personal licence issuing authority

NORTH WEST LEICESTERSHIRE

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

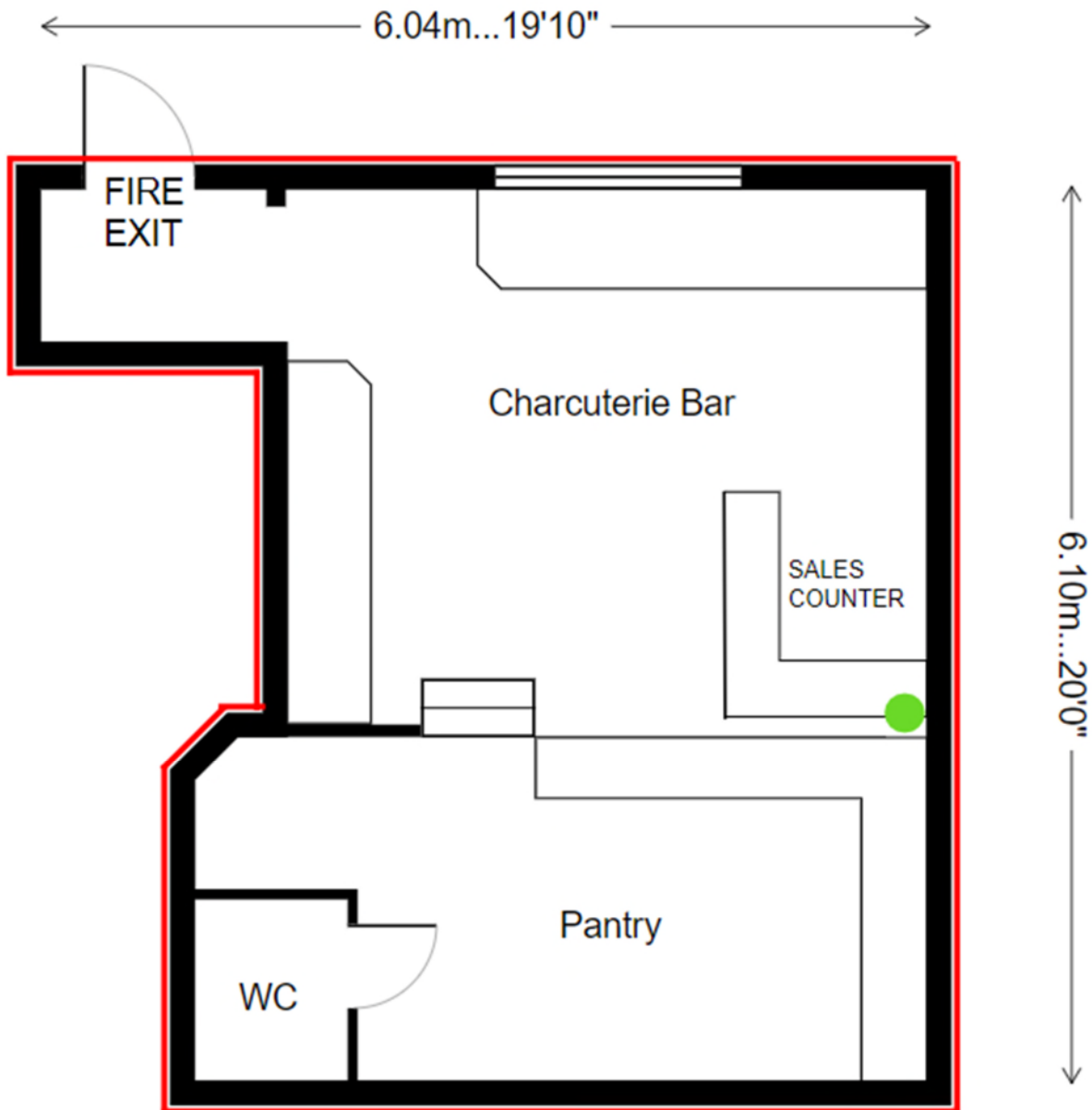
[REDACTED]

Name (please print)

Jo Barker

Date

Nov 10, 2022



Bray Cured Local
Thames House
High Street Bray
Maidenhead
SL6 2AH

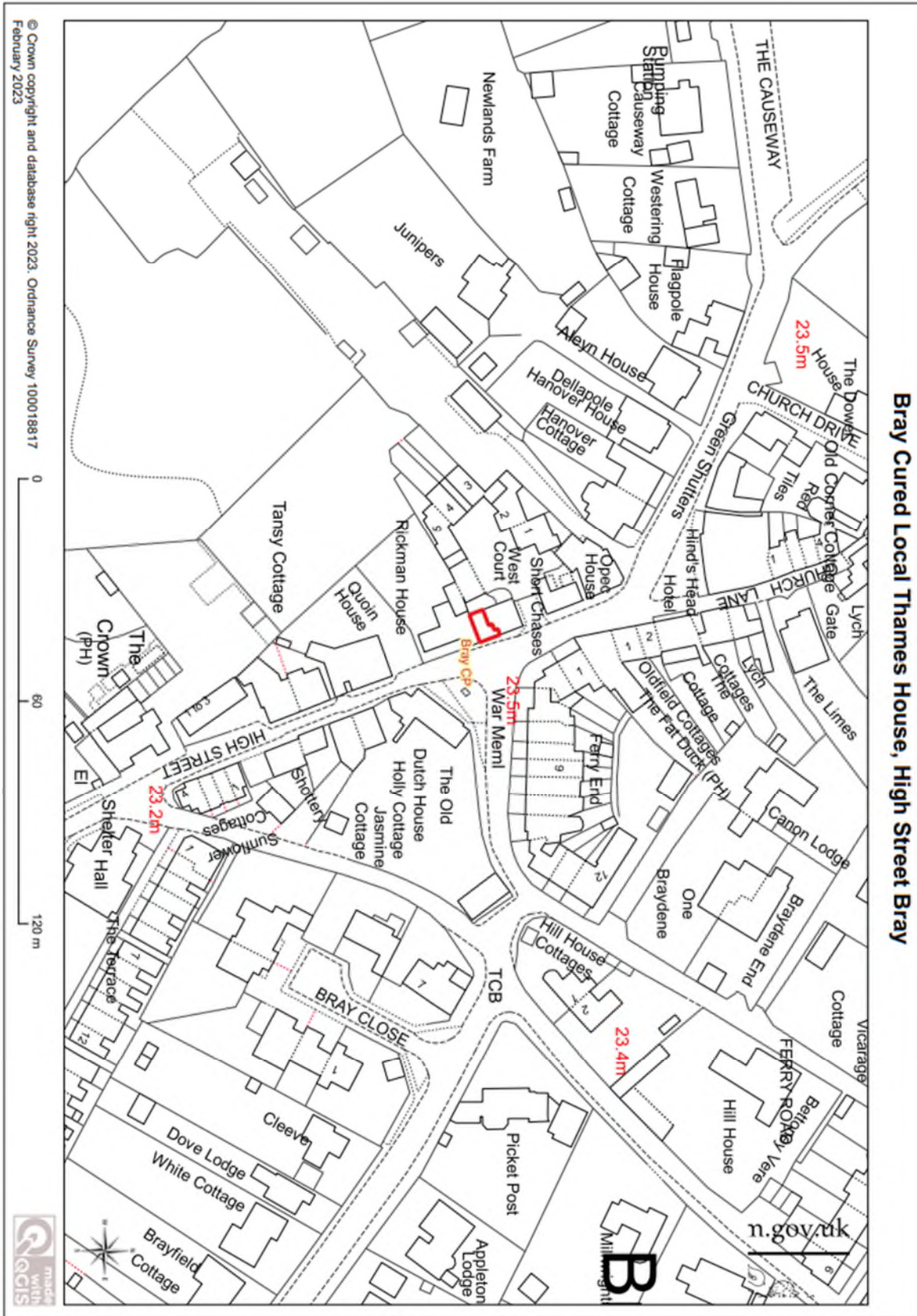
— Red line denotes licensable area

● CCTV

Scale 1:100

APPENDIX B

Bray Cured Local Thames House, High Street Bray



© Crown copyright and database right 2023. Ordnance Survey 100018817
February 2023

APPENDIX C

From: Rajinder Mann <Rajinder.Mann@RBWM.gov.uk>

Sent: 17 January 2023 16:03

To: Licensing <Licensing2@RBWM.gov.uk>

Cc: Trading Standards <Trading.Standards@RBWM.gov.uk>

Subject: FW: 23/00004/CPI - FW: New Premises Licence Application - Bray Cured

Dear Licensing,

RE: New Premises Licence Application - Bray Cured

Under section M e) The protection of children from harm – the applicant has listed the following;

The applicant has stated they will have the following in place; Challenge 25 Policy, Training, Acceptable ID, Refusals/Incident Book.

We find the proposed conditions acceptable however we have also added details regarding ‘proxy sales’ in the conditions and have highlighted more context with regards to how these should be adopted by the applicant;

1. A Challenge policy such as ‘Challenge 25’ to be adopted, where any person who looks under either 25 years of age should be asked to prove their age when attempting to purchase age restricted products such as alcohol but would also like appropriate signage of the adopted Challenge 25 policy to be displayed around the venue/event also all staff authorised to sell alcohol should be trained in the Challenge policy with appropriate training documented to reflect this.
2. Acceptable ID should include photographic identification documents; including passport, photo-card, driving license or proof of age card bearing the PASS hologram or any identification such as military ID or recognised national photographic identity cards from member countries of the European Union which are recognised or approved by either the Licensing/Responsible Authority or Thames Valley Police.
3. Staff should be aware of the possibility of Proxy sales of alcohol to also be included in any training.
4. A refusal book/log/electronic log should be kept at the premises to record all incidents of possible underage/proxy sales of alcohol (product/date/time/staff member/reason for refusal) and updated as and when required, and made available for inspection on request by either a Responsible Authority such as Licensing or Trading Standards or the Police.

Hope the above conditions are acceptable.

Kind regards

Rajinder Mann

Fair Trading Officer

APPENDIX D

From: [REDACTED]
Sent: 27 January 2023 15:33
To: Licensing <Licensing2@RBWM.gov.uk>
Cc: Alex Lisowski <Alex.Lisowski@RBWM.gov.uk>
Subject: FW: Draft Rep for your approval (MCD76/2)

CAUTION: This email originated from outside the council. Do not click any links or open attachments in this email unless you recognise the sender and are sure that the content is safe.

Dear Sirs

Our Client: Mr Robin McDonald
Relevant Representation Against (January 2023, Second) New Licence Application:
Café/ Charcuterie, Bray Cured Local, Bray Cured on the High Street Ltd

You will recall that we were instructed by the above-named Client in relation to Bray Cured Local's first application for a new Premises Licence for its planned bar/café/charcuterie, made in October 2022 (the 'First Application'). We are again instructed to lodge a full Representation in relation to this latest (January 2023) Second Application.

Background

You will recall that, in relation to the First Application, we previously lodged a full, threefold Representation on behalf of our Client (on 16 November), against the issue of a Licence. Other objectors also lodged full Representations, and the matter was listed for hearing last December, before the Licensing Authority Sub-Committee. The Applicant then withdraw his October application, shortly before the Hearing took place.

We understand that virtually immediately after withdrawing its application, the Applicant (under a number of Temporary Event Notices) started to sell and supply alcohol for consumption on and off the café premises. Whilst this process is technically lawful, it does not enable local residents to have a 'voice' in, whether or not, the TENs are granted and this action by the Applicant, might not be considered to be in the spirit of the Licensing Act, when local residents (for bona fide reasons) have just days before objected to the licensable activities, taking place. The Applicant has also put up signage on his café confirming that 'Wine & Coffee' are available (photograph attached), and is currently displaying champagne for sale, in its window.

The Second Application

Thank you for providing us with a copy of the latest new Licence Application. Our Client was aware of this application as the Applicant/its Director had chosen to write to our Client directly in the terms of the enclosed letter. Our comments on the importance of this letter form part of our Client's Representation as set out in full below.

We note that the Second Application is virtually identical to the October 2022 application save that a better licensing plan has now been submitted; the Applicant has specified **longer opening hours** and **increased capacity**. The 'Measures' section of the application form is again largely a copy of the First Application, although the Applicant does proffer that 'consumption of alcohol must be whilst seated'. Whilst the fixed seating is now shown on the plan (showing the reduced space) and the position of CCTV is shown, it remains unclear where alcohol is to be on display (e.g. in the Sales Counter area; in the Pantry area or both).

Our Client's Representation is again three-fold – the first two grounds are identical to points made in our Client's Representation against the first application, as these aspects remain unchanged and equally pertinent for this second application. We set out the points below by way of reminder:

Our Client's objections were/are:

1. On the basis of all four Licensing Objectives – the proposed 'Premises' being inherently unsuitable for the sale of alcohol by retail for consumption on and/or off the premises, and
2. On account of 'Cumulative Impact', it is inappropriate to issue another on/off licence for the proposed premises, within a small village with limited facilities (transport/parking/infrastructure).

The above objections were expanded on in the first Representation (on 16 November), and are repeated (in part) herein, as part of this current Representation, as follows:

1. *The Licensing Objectives*

Our Client considers that the licensing of the proposed premises for on and off sales of alcohol is likely to have a significant detrimental effect on all four licensing objectives but particularly, on the Objectives to prevent public nuisance and to promote public safety.

The premises are located in the historic village of Bray without facilities such as any designated car-parking nearby. Indeed pavements in the immediate vicinity of the building are also very limited. Residential properties are joined on three sides of the proposed bar (left, above and right). The proposed bar, the residential flat above and the home next door (to its left) are all (probably) Georgian – they are not therefore built to modern standards for example in terms of soundproofing.

As well as the potential for public nuisance, there is a risk that public safety would be compromised through an on-licensed bar operation, with guests leaving the bar exiting onto a small pavement, which to the right almost immediately tapering off to nothing, and the road. There must be a risk of those exiting the premises (having consumed alcohol) not appreciating that they will be stepping into a road almost immediately.

Our Client is also concerned that the shop/bar will be an attraction to those under the age of 18 trying to obtain alcohol for consumption off the premises. Its very limited size is likely to result in the premises quickly getting full of shoppers/guests – with less visibility than in a 'standard' off licence.

2. *Cumulative Impact*

Bray is a small village which arguably already has a disproportionate quantity of licensed premises. It does not have a railway station and parking facilities in the village are very limited and frequently full due to those visiting the village. In terms of on-licensed facilities, the village already has two public houses; 3 restaurants and bars in the local cricket club and in the village hall.

The Licensing Authority always has the ability to consider 'Cumulative Impact' as confirmed in its Statement of Licensing policy, paragraphs 1.15 to 1.17 and in the Revised Guidance to the Licensing Act. The Licensing Authority is invited to consider this aspect as part of this Representation, not least as if another licence is granted, the licence will be in perpetuity, with the significant risk that in the future, the 'premises' become in effect another public house.

3. *Unclear and/or Misleading Operating Schedule*

Our Client's third objection to the new Licence being granted under this Second Application is due to the lack of clarity and inconsistencies in representations made by the Applicant in its letter to our

Client (attached), as compared to statements made in its Operating Schedule. There are important inconsistencies between the former (the letter presumably containing (mis)statements to encourage our Client not to oppose the application) and the latter, including the following, raising concerns regarding the credibility of the statements in the formal Application:

1. In the letter the Applicant states that alcohol for consumption in the café will be to customers **'with a plate of cheese or charcuterie'** - whereas in contrast in the Application, he/it simply states that the patrons inside will be 'seated' when consuming alcohol. This is clearly a fundamental difference – the former suggesting that it will be a requirement for the alcohol to be served for consumption in the café to be ancillary to food also being served (similar to a 'restaurant' licence (under the old licensing regime), the latter does not.

Further a condition that alcohol only be consumed in the café whilst a patron is seated is unlikely to be enforceable (the Premises Licence Holder/DPS cannot force a patron to sit down once her/she has been served their drink). Whereas if alcohol is only available when a person is being provided with food to consume in the café, the provision of alcohol would only take place with the provision of food.

If the Applicant is providing implied assurances (as intimated in his letter to our Client (and other local residents) that there is no risk of the café becoming a pub down the line (as alcohol will always be ancillary to food), its formal application should have included this assurance by way of a legally enforceable condition. Otherwise the assurances in the letter effectively amount to a misrepresentation to local residents.

1. In the letter, the Applicant also suggests that the opening hours this time around are more limited – whereas the **opening hours for the premises have been extended in the '23 application** – with the premises opening at 8am (instead of 10am as per the Oct application);
1. In the letter, the Applicant states that there will be a 'reduced maximum capacity' but again this is not correct – in the October 22 application, the Applicant said that 'the premises is limited in capacity and there is currently capacity for only 8-10 covers at any one time' whereas now **the capacity has gone up to 15** (even though the plan now shows the fixed tables/seating reducing the overall space).
1. In the letter, the Applicant states that they will be offering 'a little range of curated drinks for people to enjoy at home or with a plate of cheese....' Whereas **the application does not limit the range of alcohol to be sold**. In this regard, the Premises is of course already displaying a sign outside its building stating that 'Wine & Coffee' are available – but there is no suggestion in the application that the café only plans to sell wine...

The various misstatements and inconsistencies (and the history of this and the former application) do not provide our Client with any confidence that the café (if licensed) will be operated in accordance with general licensing law and/or any conditions applied to the licence.

Finally we also note that the Applicant has also sought that its new Licence will run from 8 February 2023 which clearly is impossible as the Representation period is still open on that date.

Kindly confirm safe receipt of this formal Representation.

Yours faithfully

Blandy & Blandy LLP
Solicitors for Mr McDonald

Sue Dowling
Partner



Bray Cured on the High Street
Thames House
High Street
Bray
SL6 2AH

Dear Neighbour,

I hope you've had a splendid start to 2023. I'm writing to let you know that we are applying for a licence to sell alcohol at Bray Cured Local in Thames House, as part of our aim to provide a great service for residents and visitors, whether they want to grab a pint of milk, a coffee, or to sit in the shop with a bite to eat and a glass of something.


Of course, you'll be able to find out details from the sign in the window, or by visiting the Royal Borough of Windsor and Maidenhead website. However, I wanted to send this note so that you have a point of contact should you wish to discuss our application, whether you are in a favour of it or because you have concerns.

If you've had the chance to visit us since we opened, you'll know that in addition to our locally produced charcuterie, we're committed to offering a range of products that delivers a critical 'local store' facility in the heart of the village. With that purpose in mind, we're mindful of the need to operate in a way that is sympathetic to the village and villagers.

Specifically regarding the alcohol licence, this means that we want to provide a useful service by offering a little range of curated drinks for people to enjoy at home, or with a plate of cheese or charcuterie in the shop, but also to offer that service with limited opening hours (closing by 8pm), and with a reduced maximum capacity, so that we do not inconvenience residents. We hope that's the best of both worlds for Bray.

I hope this introduction gives you confidence in what we are doing, or even better, encourages you to come and visit us. In any case, if you have questions or would like to discuss our application and plans directly, you can reach me at the contact below, and I'd be more than happy to discuss via email, or meet in the shop.

Yours faithfully,



Alex Mogan

alex@braycured.com

Bray Cured, The Old Post Office, High Street Bray – Application for an Alcohol Licence

1. The location of the premises is very close to a number of Residents who live alongside at ground level and above the proposed premises. This means that the opportunity for noise and other disturbance is greater here than at any other location. This would place great stress and worry onto Residents who have a right to live in the centre of the village without risk of disturbance.
2. The licencing authority will state that if there is a problem then a Hearing can be arranged to address any issue which might arise. That, however, means Residents going through a long period of stress and worry which can be avoided now by not permitting this licence in the first place.
3. We note that every other licenced premises in Bray, with the exception of Bray Cricket club, has, at one time or another, had issues with noise disturbing Residents – and they do not have Residents living above them! There is not one other licenced premises in Bray where there is a Resident living above the licenced premises.
4. It has been stated that only 3 people will be allowed to stand outside and smoke. This would mean 3 people standing smoking and talking outside the front door which is less than 2 meters from a Resident's window on the upper floor which is often partly open.
5. Bray Cured will say that the TENs under which they have been operating demonstrate that there are no issues. The current period of operation has been during the winter, and we would say that this is very early days in such a business. This together with the short period of operation so far provides us with completely insufficient data to make any such evaluation.
6. We believe that a Premises Alcohol Licence includes the right to play music and whilst Bray Cured might state that they have no intention to play music, businesses change and this in itself provides further opportunity for disturbance.
7. Our understanding is that the granting of a Premises Licence survives when the current business moves to another location. This mean that the next business to operate out of the Old Post Office could decide to do things in a very different way, making life harder for Residents. We can stop this situation now by refusing to grant a licence.
8. We note that there are seven other licenced premises in Bray Village and four of those are in Bray High Street. Do we really need yet another licences premises in the Village?
9. **Summary**

Based on the above submission, it is the view of Bray Parish Council that these premises are not an appropriate location to grant a Premises Alcohol Licence.



14th January 2023

Licensing Team
Royal Borough of Windsor & Maidenhead
Town Hall
St Ives Road
Maidenhead
SL6 1RF

Dear Sir/Madam

New Premises Licence for Old Post Office, High Street Bray (Bray Cured, Thames House)

My property [REDACTED] is situated on the High Street in Bray. Part of my living room and kitchen is situated directly above the Old Post Office so I have significant interest in this application. Below are the concerns I wish to raise.

1. FIRE RISK. Alcohol is a flammable liquid which if stored in the shop creates a fire risk. If food is being cooked on site this compounds the potential risk. The proximity of the shop to residences magnifies the negative impact of any fire.
2. NOISE/DISRUPTION. The area is surrounded by residences. An establishment serving alcohol increases the risk of noise from customers with subsequent disruption to neighbours, coupled with the lengthy opening times of the proposed establishment. These old buildings are not soundproofed so noise travels through the walls and ceilings. I found the noise from the coffee shop, the previous occupants of the space, to be particularly disruptive.
3. PARKING. Given the size of the village, this is a big problem in general. In the case of the proposed establishment, there is only room for 2 cars outside the premises and they can only legally stay there for 1 hour. Unfortunately, this isn't monitored by either traffic wardens or the police and consequently I have experienced on numerous occasions 3 cars parked which meant that 1 car partially blocked the gateway to West Court through which I and my neighbours need access. This disruption is likely to occur again, particularly if the establishment is allowed to operate for the lengthy hours proposed.

Yours sincerely,

DOROTHY ALLARD