

LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

Monday 27 November 2023

Present: Councillors Clive Baskerville, Mandy Brar and Siân Martin

Officers: Oran Norris-Browne, Craig Hawkings, Anthony Lenaghan, Will Ward, Laurence Ellis and Mikey Lloyd

Appointment of Chair

Councillor Baskerville proposed that Councillor Brar chair the meeting. Councillor Martin seconded this.

AGREED: That Councillor Brar be Chair for the duration of the sub-committee.

Apologies for Absence

No apologies were received.

Declarations of Interest

Councillor Brar declared that she was a licence holder, but she would approach with an open mind.

Procedures of the Sub Committee

The committee noted the procedures.

Consideration of an application for a new premises license

Craig Hawkings, Reporting Officer for the Royal Borough of Windsor & Maidenhead, introduced the report to the Sub-Committee and outlined why a hearing had needed to be convened.

Craig Hawkings explained under section 51 of the Licensing Act 2003, that a responsible authority, or any other person may apply to the relevant licensing authority for a review of a premises licence at any time.

Craig Hawkings then outlined to the Sub-Committee what the application was and set out the reasons why the application had been submitted and the evidence to support it. The application was for a petrol filling station with an off license attached, with late night refreshments and for the supply of alcohol on and off the premises.

Craig Hawkings stated that the application had been advertised in the correct way.

Craig Hawkings then reminded all parties of the four licencing objectives set out in the Licencing Act 2003, which were:

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

Craig Hawkings noted that the application had received an objection, but had the objection not received representation, then the application would have been approved. Conditions had also been agreed with both RBWM Trading Standards and Thames Valley Police, as responsible authorities.

Councillor Baskerville asked if the borough had received similar applications recently. Craig Hawkings stated that the borough had, with two similar applications being approved, one being for a Shell Waitrose in 2020.

Councillor Martin asked if any complaints had been logged by residents who lived near the other garages. Craig Hawkings stated that there had not been any registered.

Councillor Brar asked if there were any more complaints about the applicant's premises being a public nuisance. Craig Hawkings stated that all relevant authorities had been consulted including Environment Protection, Health and Planning and that no comments were received.

Councillor Baskerville asked what measures would be taken so that the conditions would be adhered to. Craig Hawkings stated that the applicant would be subject to licencing enforcement, should any breach be reported.

The applicant's representative, Richard Taylor, asked Craig Hawkings if any of the relevant authorities had any objections to the application. Craig Hawkings stated that they did not.

Richard Taylor then asked Craig Hawkings if each responsible authority must be treated as an expert in the relevant field. Craig Hawkings stated that this was correct.

Councillor Brar then invited the applicant to put their case to the Sub-Committee.

Richard Taylor stated that they would explain their case to the Sub-Committee in three parts.

The first would explain the applicant, the second would explain the application itself and the third would address the concerns raised in the letter of objection.

Richard Taylor stated that the premises of the application in question, was operated by Euro garages limited, which since the 1 November 2023 had been owned by ASDA. The applicant stated that the premises would operate as a twenty-four-hour convenience store, which they already operated as currently.

Richard Taylor stated that he had represented ASDA since 2005 and had never come before a Licencing Sub-Committee before. Richard Taylor stated that the request to seek late night refreshment, was primarily to do with the sale of hot refreshments.

Richard Taylor explained to the Sub-Committee that during the application process, they had spoken to Thames Valley Police. They had requested an improved CCTV system, which ASDA agreed to and provided as a condition.

Richard Taylor also highlighted that they had engaged with local residents, which had highlighted a perceived problem with litter.

Richard Taylor stated that he understood that the objection was on the brink of relevance, but that every local resident had the right to an appeal.

Councillor Baskerville asked if extra staff would be employed, Richard Taylor said that additional staff in the short term would be employed. Richard Taylor stated that he could not give a number for the staff that would be employed, as it was an ongoing assessment of the number which would be needed.

Councillor Baskerville also asked if extra bins would be provided, Richard Taylor answered that bins were already outside the off-licence, but no new bins would be provided.

Councillor Brar asked how anti-social behaviour would be reduced. Richard Taylor stated that the volume of the Tanoy system would be reduced, as well as certain areas of the car park being discontinued.

The objector, Keith Ashby stated that he was opposed to the granting of the licence, on the grounds of his previous experience with customers at the site.

Keith Ashby stated that in the past, he had found litter, dumped in his front garden from the premises. Keith Ashby also expressed concern about underage drinking from granting the new licence, as well as potential anti-social behaviour.

Richard Taylor was asked by Councillor Baskerville how they would address Keith Ashby's concerns, he stated that they operated a good neighbour policy and that it was important good relationships were built with the surrounding community. Richard Taylor stated that they were willing for a condition to be put in place to limit late night refreshments to hot drinks only.

Richard Taylor had no questions for Keith Ashby, although he made it clear that he did not agree with everything Keith Ashby had said but that he had chosen not to challenge it.

Richard Taylor referred to the Home Office guidance stating that objections had to be based on hard facts not supposition. Richard Taylor also referred to Home Office guidance that stated stores should be free to sell alcohol to customers to consume off the premises. Unless for good reason, this would contradict the four licencing objectives. He again stated that no responsible authorities had shown concern about the granting of the licence.

Craig Hawkings stated that a review process could be initiated if the license was granted. Craig Hawkings then proceeded to list the options that were available to the Sub-Committee. These were to:

- Reject the Application
- Refuse to specify a person in the licence as the premise's supervisor.
- Grant the application but modify the activities and/or the hours and/or the conditions of the licence.
- Grant the application

Keith Ashby then stated that they would have liked for the drinks license to end at 22:00pm.

The Applicants, Objector and the Reporting Officer left the room and took no further part in the meeting.

The Sub-Committee began their deliberations, where they concluded that having considered all of the written and oral evidence that was presented, no overwhelming evidence was deemed to have been provided that gave the Sub-Committee reason to not grant the premises license, as applied for.

In making their decision, the Sub-Committee noted the objection to the application and deemed them as speculative in nature and were based of the objector's previous experiences of the premises.

The Sub-Committee noted that the objector himself had stated that since Euro Garages Limited had taken over the premises, the previous issues he had experienced had decreased significantly.

AGREED: To grant the application for a new premises license at Asda express PFS, Braywick, 11 Windsor Road, Maidenhead, SL6 1UZ.

The meeting, which began at 2.00 pm, finished at 3.20 pm

Chair.....

Date.....