

LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

FRIDAY, 27 AUGUST 2021

PRESENT: Councillors Mandy Brar, Phil Haseler and David Hilton

Officers: Craig Hawkings, Anthony Lenaghan and David Cook.

APPOINTMENT OF CHAIRMAN

Resolved unanimously: that Cllr Hasler be appointed as Chairman.

APOLOGIES FOR ABSENCE

None received.

DECLARATIONS OF INTEREST

Cllr Brar declared that she was a licensee in the borough and Cllr Hilton informed that the premises were in his ward and he had eaten there.

PROCEDURES FOR SUB COMMITTEE

The Chairman went through the procedures for the sub-committee.

CONSIDERATION OF APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003

Craig Hawkings, Licensing Team Leader, introduced the item and outlined the application and the issues for the Sub Committee members to consider. He stated the application was for a new premises licence under the Licensing Act 2003 for the Carpenters Arm, 78 Upper Village Road, Sunninghill, SL5 7AQ.

He summarised the various aspects of the application and the timings each point was applicable for. He stated that activities did not fall outside of framework hours and therefore considered acceptable. Craig Hawkings confirmed that the application had been advertised in the correct manner by local newspaper and by notification notices being placed in the locality. Members were told that the application had to have regard for the four licensing objectives: public safety, prevention of public nuisance, prevention of crime and disorder, and protection of children from harm.

Craig Hawkings told Members that the application had come to the Sub Committee for determination as objections had been received and were available in the agenda pack. It was noted that no objections had been received from any of the responsible authorities. Craig Hawkings reminded Members of the options open to them in relation to the application, which were to reject it; refuse to specify a person in the licence as the premises' supervisor; grant the application but modify the activities and/or hours and/or the licence conditions; or grant the application in full.

In response to questions Members were informed that there had been no objections from responsible officers, that there had been no reported incidents from TVP and from the Council regarding nuisance. Reference was made to the Dog and Partridge application from 2005, but Members were informed that each application should be

taken on their own merits. It was noted that the application for extended hours was not to attract new customers but for the benefit of existing clientele.

The applicant informed Members that this was a gastro pub within close walking distance to the highstreet. When they took over the establishment a lot of work was done to improve its condition and place within the community. The clientele had changed due to the improvements made.

They had also done a lot of work promoting the licensing objectives, they were an active member of pub watch, introduced the challenge 25 policy, CCTV was installed, all windows had been replaced with double glazing and additional work had been done to decrease noise.

The additional hours were required to help support the business and without them it would struggle. Instead of customers having to rush their meals at the end of the evening they would be allowed to enjoy their meal and leave in a more orderly fashion. The establishment had a policy of retaining customers within the building until taxis arrived to minimise noise, this was difficult with the current hours especially if the taxi did not arrive. The request for additional hours at New Years was to allow existing activities to continue without having to apply for temporary notices.

The applicant addressed the objectors comments contained within the agenda. This included that the pub had existed for 100 years so residents moving to the area new it was there, this was not to attract new late night drinkers, parking was not a licensing objective and there was no evidence that additional parking on the street was from customers, noise from people in the street could have come from customers from other establishments and as mentioned they encouraged customers to stay within the building when waiting for a taxi. She also informed Members that there had been no complaints made to the Council and they had received no complaints regarding noise. With regards to litter in a garden there was no evidence that this related to the pub and could have been members of the public. If any of the neighbouring properties had concerns they were always happy to discuss the issue with them, for example when there was an issue with staff living in the flat making noise at the end of the evening this was addressed. Other examples of how they had tried to accommodate any concerns raised by neighbouring properties were given. It was noted that other local establishments did not finish earlier.

Cllr Hilton mentioned that the pub was very supportive of local charities. He asked why the extra hours were required for the business and was informed that they employed 25 members of staff and it was difficult to retain staff in the area so there were a lot of overheads. Their main income came from serving food and the extra hours would make it easier for customers to enjoy their meal when ordering say after a day of golf and the end of the evening would not be rushed. They also informed that they had tried to talk to the objectors.

Cllr Brar mentioned that the business was doing everything right to be a responsible neighbour, she asked why they felt there were so many complaints. She was informed that when speaking to officers it seemed that there was an increased trend of people complaining more to applications. They had never required to have door staff and were always happy to talk about any concerns.

In response to questions from the Chairman the applicant informed that they had been running pubs since 1997 and had opened about 30 sites with never having any

problems. When they took over the Carpenters Arms it was a failed establishment that had lost its lease. The pub only had had a small bar and was not attractive to younger customers.

Mrs Thompson, objector, said she would like a good relationship with the pub and they had dealt with issues in the past straight away. It was a well run establishment and valued in the area. As per her written evidence her main concern was noise coming from the garden, especially as her bedroom window was so close and longer hours would impact on sleep. In response to questions from Member she informed that there was no issues regarding anti social behaviour, music had only been an issue when they opened after lockdown and this had been addressed, there was no issue regarding noise when people were leaving and the main problem was customer noise from the garden.

The applicant said they would look at possible solutions regarding noise from the garden.

Mr Hayward, objector, informed that he lived behind the pub and agreed with all the positive comments mentioned. They had never objected to any noise coming from the pub. His main objective was staff noise at the end of the night, if extending the times this noise would come later. As most people order around 8.30pm that should be sufficient time to enjoy your meal within the current hours.

The applicant informed that they get a lot of customers who play golf and often ordered their meals after 9pm and like to stay to 12pm. In response to questions she informed that the staff had been told not use the flat roof after work. It was suggested that a condition could be put in place so that the garden was not used after 11pm, the applicant said that this would be acceptable.

The applicant and the reporting officer summed up before Members retired to make their decision.

Decision:

After careful consideration of all the evidence, the Sub-Committee decided to grant the application, modified as set out below (in addition to the mandatory conditions which apply):

1. To extend the terminal hour for the sale of alcohol to 00:00, Monday to Sunday.
2. To extend the opening hours to allow the premises to close at 00:30 hours Monday to Sunday.
3. To add the provision of late night refreshment from 23:00 hours until 00:00 hours, Monday to Sunday.
4. To remove the existing non-standard timings for Good Friday and Christmas Day.
5. To add non-standard timings for live music, recorded music and late night refreshment on New Year's Eve until 01:00 hours.
6. To remove all conditions in Annex 2 of the premises licence, and replace them with the operating schedule detailed in the application.
7. That the rear garden is closed from 23:00 hours.

The meeting, which began at 11.30 am, finished at 1.30 pm

CHAIRMAN.....

DATE.....