

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

MONDAY, 9 MAY 2022

PRESENT: Councillors Gurpreet Bhangra, David Cannon and Geoff Hill

Also in attendance: John Sennett (Applicant) and Christina Sequeira (Objector)

Officers: Roxana Khakinia, Desmond Michael, Greg Nelson and Oran Norris-Browne

### APPOINTMENT OF CHAIRMAN

Councillor Bhangra proposed that Councillor Cannon be Chairman. This was seconded by Councillor Hill.

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

### APOLOGIES FOR ABSENCE

Apologies were received from Craig Hawkings, Reporting Officer for RBWM. Greg Nelson acted as the Reporting Officer for the hearing.

### DECLARATIONS OF INTEREST

There were no declarations of interest made.

### PROCEDURES FOR SUB COMMITTEE

Members noted the procedures for the sub-committee.

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

Greg Nelson, RBWM Trading Standards and Licensing Manager began by stating that the application was to renew the Sexual Entertainment Venue (SEV) license for the premises known as The Honeypot, 81 Queen Street, Maidenhead, SL6 1LT. This SEV license needed to be renewed on an annual basis. Greg Nelson then defined what this license entailed.

In terms of objections, Greg Nelson stated that no objections had been made by Thames Valley Police, but there had been 2 objections made by outside individuals. These objections were noted in Appendix C of the report.

Greg Nelson outlined the premises' application history which was as followed:

- 12.10.2011 - Application for new license - Licence granted
- 16.12.2012 - Renewal of SEV - licence renewed
- 15.11.2013 - Renewal of SEV - licence renewed
- 31.10.2014 - Renewal of SEV - licence renewed
- 16.11.2015 - Renewal of SEV - licence renewed
- 10.11.2016 - Renewal of SEV - licence renewed
- 07.02.2017 - Renewal of SEV - licence renewed
- 22.01.2018 - Renewal of SEV - licence renewed
- 15.12.2019 - Renewal of SEV - licence renewed

- 08.01.2020 - Renewal of SEV - licence renewed
- 13.04.2021 – Renewal Granted after Hearing Held on 07.04.21
- 22.03.2022 – Renewal application received

Greg Nelson set out the grounds for refusing an application for the grant, renewal, or transfer of a licence. He said that a licence must not be granted:

(a) to a person under the age of 18.

(b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months.

(c) to a person, other than a body corporate, who is not a resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or

(d) to a body corporate which is not incorporated in an EEA State; or

(e) to a person who had, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel, or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

Greg Nelson added that a licence may be refused where:

(a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.

(b) if the licence were to be granted, renewed, or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal, or transfer of such a licence if he made the application himself.

(c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality.

(d) that the grant or renewal of the licence would be inappropriate, having regard—

- i. to the character of the relevant locality; or
- ii. to the use to which any premises in the vicinity are put; or
- iii. to the layout, character or condition of the premises, vehicle, vessel, or stall in respect of which the application is made.

Greg Nelson informed the Sub-Committee that the decision to refuse a licence must be relevant to one or more of the above grounds.

The Chairman asked Greg Nelson to clarify that no limit to SEV licenses had ever been set within the borough. Greg Nelson confirmed this to be the case.

Councillor Bhangra asked if the premises had ever been subject to a call-in. Greg Nelson confirmed that it had not, however they were required to renew their license annually.

John Sennett, Applicant, began his oral submission by stating that the premises had been active for around 22 years and that up until the time of the hearing, only 1 objection had been received which was in 2021. No objections had ever been made by Thames Valley Police during this time and he stated that the premises had a good relationship with them. He emphasised the importance that moral grounds play no part in the decision made by the Sub-Committee and asked them to grant the renewal as applied for.

Councillor Hill asked the applicant what he would do to reassure persons such as the objector who walked past the venue and felt uncomfortable. The applicant replied by stating that nobody was present outside, and the building was very discrete. The front door was open, but all that could be seen was a reception desk. He added that he did not necessarily understand the objector's concerns.

Christina Sequeira, Objector, began her oral submission by saying that she completely understood the commercial aspects of the premises, and that she was merely objecting to the location of it. The Objector said that Maidenhead was a very small town that was dominated by rather small buildings. She admitted that one part of the town was thriving with areas such as the Coppa Club and Waitrose, whereas the part of the town where the Honeypot was located, was rather rundown.

The Objector said that she regularly walked past the premises on her way home from the train station and that in the evenings, she did feel slightly vulnerable on her way past. She added that she feared for both younger and older women walking past who could in turn feel the same, if not worse. She added that the large logo for the premises could be seen from quite far away and that it was uncharacteristic for the town and unappealing.

With the regeneration of the town centre underway and making considerable progress, she questioned whether persons would want to open businesses or live nearby to a premises such as this. She admitted that she would be comfortable with it being re-located to a different part of the town that was less prominent. She also noted the lack of objectors could be due to the lack of knowledge surrounding objecting to premises licenses within the borough.

Councillor Bhangra asked the objector if she had ever experienced any issues outside of the premises when walking past. She confirmed that she had not, however said that she was quite assertive, and that other women may not be as much.

Councillor Hill asked the objector if she believed that the area of town that the premises was currently in was the correct one, due to the building site that was present and the future redevelopment of the York Road football stadium. She replied by stating that if the Council wished for the area to flourish then they must surely act now to ensure businesses were attracted to that area, ready for when the building works were completed.

The Chairman asked the objector on her thoughts of the locality of the premises as they were at the hearing, and not in the future. She stated that the redevelopments were moving at such a rapid pace that this was difficult to do. She said that it was not a hideous area, however said that the venue could be better suited if it was change into a bar on the corner for example.

The applicant said to the objector that as stated by the Council, Queen Street where the premises was located, was deemed to be an entertainment area. Therefore, the premises in question fell into this remit.

The applicant summarised by saying that the town centre redevelopments had started 17 years ago and therefore were not quick. He said that the premises was in a discrete location and had operated for 22 years without any real issues. He asked the Sub-Committee to grant the renewal as applied for.

Greg Nelson was then invited to summarise to the Sub-Committee. He said that the Sub-Committee must have regard to all the representations that were made and the evidence it heard both orally and via written submissions. The options available to the Sub-Committee were that it may:

a) renew the licence, attaching any conditions they consider reasonable under paragraph 8(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, or

b) refuse the application under paragraph 12(2) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982

He stated that where the Sub-Committee refused to renew a licence then it was required to give written reasons for its decision to the licence holder.

The Sub-Committee were asked to determine the application.

During the deliberations, Councillor Hill stated that he had no real issues with the premises in its current state.

Councillor Bhangra agreed and said that no representations had ever been made by Thames Valley Police to give them any real cause for concern, leaving the Sub-Committee with no grounds to refuse the renewal on this basis.

The Chairman agreed also and stated that the only grounds that they had to refuse the renewal was the location of the premises. However, he stated that no evidence was present for them to refuse the renewal on that basis.

In making their decision, the Sub-Committee considered all of the written submissions that had been provided. The Sub-Committee also heard oral evidence at the hearing from John Sennett, Applicant, Christina Sequeira, Objector and from Greg Nelson, Reporting Officer at the Royal Borough of Windsor & Maidenhead.

**AGREED UNANIMOUSLY: That the application to renew the SEV license be granted as applied for.**

The meeting, which began at 10.55 am, finished at 11.25 am

CHAIRMAN.....

DATE.....