

**RBWM LICENSING & PUBLIC SPACE
PROTECTION ORDER SUB-COMMITTEE**

21 July 2022

**CONSIDERATION OF AN APPLICATION TO VARY A PREMISES LICENCE
s34 of the LICENSING ACT 2003**

Sub-Committee Members: Cllr Cannon, Cllr Bhangra, Cllr Brar

Officer reporting: Greg Nelson, Trading Standards & Licensing Manager

The Application

Applicant: Epic Bars and Clubs Berkshire Ltd

Premises: Labyrinth, Unit 15A Windsor Royal Station, Windsor SL4 1PJ

Description of Premises: Nightclub

The current premises licence is **Appendix A**

The application to vary this licence is **Appendix B**

The proposed variation applied for is to remove the 9th and 10th conditions of Annex 3 of the current premises licence which read:

“An ID scanning system will be employed at the premises and will be utilised for all customers. This will be in operation during licensable activities and shall be a condition of entry”, and

“The scanning of all ID’s, with no discretion allowed”

And replace them with the following:

“An ID system will be employed at the premises and in operation during licensable activities. The ID system will be utilised for all customers and a condition of entry EXCEPT that a customer may be admitted to the premises without ID in the following circumstances;

1. The customer without ID must be accompanied by a customer with ID whose details would of course be recorded;
2. A clear head and shoulders CCTV picture is taken of the customer without ID and retained:
3. The customer without ID must provide a bank card or other document which confirms their name so that the name is retained and a copy of the document; and
4. The date and time of entry, customers name and documentation, head and shoulders picture and ID of their companion would be retained, and the entry signed off by a senior manager.”

Background

Epic Bars and Clubs Berkshire Limited submitted a Minor Variation application on 16 May 2022. This application was to amend their premises licence in the same way as set out in this application for a “full” variation.

A minor variation is defined as one that could not impact adversely on any of the four licensing objectives set out in the Licensing Act 2003, which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance, and
- the protection of children from harm

This process is quicker and easier than for a “full” variation and may be used for changes such as revisions or additions to, or the removal of, licence conditions.

The licensing authority makes a decision on whether or not to grant an application for a minor variation. If the authority refuses there is no right of appeal and the matter is not referred to a hearing.

The minor variation application of 16 May was refused by RBWM Licensing, acting as the licensing authority.

The applicant, Epic Bars and Clubs Berkshire Limited, therefore decided to apply for a full variation, and that is the subject of this hearing.

The Application Process

An application for a full variation is subject to a 28 consecutive day consultation period during which responsible authorities, as defined by the Licensing Act 2003, may make representations. Other persons may also make representations.

Representations must be “relevant”, that is, they must relate to one or more of the four licensing objectives, and not be frivolous or vexatious.

If relevant representations are made which cannot be dealt with to the satisfaction of all parties, then a hearing must be held to decide on the application. The hearing must comply with the Licensing Act 2003 (Hearings) Regulations 2005.

Such a hearing must be held within 20 working days of the end of the consultation period.

At RBWM the hearing is before a Licensing and Public Space Protection Order Sub-Committee, and that Sub-Committee can take steps, as set out in legislation, as are appropriate for the promotion of the four licensing objectives.

Relevant Representations Received

With respect to this application from Epic Bars and Clubs Berkshire Limited to vary the premises licence of Labyrinth, relevant representations from the responsible authorities were received as follows;

- | | |
|--|------------|
| a. Thames Valley Police | None |
| b. RBWM Licensing | Appendix C |
| c. RBWM Environmental Health | None |
| d. RBFRS: | None |
| e. RBWM Planning | None |
| f. RBWM Local Safeguarding Children's Board (LSCB) | None |
| g. Public Health | None |
| h. RBWM Trading Standards | Appendix D |

The representation from RBWM Trading Standards was responded to by the applicant, to the satisfaction of RBWM Trading Standards, and is not therefore a matter for this Sub-Committee to consider. It is appended to this report for information.

No representations were received from other persons.

The one representation for this Sub-Committee to consider is that from RBWM Licensing, acting as a responsible authority.

All parties were required to notify the licensing authority, in advance, if they intended to attend the hearing and, if so, if they intended to be represented or call witnesses.

Proper notification was received from Mr Woods, representing the applicant, and from Mr Hawkings, for RBWM Licensing acting as a responsible authority.

Licensing Authorities Acting as Responsible Authorities

It needs to be pointed out that, in respect of this application, RBWM is acting as both the licensing authority and as a responsible authority.

In such situations the guidance included in the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018, must be followed.

This guidance states that;

“ it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating

distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority” (paragraph 9.17)

“In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities” (paragraph 9.18)

Following the Home Office guidance this separation of responsibilities has been achieved in this matter by having one officer, Greg Nelson, Trading Standards & Licensing Manager, acting as the licensing authority, presenting this matter to the Sub Committee and answering any questions the Sub-Committee may have about the licence review process.

A different officer, Mr Hawkings, Licensing Team Leader, is acting for the Royal Borough as a responsible authority, making a representation in respect of the application made by Epic Bars and Clubs Berkshire Limited.

To further ensure fairness and impartiality, decisions relating to the application made by Epic Bars and Clubs Berkshire Limited will be decided by the Sub Committee, comprising elected members of the authority, advised by an impartial legal advisor.

Matters to Consider

In considering an application to vary a premises licence, the Sub-Committee must take into account the application itself and representations received about it; the RBWM Statement of Licensing Policy 2021-2026; the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018.

RBWM Statement of Licensing Policy 2021-2026

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

Licensing Objectives and other Key Aims and Purposes

1.9 The four licensing objectives covered by this policy, as set out in the Licensing Act 2003, are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

1.10 These four objectives are of equal importance. There are no other statutory

licensing objectives so the promotion of these four objectives is a paramount consideration at all times.

1.11 This Statement of Policy reflects the guidance issued by the Home Office under section 182 of the Licensing Act 2003 (version published April 2018).

1.12 Paragraph 1.5 of the section 182 guidance states that licensing legislation supports a number of key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. These include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licenced premises.
- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing the problems

Conditions

5.2 The Council maintains that licensing is about the control of licenced premises, qualifying clubs and temporary events within the terms of the 2003 Act. Any terms and conditions attached to licences will be focused on matters which are within the control of individual licensees and others granted relevant permissions, centering on the premises and their vicinity.

Wider Community Interest

6.9 Wider Community Interest - The licensing authority considers that its licensing functions are exercised in the public interest. Furthermore, 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.

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 premises

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

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.

Revised Guidance issued under section 182 of the Licensing Act 2003

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 safety

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

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.

Conclusion

The LPSPO 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 obliged to have regard to national guidance and the Council's own Statement of Licensing Policy, as well as giving full consideration to all of the written representations made and the evidence that it has heard in relation to this application.

The Sub-Committee must then take such steps, as set down in legislation, as it considers appropriate for the promotion of the four licensing objectives. The steps that the Sub-Committee can take are:

(a) to modify the conditions of the licence;

(b) to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

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 is reminded that any party to the hearing may appeal against its decision to the Magistrates Court within 21 days of the notification of that decision.

The Sub-Committee is asked to determine the application

Appendices:

Appendix A – Premises Licence for Labyrinth

Appendix B – Application to Vary the Premises Licence for Labyrinth

Appendix C – Representation from RBWM Licensing

Appendix D – Representation from RBWM Trading Standards

Background papers:

Licensing Act 2003, found at

<https://www.legislation.gov.uk/ukpga/2003/17/contents>

Licensing Act 2003 s182 Statutory Guidance, 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

RBWM Statement of Licensing Policy 2021-2026, found at

https://www.rbwm.gov.uk/sites/default/files/2021-07/licensing_policy_statement.pdf

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 evidence submitted to this hearing.

Report Author / Officer Reporting

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Licensing Act 2003

PL107139

Premises Licence

LOCAL AUTHORITY

The Royal Borough of Windsor and Maidenhead
Town Hall
St Ives Road
Maidenhead
SL6 1RF

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www.rbwm.gov.uk



Royal Borough
of Windsor &
Maidenhead

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Labyrinth

Unit 15A Windsor Royal Station Jubilee Arch Windsor SL4 1PJ

WHERE THE LICENCE IS TIME LIMITED BY THE DATES

Date Issued: 8 November 2021

Until - Not applicable

LICENSABLE ACTIVITIES AND TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF THOSE ACTIVITIES

<u>Activity, Location and Area if Applicable</u>	<u>Description</u>	<u>From – To</u>
G. Performance of Dance (Indoors)	Monday to Sunday	11:00 - 03:00
	Seasonal Details	
	On the commencement of British Summer Time and on that day only, licensable activities and opening hours will be extended by 1 hour.	
	On New Year's Eve, licensable activities and opening hours will be extended until the start of permitted hours on New Year's Day.	
B. Exhibition of a film (Indoors)	Monday to Sunday	11:00 - 03:00
	Seasonal Details	
	On the commencement of British Summer Time and on that day only, licensable activities and opening hours will be extended by 1 hour.	
	On New Year's Eve, licensable activities and opening hours will be extended until the start of permitted hours on New Year's Day.	
E. Performance of Live Music (Indoors)	Monday to Sunday	11:00 - 03:00
	Seasonal Details	
	On the commencement of British Summer Time and on that day only, licensable activities and opening hours will be extended by 1 hour.	
	On New Year's Eve, licensable activities and opening hours will be extended until the start of permitted hours on New Year's Day.	
F. Playing of Recorded Music (Indoors)	Monday to Sunday	11:00 - 03:00
	Seasonal Details	
	On the commencement of British Summer Time and on that day only, licensable activities and opening hours will be extended by 1 hour.	
	On New Year's Eve, licensable activities and opening hours will be extended until the start of permitted hours on New Year's Day.	
H. Other Entertainment falling within Act (Indoors)	Monday to Sunday	11:00 - 03:00
	Seasonal Details	

Premises Licence

On the commencement of British Summer Time and on that day only, licensable activities and opening hours will be extended by 1 hour.

On New Year's Eve, licensable activities and opening hours will be extended until the start of permitted hours on New Year's Day.

L. Late Night Refreshment (Indoors)

Monday to Sunday 23:00 - 03:00

Seasonal Details

On the commencement of British Summer Time and on that day only, licensable activities and opening hours will be extended by 1 hour.

On New Year's Eve, licensable activities and opening hours will be extended until the start of permitted hours on New Year's Day.

M. Supply of alcohol consumed ON the premises

Monday to Sunday 11:00 - 03:00

Seasonal Details

On the commencement of British Summer Time and on that day only, licensable activities and opening hours will be extended by 1 hour.

On New Year's Eve, licensable activities and opening hours will be extended until the start of permitted hours on New Year's Day.

THE OPENING HOURS OF THE PREMISES

Day	Time From – To
Monday	11:00 - 03:30
Tuesday	11:00 - 03:30
Wednesday	11:00 - 03:30
Thursday	11:00 - 03:30
Friday	11:00 - 03:30
Saturday	11:00 - 03:30
Sunday	11:00 - 03:30

Seasonal Details

On the commencement of British Summer Time and on that day only, licensable activities and opening hours will be extended by 1 hour.

On New Year's Eve, licensable activities and opening hours will be extended until the start of permitted hours on New Year's Day.

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

Alcohol is supplied for consumption ON the Premises

Premises Licence

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Epic Bars And Clubs Berkshire Limited
3 Bath Mews Bath Parade Cheltenham Gloucestershire GL53 7HL

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Registered Business - 12048205

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Mr Duncan Squires
[REDACTED]

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No: GLPER/0806 Licensing Authority: Gloucester City Council

Premises Licence

ANNEXES

ANNEX 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence:
at a time when there is no designated premises supervisor in respect of the premises licence, or
at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- 1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- 2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise)
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
 - (f) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- (3) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (4) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
- (5) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph date of birth and either:
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

The responsible person shall ensure that:

Premises Licence

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
- (iii) still wine in a glass: 125ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises, and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purpose of the condition set out in paragraph 1:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula:

$$P = D + (D \times V)$$

where -

- (i) P is the permitted price.
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged in relation to the alcohol as if the duty were charged on the date for the sale or supply of the alcohol and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date if the sale or supply of the alcohol.

(c) "relevant person" means, in relation to the premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence.
- (ii) the designated premises supervisor.
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a charge to the rate of duty or value added tax.

Premises Licence

5) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Any individual employed to carry out a security activity must be licensed by the Security Industry Authority (SIA).

Admission of children is restricted in accordance with the recommendation by the British Board of Film Classification. If the film has not been classified the restriction of children must be approved by the Licensing Authority. (Children means any person under 18 years).

ANNEX 2 – Conditions consistent with Operating Schedule

General

See Annex 3

Prevention of Crime and Disorder

See Annex 3

Public Safety

See Annex 3

Prevention of Public Nuisance

See Annex 3

Protection of Children from harm

Challenge 25 Policy is acceptable to be operated at the premises and the appropriate signage of said challenge policy to be displayed within the premises. All staff authorised to sell alcohol should be trained in the Challenge policy with appropriate training documented to reflect this.

All staff training will include training on Proxy Sales'

A refusal book/log/electronic log should be kept at the premises to record all incidents including underage/proxy alcohol sales and updated as and when required, and made available for inspection on request by either a Responsible Authority such as Licensing, Trading Standards or the Police.

ANNEX 3 – Conditions attached after a hearing by the Licensing Panel

CCTV shall be maintained in good working order in accordance with the manufacturer's instructions and shall be operational at all times when a licensable activity takes place on the premises.

The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days. Trained staff will be available to provide copies of the CCTV when requested to do so by the Police or an authorised officer.

The Premises Licence Holder shall put in place a search policy to cover both drugs and weapons for the premises. The Premises Licence Holder or Designated Premises Supervisor shall ensure the search policy is complied with at all times when the premises are open for licensable activities. Conspicuous notices advising customers of the search policy shall be displayed at all entrances to the premises.

There shall be a suitable safe available for the safe storage of suspected drugs seized or found in the premises. The items to be placed within Police supplied drugs bags and appropriately labelled and sealed until handed over to the Police.

Nominated person is responsible in supplying the necessary media (discs, data stick) containing any downloaded content.

Premises Licence

The DPS will give a minimum of 21 days' notice of an intention to hold a promotion promoted by an outside promoter (i.e. not directly employed by the DPS) to run an event at the premises. For the purposes of this condition a "promotion" is a publicised event which is not part of the normal advertised events that are regularly held at the premises. The DPS shall cancel the event should the Police give notice of objection in writing not less than 14 days before the proposed event.

A minimum of two door supervisors will be on duty Thursday, Friday and Saturday from 21:00 until the venue closes to the public. The requirement for additional door supervisors at other times will be risk assessed.

Whilst SIA Security Personnel are employed at the premises, at least 2 members of the SIA security personnel will be deployed with digitally recording Body Worn Video (BWV). 1 SIA security personnel with BWV will be positioned on the front door, and the other will be positioned inside the premises. The BWV will be used to record any incidents which occur inside or outside of the premises involving customers, prospective customers or any staff member that impact on any of the four licensing objectives. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or an authorised Licensing Officer from the Local Authority together with facilities for viewing upon request, subject to the provisions of the Data Protection Act.

An ID scanning system will be employed at the premises and will be utilised for all customers. This will be in operation during licensable activities and shall be a condition of entry.

The scanning of all ID's, with no discretion allowed.

A written dispersal policy, following discussions with Thames Valley Police, for controlling the closing of the premises and the departure of customers at the conclusion of the licensed activities shall be put in place and shall be actively operated. This policy shall be made available to any authorised Officer of Thames Valley Police or an authorised Licensing Officer of the Local Authority. The dispersal policy should include use of door staff assisting in the dispersal and the use of Body Worn Cameras. Whilst dealing with the dispersal of patrons the SIA Security Personnel shall wear full high visibility vests.

A written safeguarding policy to be in place and for this policy to include Vulnerability Awareness Training, which can be provided by the Thames Valley Police Licensing Officer if required.

The Designed Premises Supervisor or Premises Licence holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available of inspection by Local Authority Officers and Police. Alternatively, an electronic point-of-sale Refusals Log shall be kept.

All staff will undergo regular training to meet the licensing objectives.

The premises will operate in line with the premises licence holder's Operations Manual which will include policies relating to noise management, dispersal and smoking area policies.

DPS or nominated person to be an active member of the local Town Centre Pub Watch scheme.

Retail Radio to be used

A welfare officer will be available.

Last entry time to be one hour before the end of the permitted sale of alcohol hours.

Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.

The cleaning of litter outside and in the direct vicinity of the venue

ANNEX 4 – Plans

See Attached Plans

Premises Licence



Greg Nelson
Trading Standards & Licensing Manager

Premises Licence Summary

LOCAL AUTHORITY

The Royal Borough of Windsor and Maidenhead
Town Hall
St Ives Road
Maidenhead
SL6 1RF

Tel: 01628 683840
www.rbwm.gov.uk

www.rbwm.gov.uk



Royal Borough
of Windsor &
Maidenhead

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Labyrinth

Unit 15A Windsor Royal Station Jubilee Arch Windsor SL4 1PJ

WHERE THE LICENCE IS TIME LIMITED BY THE DATES

Date Issued: 8 November 2021

Until - Not applicable

LICENSABLE ACTIVITIES AND TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF THOSE ACTIVITIES

Activity, Location and Area if Applicable	Description	From – To
G. Performance of Dance (Indoors)	Monday to Sunday	11:00 - 03:00
	Seasonal Details	
	On the commencement of British Summer Time and on that day only, licensable activities and opening hours will be extended by 1 hour.	
	On New Year's Eve, licensable activities and opening hours will be extended until the start of permitted hours on New Year's Day.	
B. Exhibition of a film (Indoors)	Monday to Sunday	11:00 - 03:00
	Seasonal Details	
	On the commencement of British Summer Time and on that day only, licensable activities and opening hours will be extended by 1 hour.	
	On New Year's Eve, licensable activities and opening hours will be extended until the start of permitted hours on New Year's Day.	
E. Performance of Live Music (Indoors)	Monday to Sunday	11:00 - 03:00
	Seasonal Details	
	On the commencement of British Summer Time and on that day only, licensable activities and opening hours will be extended by 1 hour.	
	On New Year's Eve, licensable activities and opening hours will be extended until the start of permitted hours on New Year's Day.	
F. Playing of Recorded Music (Indoors)	Monday to Sunday	11:00 - 03:00
	Seasonal Details	
	On the commencement of British Summer Time and on that day only, licensable activities and opening hours will be extended by 1 hour.	
	On New Year's Eve, licensable activities and opening hours will be extended until the start of permitted hours on New Year's Day.	
H. Other Entertainment falling within Act (Indoors)	Monday to Sunday	11:00 - 03:00
	Seasonal Details	

Premises Licence Summary

On the commencement of British Summer Time and on that day only, licensable activities and opening hours will be extended by 1 hour.

On New Year's Eve, licensable activities and opening hours will be extended until the start of permitted hours on New Year's Day.

L. Late Night Refreshment (Indoors)

Monday to Sunday 23:00 - 03:00

Seasonal Details

On the commencement of British Summer Time and on that day only, licensable activities and opening hours will be extended by 1 hour.

On New Year's Eve, licensable activities and opening hours will be extended until the start of permitted hours on New Year's Day.

M. Supply of alcohol consumed ON the premises

Monday to Sunday 11:00 - 03:00

Seasonal Details

On the commencement of British Summer Time and on that day only, licensable activities and opening hours will be extended by 1 hour.

On New Year's Eve, licensable activities and opening hours will be extended until the start of permitted hours on New Year's Day.

THE OPENING HOURS OF THE PREMISES

Day	Time From – To
Monday	11:00 - 03:30
Tuesday	11:00 - 03:30
Wednesday	11:00 - 03:30
Thursday	11:00 - 03:30
Friday	11:00 - 03:30
Saturday	11:00 - 03:30
Sunday	11:00 - 03:30

Seasonal Details

On the commencement of British Summer Time and on that day only, licensable activities and opening hours will be extended by 1 hour.

On New Year's Eve, licensable activities and opening hours will be extended until the start of permitted hours on New Year's Day.

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

Alcohol is supplied for consumption ON the Premises

Premises Licence Summary

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Epic Bars And Clubs Berkshire Limited
3 Bath Mews Bath Parade Cheltenham Gloucestershire GL53 7HL

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Registered Business - 12048205

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Mr Duncan Squires

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

No prohibition or restriction on access to the premises by children

APPENDIX B

The Royal Borough of Windsor and Maidenhead

Application to vary a premises licence 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.

I/We Epic Bars and Clubs Berkshire Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL107139

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Labyrinth Unit 15A Windsor Royal Station Jubilee Arch			
Post town	Windsor	Postcode	SL4 1PJ

Telephone number at premises (if any)	
---------------------------------------	--

Non-domestic rateable value of premises	£75,000
---	---------

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	██████████ ██████████		
Post town	██████████	Postcode	██████████

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

The proposed variation is to remove the 9th and 10th condition of Annex 3 which read “An ID scanning system will be employed at the premises and will be utilised for all customers. This will be in operation during licensable activities and shall be a condition of entry” and “The scanning of all ID’s, with no discretion allowed” and to replace with the following:

“An ID system will be employed at the premises and in operation during licensable activities. The ID system will be utilised for all customers and a condition of entry EXCEPT that a customer may be admitted to the premises without ID in the following circumstances;

1. The customer without ID must be accompanied by a customer with ID whose details would of course be recorded;
2. A clear head and shoulders CCTV picture is taken of the customer without ID and retained;
3. The customer without ID must provide a bank card or other document which confirms their name so that the name is retained and a copy of the document; and
4. The date and time of entry, customers name and documentation, head and shoulders picture and ID of their companion would be retained and the entry signed off by a senior manager.”

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

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)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Standard days and timings (please read guidance note 6)				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					

Fri			<u>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 5)</u>
Sat			
Sun			

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish		Both <input type="checkbox"/>
Mon			<u>Please give further details here (please read guidance note 3)</u>	
Tue				
Wed			<u>State any seasonal variations for the exhibition of films (please read guidance note 4)</u>	
Thur				
Fri			<u>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 5)</u>	
Sat				
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			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 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed				State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Thur					

Fri			<u>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 5)</u>
Sat			
Sun			

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here (please read guidance note 3)</u>		
Tue					
Wed			<u>State any seasonal variations for the performance of live music (please read guidance note 4)</u>		
Thur					
Fri			<u>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 5)</u>		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
Day			Start		Finish	
Mon			Start		Finish	
Tue			Start		Finish	
Wed			<u>Please give further details here</u> (please read guidance note 3)			
Thur			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)			
Fri			<u>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</u> (please read guidance note 5)			
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
Day			Start		Finish	
Mon			Start		Finish	
Tue			Start		Finish	
Wed			<u>Please give further details here</u> (please read guidance note 3)			
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)			

Fri			<p>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 5)</p>
Sat			
Sun			

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p>Please give further details here (please read guidance note 3)</p>		
Wed					
Thur			<p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</p>		
Fri					
Sat			<p>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 5)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
			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 5)		

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur								
						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 5)		

Fri			
Sat			
Sun			

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 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	11:00	03:30	
Tue	11:00	03:30	
Wed	11:00	03:30	
Thur	11:00	03:30	
			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 (please read guidance note 5)

Fri	11:00	03:30	
Sat	11:00	03:30	
Sun	11:00	03:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

This variation is to remove Conditions 9 and 10 of Annex 3 and replace with the condition as stated above.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

This proposed variation related to conditions only. The style and operation of the premises will not change and the variation has been discussed and agreed with Inspector Mike Harrah and Debie Pearman of Thames Valley Police.

b) The prevention of crime and disorder

Please see a) above.

c) Public safety

Please see a) above.

d) The prevention of public nuisance

Please see a) above.

e) The protection of children from harm

Please see a) above.

Checklist:

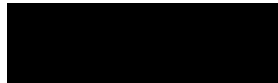
Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	7 June 2022
Capacity	Woods Whur - Solicitors for the Applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)



Post town	████████████████████	Post code	██████
Telephone number (if any)	██		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
████████████████████			

APPENDIX C



Objection to a Full Variation Application to be granted under the Licensing Act 2003

Dated 4 July 2022

Name & Address of Objector:

Craig Hawkings – Licensing Team Leader
Licensing as a Responsible Authority
Licensing Department
Royal Borough of Windsor & Maidenhead (RBWM)
Town Hall
St Ives Road
Maidenhead, SL6 1RF

Name & Address of Premises:

Labyrinth
Unit 15a
Windsor Royal Station
Windsor
SL4 1PJ

Statement of Objection: Licensing as a Responsible Authority

1. Background

Epic Bars and Clubs Berkshire Limited applied for a New Premises licence to be granted under the Licensing Act 2003 on 9 August 2021.

The application was subject to 2 representations received in objection.

1. Thames Valley Police
2. Local resident

The Licensing and Public Space Protection Order Sub Committee Panel Hearing was triggered, and a hearing was held to determine the application.

2. Police Representation to first application.

Thames Valley Police originally stated within their representation, that there should be no discretion for the I'D scanning machine.

The Validity of the representation of Thames Valley Police was contested by the applicant.

Andrew woods said that neither representation was put before the panel outlined specific reasons as to why the licensing objectives were not being met. He also said that the applicant would continue to work closely and openly with the police and that the operations manual would be kept constantly open to change and adaptation.

Andrew Woods said that the applicant could operate until 03:00 hours whilst meeting all the licensing objectives and adhering to the 10 conditions put forward by the police

3. Licensing Sub Committee Panel Hearing

Hearing held 6/10/21

Andrew Woods stated that the licensing objectives had all been met and that the applicant would be in healthy competition with ATIK as a main competitor, hence the desire to mirror their licence.

The applicant agreed that the ID scanner would be used for all customers 100% if the license as applied for was agreed.

4. Licensing Sub Committee Decision

Granted - PL107139

Other conditions included:

- The withdrawal of the sale of alcohol off the premises.
- A welfare officer being available.
- An agreed dispersal policy, following discussions with Thames Valley Police.
- The scanning of all ID's, with no discretion allowed.
- The cleaning of litter outside and in the direct vicinity of the venue.

The Sub-Committee considered the written submissions provided by the applicant, Officers of the Council and Objector. The Panel also heard oral evidence provided from the following:

- Craig Hawkings (Reporting Officer at the Royal Borough of Windsor & Maidenhead)
- Andrew Woods (Applicant's Solicitor)
- Mike Darrah (Neighbourhood Inspector for Windsor & Maidenhead, Thames Valley Police)
- James Elias (Managing Director of Epic Bars and Clubs)

In making their decision, the Sub-Committee had regard to its duty to promote the four licensing objectives.

The Sub-Committee also had regard to national guidance and the Council's own Licensing Policy, and was mindful of the decision of the Court of Appeal in R (Hope and Glory Public House Limited) v City of Westminster Magistrates' Court [2011] EWCA Civ 31, where Lord Justice Toulson stated that:

"Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the

impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance. Although such questions are in a sense questions of fact, they are not questions of the “heads or tails” variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact.”.

5. Minor Variation

Epic Bars and Clubs Berkshire Limited submitted a Minor Variation Application on 16 May 2022. This application was refused by The Licensing Authority.

Where an application is refused and is then re-submitted through the full variation process, the full 28-day notification period will apply from the date the new application is received and applicants should advertise the application and copy it to all responsible authorities (in accordance with the regulations applicable to full variations).

6. Licensing Authorities reasons for submitting a representation to the Full Variation to be granted.

After reviewing the Full variation application to be granted under the Licensing Act 2003

On making its decision the authority Considered, the Responsible Authorities comments / representation, Its own licensing policy statement 2021- 26 and Section 182 Guidance.

We believe that granting this application would impact adversely on the licencing objectives to:

1. The prevention of Crime and Disorder
2. Public Safety

The proposed variation is to remove the 9th and 10th condition of Annex 3:

9. An ID scanning system will be employed at the premises and will be utilised for all customers. This will be in operation during licensable activities and shall be a condition of entry and
10. The scanning of all ID's, with no discretion allowed

To replace with the following:

“An ID system will be employed at the premises and in operation during licensable activities. The ID system will be utilised for all customers and a condition of entry EXCEPT that a customer may be admitted to the premises without ID in the following circumstances;

1. The customer without ID must be accompanied by a customer with ID whose details would of course be recorded;

2. A clear head and shoulders CCTV picture is taken of the customer without ID and retained:
3. The customer without ID must provide a bank card or other document which confirms their name so that the name is retained and a copy of the document; and
4. The date and time of entry, customers name and documentation, head and shoulders picture and ID of their companion would be retained, and the entry signed off by a senior manager.”

We have been notified by Thames Valley Police that Labyrinth has been subject to 5 incidents since opening, involving Crime and disorder and anti-social behaviour. Labyrinth has only been operating since the 8 of April 2022 and it is of our opinion that this is not a substantial period of time to quantify any relevant evidence to justify such a relaxation of the conditions. Labyrinth has not operated for a relevant period of time to suggest that the conditions are not required or too restrictive.

1. Labyrinth 10/04/22 – Door staff requested help from the police to remove a person from inside the venue. Expectations need to be managed as it is deemed not safe for officers to enter the venue. Should be the duty of the door staff to remove unless in exceptional circumstances. Communication with police could have been better
2. Labyrinth 05/05/22 – Aggressive male ejected for violent behaviour inside the premises.
3. Labyrinth 16/06/22 - Assault without Injury, Labyrinth, Windsor - LV - door staff reporting male has sexually assaulted a female and been ejected he has then pushed a bouncer and being aggressive at the door. No suspect identified.
4. Labyrinth 18/06/22 - 18/09 Labyrinth – LV reported a fight outside between 5-6 males. One male had been punched in the face by door staff and a medic from the club was seeing to his injuries. Door staff had said he had been there few weeks ago allegedly in possession of a weapon and mentioned vague references to having a weapon in this instance. Injured party would not give details to the police. All parties left. Males were believed to be military staff from barracks in Windsor. LV reported that their footage does not show the injured party assaulting anyone himself and that he was definitely hit by a member of staff.
5. Labyrinth 19/06/22 – Assault without Injury, Labyrinth, Windsor (morning) - LV reported two ic1 males threatening door staff. Member of door staff has been pushed. No suspect identified.

Simply showing a bank card is not proof of identity and is very open to being not the said person. It would be almost impossible to disprove the act of merely producing someone else's bankcard and giving false details to gain entry.

For a customer not to be subject to this conditioned and crucial process for investigations following an incident, would pose a risk to the safety of customers and employees of the premises, as the person may be wanted in connection with a violent crime, or a pub watch ban nominated person that must be refused entry.

The above volunteered conditions would not prevent a known banned person or dangerous person from entering the premises if all 4 requirements are met.

Other similar premises within the town centre and the night-time economy operate 100% identification checks and this is conditioned on their premises licences.

The variation applied for comes without a written explanation or details of how it would be implemented in practice. As it stands, everyday it would allow many customers to use the club without being recorded by the ID scanning system.

No limit is set on how many customers would be allowed entry without being scanned. A party of people could turn up, and as long as one of them had proper ID, the rest would be allowed entry, without being scanned, on the basis that they are accompanied by one person with proper ID.

Labyrinth has a VIP customer service, In the advert it states: "receive VIP fast track entry for you and your party." As explained in the previous paragraph, as long as one of the party had proper ID, the rest of the party could enter without being scanned.

The variation states that: "A clear head and shoulders CCTV picture is taken of the customer without ID and retained." The picture is for identification purposes. As such "clear" is not specific enough. The picture should be of a sufficient quality, as defined by the Police, to enable physical identification of a person.

No mention is made of how the information of non-scanned customers will be stored. The applicant should provide a guarantee, or evidence, that the information will be stored in accordance with the Data Protection Act, 2018.

The application states that the variation has been agreed with Inspector Mike Darrah and Debie Pearmain of the Thames Valley Police. However, this does not prohibit the other Responsible Authorities, or interested parties, from making representations.

No details of why the Police have agreed the variation have been provided. The Police are entitled to make representations in support of the application. This would enable the Police's decision to be discussed at the hearing. However, the Police have not made representations. As such, at the hearing, it would not be appropriate to attach any weight to the fact that the Police have agreed to the variation.

6. Atik conditions

Condition re ID Scan:

1. An ID scanning system will be employed at the premises and will be utilised for all customers. This will be in operation 7 days per week when SIA Security Personnel are on duty.

- a) ID SCAN or other similar equipment shall be available as a condition of entry
- b) Operate 100% ID scanning for all customers during Licensable hours
- c) "Customer" for the purposes of this condition shall not apply to headline performers and regular staff members whose identity is already known to PLH staff.

2) The ID Scan Device shall record the names and dates of birth of all persons entering the premises and retain the image and details of the ID. These records shall be kept for a minimum of thirty-one days and shall be made available to any authorised Officer of Thames Valley Police.

3) Records shall be made available to an authorised officer of Thames Valley Police or a Licensing Officer of the Local Authority together with facilities for viewing with immediate access by a person qualified to operate the system.

4) Any breakdown or system failure will be notified to Thames Valley Police immediately and repaired as soon as practicable.

5) Condition 20 and 21 will be suspended whilst the machinery or system is being repaired.

7. Policy taken from:

Epic Bars & Clubs Limited OPERATIONAL MANUAL LICENSING POLICIES & PROCEDURES [01.09.19]

1. Only international passports, UK driving licences (or other driving licences, such as EU, with a photo), military card or any PASS approved proof of age card will be accepted as proof of age
2. When checking ID staff will:-
 - Check the 3D effect hologram is not stuck on
 - Check photo to ensure it is the correct person
 - Check date of birth
 - Check ID for any tampering
 - If unsure of the persons age refuse service/entry
3. IDs will be electronically scanned using an identity scanning machine if one is on site.
4. If a guest cannot provide satisfactory proof of age, Entry will be denied and they will be reminded to bring proof of age in the future.
5. There will be clear and prominent signage displayed at the entrance advising guests of the age policy and that "if you look under 25 you will be asked to prove you are 18"
6. The age policy will be displayed on the premises' website and any promotional material
7. The premises will keep a written record each night of guests who are refused entry or service at the bar due to their age.

CHALLENGE 25 POLICY

- Any person who appears to a server/seller of alcohol to be under the age of 25 shall be challenged to produce an acceptable form of ID unless the server/seller knows them to be over the age of 18.
- The server/seller shall make clear eye contact and shall assess the person's
- Appearance
- Behaviour
- Physical attributes
- Where the seller/server believes the person to be under 25 (unless they know the person is of legal age) then they shall challenge the person to produce acceptable identification
- Where no acceptable form of identification can be produced then the sale of alcohol shall be refused
- The seller/server shall involve a manager if require

8. Considerations

Hope and Glory Public House v City of Westminster Magistrates' Court and Others R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others (2011) EWCA Civ 312

This case, referred to as 'Hope and Glory', is essential reading for Responsible Authorities and licensing committees. It is relevant to most hearings.

The decision is important because it: Illustrates that licensed premises, and the activities that take place in those premises, exist in a dynamic environment and should not be looked at entirely in isolation confirms that this can include the impact that licensable activities have on a range of factors such as crime, the quality of life for residents and visitors to the area, and demand for licensed premises sets out the approach that should be taken when making licensing decisions Lord Justice Toulson said:

Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance. Although such questions are in a sense questions of fact, they are not questions of the 'heads or tails' variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact. Responsible Authorities should be encouraged by this decision to make representations so that their information can be taken into

account, and appropriate measures put in place for the licensing objectives to be promoted.

Daniel Thwaites plc v Wirral Magistrates' Court and Others
R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008)

This case, referred to as 'the Thwaites case', is important because it emphasises the important role that Responsible Authorities have in providing information to decision makers to contextualise the issue before them. This case is sometimes misconstrued as requiring decisions to be based on 'real evidence', and that conditions cannot be imposed until problems have actually occurred.

This is wrong. The purpose of the Act is to prevent problems from happening. Decisions can and should be based on well-informed common sense. The case recognises that Responsible Authorities are experts in their fields, and that weight should be attached to their representations. It is most relevant when opposing grant applications.

The Honourable Mrs Justice Black said:

Drawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence presented will require them to adjust their own impression. This is particularly likely to be so where it is given by a Responsible Authority such as the police.

9. Recommendation

The Labyrinth nightclub opened in April of this year. As with all premises, the Licensing team is happy to work with the club's management to ensure that the Club upholds the Licensing Objectives, and that the Club is a worthy addition to the Borough's entertainment scene.

As far as the application is concerned, Licensing as a Responsible Authority is opposed to it, and looks to the Panel to reject it. The existing condition concerning "ID scanning" acts as a deterrent to crime and where that deterrent fails, it is an aid to the identification of criminals. The fact that 6 crimes involving the Club have already been reported to the Police so far, shows the need for "ID scanning". "ID scanning" will only work if it covers all customers entering the Club. Every unscanned customer is a potential criminal escaping justice because their identity hasn't been verified. The amendment would allow many customers to enter the Club without their identity being properly verified. That could adversely impact the Police investigation of any future crimes involving the Club. Because of this, the Licensing Responsible Authority requests the Panel to reject the application in its' entirety.

APPENDIX D

From: Giuseppe Bruzzese [<mailto:Giuseppe.Bruzzese@RBWM.gov.uk>]

Sent: Thursday, June 23, 2022 16:01

To: Amy Hayward <amy@woodswhur.co.uk>

Cc: Craig Hawkings <Craig.Hawkings@RBWM.gov.uk>

Subject: Labyrinth, Unit 15a, Windsor Royal Station, Jubilee Arch, Windsor, SL4 1PJ- Full Variation application

Good afternoon,
I hope this email find you well.

Please find below the Trading Standards' team response to the full variation application:

We have noted that the trader wants to remove conditions from their original licence namely the 9th and 10th conditions of Annex 3 which read

“An ID scanning system will be employed at the premises and will be utilised for all customers. This will be in operation during licensable activities and shall be a condition of entry” and “The scanning of all ID’s, with no discretion allowed”

and to replace with the following:

*“An ID system will be employed at the premises and in operation during licensable activities. The ID system will be utilised for all customers and a condition of entry EXCEPT that a customer may be admitted to the premises **without ID** in the following circumstances;*

- 1. The **customer without ID must be accompanied by a customer with ID** whose details would of course be recorded;*
- 2. A clear head and shoulders CCTV picture is taken of the customer without ID and retained;*
- 3. The customer without ID must provide a bank card or other document which confirms their name so that the name is retained and a copy of the document; and*
- 4. The date and time of entry, customers name and documentation, head and shoulders picture and ID of their companion would be retained and the entry signed off by a senior manager.”*

This raises concerns regarding section M e) The protection of children from harm – as we do not believe they would then be able to meet the requirements of the Challenge 25 Policy regarding underage sales under the terms of the current conditions.

We would want the following conditions some of which have already been agreed in place as worded below;-

- 1. Challenge 25 Policy to be in place where any person who looks under 25 years of age shall be asked to prove their age with ID when attempting to purchase age restricted products such as alcohol with the appropriate signage of the Challenge 25 policy to be displayed around the venue/event, also all staff authorised to sell age restricted products such as alcohol should be trained in the Challenge 25 policy with appropriate training documented to reflect this.*
- 2. Acceptable ID should include photographic identification documents such as; passport, photo-card, driving license or proof of age card bearing the PASS hologram or any identification recognised or approved by either the Licensing Authority or Thames Valley Police.*

3. Staff training to be documented to include any refresher training which should be carried out annually (so as to also cover any members of staff on maternity leave) and management/staff should be aware of the possibility of proxy sales of alcohol which should also be included as part of staff 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, Licensing, Trading Standards or Thames Valley Police.

Therefore if the above conditions are not accepted then Trading Standards would have no other recourse but to object the this application.

Rajinder Mann
Fair Trading Officer

I am looking forward for your response.

Regards,

Giuseppe Bruzzese
Licensing Enforcement Officer
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From: Andrew Woods <andrew@woodswhur.co.uk>
Sent: 27 June 2022 11:32
To: Amy Hayward <amy@woodswhur.co.uk>; Giuseppe Bruzzese <Giuseppe.Bruzzese@RBWM.gov.uk>
Cc: Andrew Woods <andrew@woodswhur.co.uk>; Craig Hawkings <Craig.Hawkings@RBWM.gov.uk>
Subject: RE: Labyrinth, Unit 15a, Windsor Royal Station, Jubilee Arch, Windsor, SL4 1PJ- Full Variation application

Hi Giuseppe

Thanks for your e mail on the above to my colleague Amy.

I can confirm that the extra conditions are all agreed.

Andy

Andrew Woods

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