

RBWM LICENSING & PUBLIC SPACE PROTECTION ORDER SUB-COMMITTEE

13 JULY 2023 10.00 – TOWN HALL, MAIDENHEAD

**CONSIDERATION OF AN APPLICATION TO REVIEW A PREMISES LICENCE UNDER
s51 of the LICENSING ACT 2003**

Report of Craig Hawkings

Occupation: Licensing Team Leader, for RBWM Licensing acting as a responsible authority

This report has been written to assist the Licensing and Public Space Protection Order Sub-Committee to determine an application to review a Premise Licence under s51 of Licensing Act 2003.

Since the adjourned hearing of Drinks and Flair in January 2023 further breaches of licence conditions have occurred and now a criminal offence of breaching a Noise Abatement Notice under the Environmental Protection Act 1990.

Incident 1: Breach of Mandatory Licensing Conditions.

On 16 March 2023 The premises advertised an irresponsible drinks promotion for St Patricks. After discussions between Thames Valley Police and Licensing it was agreed that the premises would be requested to discontinue with the promotion and remove it from social media. They were sent a letter from Inspector Bennett of Thames Valley Police.

Incident 2: Breach of annex 2 licence condition

On 24 April 2023 the premise failed to comply with a condition of the Premises Licence.

- A suitable and sufficient fire risk assessment to include all licensable areas both inside and outside to be submitted to Royal borough of Windsor and Maidenhead, Licencing, Thames Valley Police and Royal Berkshire Fire and Rescue service, eight (8) weeks prior to Royal Ascot week Race Meeting.

The premises supplied the plans 3 days late, see **(Appendix A)**

Incident 3: Repeated breach of licence condition 18

On 21 June 2023 the premises was visited by the Licensing Team Leader (Craig Hawkings) and the Licensing Service Manager from Wokingham Borough Council (Keiran Hinchliffe). This was during Royal Ascot week, and they were aware that the premises had outside entertainment including tribute acts and DJ's every night from the Tuesday through to Saturday night. Whilst conducting observations of the premises and the entertainment, it was clear that not all customers accessing the

premises through the car park entrance monitored by security staff, we're being asked to present identification. Officers observed two groups of four to five males being let in without presenting identification. This is not the first incident of condition 18 being breached by the premises as can be seen in the report of Alex Lisowski. For full details see Statement of Craig Hawkings, **(Appendix B)**

Incident 4: Concerns for safety and breach of Noise Abatement Notice, Not upholding Licensing Objectives.

On 23 June 2023 at approximately 20:30hrs The Licensing Team Leader was contacted by Inspector Adrian Lewis (Thames Valley Police) requesting assistance and that the Premises (Drinks and Flair) was out of control. The police had to intervene and close entry to the premises and car park area.

British Transport Police officers, Thames Valley Police Officers, Environmental Protection Officers, RBWM Out of Hours Officer in attendance with Licensing. Breach of Noise Abatement Notice as a statutory nuisance was evidenced. For full details see Statement of Craig Hawkings, **(Appendix C)**

Other considerations:

We are aware of eviction proceedings between the Premises Owner (Stonegate Group Ltd) and the Premises Licence Holder (Jagz Ltd.)

The original hearing was to be held at 12.10pm on 15 May 2023 at the County Court at Slough. The hearing was adjourned at short notice that day.

The next hearing is now listed to be held in the County Court at Reading at 3.00pm on 15 August 2023. See **(Appendix D)**

Recommendation:

It is my professional opinion that, due to the number and the frequency of incidents at the premises, particularly in relation to the actual number of days upon which the premises is open, breaches of the Premise Licence Conditions will continue, even if new management takes over.

After the request from Ms C Curtis and Mr P Hayward for the adjournment on the 23 January, these incidents have all taken place since that adjournment of the hearing held in January 2023.

I no longer have any trust that the premises can operate responsibly or be trusted in upholding and promoting the licensing objectives set out in the Licensing Act 2003, or to operate in accordance with the Licensing act 2003.

The only way to prevent further repeated breaches of the licence conditions occurring is to revoke the premises licence.

Appendices:

Appendix A – Correspondence re: Breach of licence condition

Appendix B – Witness statement of Craig Hawkings 21 June

Appendix C – Witness statement of Craig Hawkings 23 June

Appendix D – Correspondence re: Eviction proceedings

APPENDIX A

Sent Thu 27/04/2023 16:48

Dear Pavun

We have not received any plans, public safety, fire risk assessment policies for any events during Royal Ascot Week. This is required by way of a condition on the Premises Licence.

- A suitable and sufficient Fire Risk Assessment to include all licensable areas both inside and outside to be submitted to Royal Borough of Windsor and Maidenhead, Licensing, Thames Valley Police and Royal Berkshire Fire and Rescue Service, Eight(8) weeks prior to "Royal Ascot Week Race Meeting".

Any events now held will be in breach of the above condition.

Please contact me to discuss. Or please clarify that you are not intending to hold any events indoors or outdoors that week.

Kind Regards

Craig Hawkings

Licensing Team Leader

Licensing, Royal Borough of Windsor & Maidenhead

Town Hall | St Ives Road | Maidenhead | Berkshire | SL6 1RF

Tel: 01628 685709

Mobile: 07833047887



[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

From: Pavun Gami <[REDACTED]>

Sent: 23 March 2023 15:30

To: Pearmain, Debie (C3232) <[REDACTED]>

Subject: Re: Royal Ascot 2023

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

Sure, thank you Debie.

On Thu, 23 Mar 2023, 15:28 Pearmain, Debie (C3232), [REDACTED] >
wrote:

Thanks Pavun

Are you ok if I pass your email to the BTP Inspector who will also wish to arrange a site visit/meeting with you prior to the Royal Ascot week?

Regards

Debie

From: Pavun Gami <[REDACTED]>

Sent: 23 March 2023 15:21

To: Pearmain, Debie (C3232) <[REDACTED]>
[REDACTED]

Subject: Royal Ascot 2023

Caution: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe - If unsure email ICTSecurityTeam@thamesvalley.police.uk to report this message.

Hello,

Thank you for taking my call this afternoon, I appreciate you confirming the details for Royal Ascot 2023 and our plans for our outdoor car park space where we will have a stage, bar, and food vans.

As discussed we will ensure 10 minimum door security. We will have ID scanners for entry to the space.

A public safety, fire risk assessment policy will be done (8 weeks prior to ascot) and sent to yourself, Craig as well as fire department.

If there is anything else that you can think of that I may have missed, please do not hesitate to contact me. As we want to ensure a smooth sailing week along with the council, police, and fire department.

Please can I get an acknowledgement from yourselves for this email.

Kindest Regards

Pavun Gami

APPENDIX B

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 16.2;

Criminal Justice Act 1967, s. 9)

STATEMENT OF: Craig Hawkings

Age of witness (if over 18, enter "over 18"): Over 18

Premises: Drinks and Flair, Station Hill, Ascot, SL5 9EG

Offence: Breach of Licence condition 18

Condition 18: 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

This statement (consisting of two pages) **is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.**

1. I have worked in Licensing for 8 Years, and I have been employed by the Royal Borough of Windsor and Maidenhead as the Licensing Team Leader since June 2021. Prior to this employment I have worked within the field of Licensing as a Licensing Enforcement Officer for the Royal Borough of Windsor and Maidenhead and Elmbridge Borough Council.
2. On the 21 June 2023 at 19:32 Hrs I attended the above premises with Keiran Hinchliffe (Licensing Manager, Wokingham Borough Council) to conduct some licensing observations during Royal Ascot week. As I arrived, I positioned myself opposite the entrance to the car park area, which is turned into an outdoor drinking establishment with bars, entertainment, and food concessions. Upon closer inspection whilst observing the SIA Door Staff myself and Kieran noticed that the door staff were Asking for ID and were using a handheld scanning device to record the ID presented by customers. We then witnessed larger groups of

customers not being instructed to present ID and gaining entry, after a few words from the Door Staff. This happened on 2 occasions directly after one another of 2 groups of 4-5 males in the que


3. I approached the 2 Door staff, who asked how many were in my group? I identified myself whilst presenting too them my warrant card. I informed them, myself and another officer had just witnessed two groups of males being let in without any ID checks or scanning. The member of staff to my right stated that the manager has instructed the to only request ID from individuals but if it was groups to let them in. I asked who is the manager that has instructed you to do this? The member of staff said he is called "H". I asked is "H" on the premises? To which he stated yes, he is up there on the balcony. I informed them that it is a Licence requirement that all customers must be ID checked and scanned and that "H's" instruction is incorrect as per condition 18 of the licence. They both stated that they will request ID from everyone. I stated that no ID no entry they both said yes ok.
4. I noticed Phillip Hayward standing at the end of the way-out access area, nearest the Cocktails & Champagne Bar. I stated to Phillip that the door staff are breaching the licence condition in relation to ID checking and scanning. Phillip stated that they shouldn't be and that he has personally seen them using the scanners to which I said yes, they are using the scanners, but they are not requesting ID for all customers. Phillip stated that Natasha (Premises Licence Holder), was inside and did I wish to speak to her. I stated yes and could we do it in the front bar as the noise from the entertainment stage was too loud.
5. We approached the front door entrance to the premises and informed the door staff we were waiting for the premises licence holder to come down. Natasha arrived at the front door, and we started our discussion outside. I Informed Natasha that officers had witnessed a breach of the licence condition for ID checks and scanning and that the door staff had stated that they were instructed by a manager of what to do. Natasha stated that they are conducting ID checks on everyone and that the new scanners were used. I stated that we had witnessed 2 occasions of this not happening and that 8-10 customers were let in with no ID check or scan. I stated that they had named "H" as the manager who had instructed them of who and how many to ID. Natasha stated that "H" would never say that and that he is her partner, and she must stick by her man, of course. I stated that the door staff had specifically named him and that the incidents had been witness by ourselves. I reminder that the licence is still under review and this breach will be noted and submitted as another breach of a licence condition. I asked her did she understand? She said yes.
6. Natasha asked if we wanted to enter the premises and observe the event and to see the improvements from last year that had been implemented. We agreed and discussed the staggng and seating provision had been improved. It appeared that the patrons were enjoying themselves and that the music was quite loud. She stated it wasn't too loud to which I explained I am not a professional is noise nuisance or acceptable limits but is does appear to be Loud for the size of the event. I stated to be mindful that she may be visited by Environmental Protection

for checks. Natasha made assurances that the staff will be re instructed to conduct the ID checks properly and that the event this week will all be safe and fun.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed:

A solid black rectangular box used to redact the signature of the witness.

Date: 26 June 2023

APPENDIX C

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)*

STATEMENT OF: Craig Hawkings

Age of witness (if over 18, enter "over 18"): Over 18

Premises: Drinks and Flair, Station Hill, Ascot, SL5 9EG

This statement (consisting of three pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

1. I have worked in Licensing for 8 Years, and I have been employed by the Royal Borough of Windsor and Maidenhead as the Licensing Team Leader since June 2021. Prior to this employment I have worked within the field of Licensing as a Licensing Enforcement Officer for the Royal Borough of Windsor and Maidenhead and Elmbridge Borough Council.
2. On the evening of Friday 23rd June 2023, I was conducting an inspection of Ascot Town Centre during Royal Ascot week. I was located at the Esso Garage on the High Street with Officers from Reading Borough Council conducting enforcement operations.
3. At approximately 20:30hrs I was contacted by Inspector Adrian Lewis (Thames Valley Police) requesting assistance and that the Premises (Drinks and Flair) was out of control, and they had to intervene and close entry to the premises and car park area, I informed him I was making my way there, but was about 5 to 10 Minutes away with the crowds.
4. As I approached the premises it was very clear that there was a large police presence in attendance, I was approached by Inspector Kasia Filipek (British Transport Police). She informed that the venue was completely out of control and that the premise had approached the Police for assistance as they could not safely control the que of people waiting to enter the carpark area. The Inspector informed that there was almost a CRUSH scenario as the que was backing up into the path of the crowds attempting to access the station from Station Hill. She asked if I had the power to close them, I informed her that it is done under the crime and policing act 2014
5. Whilst observing the Premises I noticed my Licensing Enforcement Officers who were near the premises to observe problems with Hackney Carriage vehicles / Taxi enforcement related issues in the vicinity. Giuseppe Bruzzese stated that they had been approached by "H" when the police were being called in. He stated that he was aggressive to begin with and that he was vocal about previous officers, He

was demanding that the Licensing Enforcement officers confirm that He / premises were complying with the conditions of the Premises Licence. Officers stated they could not confirm that was the case at that point in time.

6. I noticed the DPS Pavun Gami at the entrance monitoring the que. I approached and asked him why am I getting calls from Thames Valley Police to attend? He stated that he had ask for the help as he / the team were unable to control the numbers in the premises and trying to still get in. Inspector Kasia Filipek joined the conversation and claimed that "Pav" had been nothing but polite and helpful and has attempted to adjust the queuing system to make it safer.
7. I was approached by Teresa Pearson (Station Manager) who was expressing concern that the music was far too loud and that it had hindered in the communication when trying to restore order at the premises. She also stated that she had massive concerns that if the station should need to be evacuated for any reason, the announcements would be inaudible as the music was deafening. I agreed with her statements. I informed the inspector and station manager that we had Environmental Protection Officers out on patrol tonight.
8. I contacted Carl Griffin (Environmental Protection Team Leader) and requested their Immediate attendance to the premises. He stated he was with Michael McNaughton, and they were on Station Hill making their way to Drinks and Flair. As I arrived back the Transport Officer introduced me to Liz Johnston (Out of Hours Officer for the Royal Borough). I introduced Liz to the DPS (Pav) as she had had expressed in her professional opinion that the music was too loud. They had a discussion around noise levels, and they were instructed to turn the levels down and for the DJ to stop using the microphone to entertain the crowds whilst music was being played. The DPS was relying on WhatsApp messaging the DJ / Entertainment team as he was unable to gain access quickly or call them as they would have been unable to hear any instructions.
9. Carl and Michael arrived outside the car parking area to the rear of the buildings of Drinks and Flair at approximately 20:50 hrs. Carl explained his concerns to the DPS and informed him that a noise abatement had previously been served, He explained that a breach of a noise abatement is a criminal offence.
10. Carl requested to the DPS that we monitor from the nearest residential properties along with Michael McNaughton and me. We walked through the tunnel under Ascot train station to the residential area on the opposite side of the railway line. Carl and Michael began assessing the noise for approximately 10–15-minutes, from 2 locations. We visited the cul-de-sac residential streets of Sunnybank and Stanmore Close which are both off Lyndhurst Road. It was clear that most of the residential dwellings had their windows open due to the weather being hot.
11. Carl stated that the noise from the music in locations, would have caused a significant disturbance. We discussed that we were able to identify every song and individual lyrics.

12. On returning to Drinks and Flair, we instructed the DPS that Natasha Tah (Licence Holder) meet us outside the building. Carl informed Natasha Tah about his findings from the observations and that a statutory nuisance is being caused and that it constitutes a breach of the previously served noise abatement notice. She claimed that, as she only became a company director in September 2022, she was unaware of the noise abatement notice. Carl explained to Natasha Tah that she will be invited in for an interview under caution and that they will consider a prosecution for the breach of the noise abatement notice. They advised her that, even though the event only had 10 minutes, she needs to significantly lower the level. It was also emphasised that music level needs to be significantly lower on the final day of Royal Ascot (Saturday 24th June 2023).
13. I had a discussion with Natasha Tah that they were now undermining the Licensing objective of prevention of public nuisance and this has an impact on the licence and will be evidenced and submitted to the report for the review hearing to be held on 13 July. She stated she understood why.
14. We all left the area at approximately 21:50hrs it was noticeable, that there appeared to be no adjustment to the music level.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed: [REDACTED] Date: 27 June 2023

APPENDIX D

Hi Craig,

Thank you for your time today.

I confirm the hearing is at 12.10pm on 15 May 2023 at the County Court at Slough.

The tenant has sought an adjournment which has been denied by the court. This has led them to submitting a further application to adjourn. Our Legal Counsel (Russ Davies, Smith partnership) is confident this will be rejected. That said, there is no 100% guarantee.

I will update you will progress as soon as it happens, hopefully we will be awarded possession on 15th.

Please let me know if you need any further info.

Many thanks.

Jo

Joanne Hipkiss

Licensing Manager

Mobile: 07384 513663

Email: [REDACTED]

Stonegate Group, 3 Monkspath Hall Road, Solihull, B90 4SJ

Hi Craig,

The Amaiya hearing was adjourned at short notice today, despite our solicitors best efforts to get the Deputy District Judge to make a judgement there and then.

Due to a medical advice note from Tasha's doctor, they have adjourned for a longer period than normal, meaning the case will not be heard until after 30th June (date TBC).

I will advise as soon as we have a new date. In the time being, if you want to serve any papers, we will support as much as we can.

Thanks.

Jo

Joanne Hipkiss

Licensing Manager

Mobile: 07384 513663

Email: [REDACTED]

Stonegate Group, 3 Monkspath Hall Road, Solihull, B90 4SJ

Hi Craig

Hope you are well.

The County Court at Slough have managed to get us an earlier hearing date by moving it to the County Court at Reading.

It is now listed for hearing in the County Court at Reading at 3.00pm on 15 August 2023.

Please let me know if you need any further info.

Thanks.

Jo

Joanne Hipkiss

Licensing Manager

Mobile: 07384 513663

Email: [REDACTED]

Stonegate Group, 3 Monkspath Hall Road, Solihull, B90 4SJ