

## REPORT TO LICENSING PANEL SUB COMMITTEE

### CONSIDERATION OF AN APPLICATION OF A NEW PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003

LICENSING PANEL SUB COMMITTEE: Cllr Brar, Cllr Singh, Cllr Knowles.

OFFICER REPORTING: Craig Hawkings

#### **A) The Application – (Appendix A)**

**Applicant:** Incognito Holdco Limited

**Premises:** 13 High Street, Windsor, SL4 1LD

A map of the area surrounding the premises is at **(Appendix B)**.

**The application is to:** Licence a Restaurant

**A summary of the application is as follows;**

**The application is for the following licensable activities:**

- Late night refreshment (indoors)                      Sunday to Thursday 23:00 – 00:00  
Friday & Saturday 00:00 – 01:00
- Supply of alcohol (ON the premises)                      Sunday to Thursday 23:00 – 00:00  
Friday & Saturday 00:00 – 01:00

**Designated Premises Supervisor (DPS):** Ashley Peter Wilson

The application was advertised in accordance with the statutory regulations.

**Last day of Representations:** 29 November 2023

## **B) Relevant Representations Received**

Where, as here, relevant representations have been made, the licensing authority must hold a hearing to consider them, unless agreed by the parties. The Licensing and Public Space Protection Order Sub-Committee can take steps as are appropriate for the promotion of the Licensing Objectives as relevant.

To be “relevant”, the representation has to relate to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives which are set out in the Licensing Act 2003.

The four licensing objectives are;

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

In this case the representations received from the responsible authorities are as follows;

a. Environmental Health:	None
b. RBFRS:	None
c. Planning Officer:	None
d. Thames Valley Police	None
e. Public Health:	None
f. Trading Standards:	Agreed Conditions
g. RBWM Licensing:	None

### **Agreed Conditions – (Appendix C)**

Representations received from other persons are as follows.

- 1 Representation of objection received from other persons.

A redacted copy of the representation is at **(Appendix D)**

## C) RBWM Licensing Policy

The RBWM Licensing Policy Statement 21 - 26

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

1.22 Framework Hours as in the Licensing Policy, having considered the evidence of alcohol related crime, disorder and anti-social behaviour, the number of late-night premises and, in particular, the social, practical and regulatory impacts on the morning after the night before, the licensing authority has adopted a Framework Hours Policy. This Framework Hours Policy will apply to new and variation applications. The framework hours are:

The Framework Hours are:

Premises Type	Commencement Hour for Licensable Activities No earlier than:	Terminal Hour for Licensable Activities No later than:
• Off licence	• 09.00	• 23.00
• Restaurant	• 09.00	• 01.00
• Pub/bar/night club	• 10.00	• 02.00
• Takeaway	• n/a	• 02.00

(As can be seen, the licensed hours applied for in this application do not fall within RBWM framework hours for a premises.)

Framework Hours are intended to guide applicants on the Licensing Authority's expectations when preparing their Operating Schedule. However, if no relevant representations had been received, the application would have been granted by the Licensing Authority under delegated powers.

### 6.9 Wider Community Interest

The Licensing Authority considers that its licensing functions are exercised in the public interest, furthermore that 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.

The following will be taken into account by the licensing authority and responsible authorities where an application is made for a premises licence within close proximity to residential properties, and which may have an effect on the promotion of the licensing objectives:

- The nature of the activities
- The character of the surrounding area

- Measures for limitation of noise emissions from the premises. These may include as appropriate; noise limitation devices, sound insulation, whether windows are to be opened, the insulation of acoustic lobbies and double glazing.
- Measures to deal with queuing, where necessary
- Use of outdoor areas
- Measures to deal with dispersal of customers from the premises as necessary, including the employment of door supervisors, use of dedicated Hackney Carriage / Private Hire firms, notices in the premises requesting customers to respect neighbours.
- Winding down periods, particularly in public houses and nightclubs etc. (\*Note – not all of these will be relevant to this particular application)

## **7. 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 premise

## **8. 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

## **9. Promoting the Prevention of Public Nuisance**

Where appropriate, the licensing authority and responsible authorities may propose conditions relating to the following issues in relation to the Prevention of Public Nuisance objective:

- The disposal of waste, particularly glass
- The use and maintenance of plant, including air extraction and ventilation systems.
- Litter in the vicinity of the premises
- Noise from deliveries / collections to and from the premises
- Measures to control behaviour and queues.
- Whether door supervisors are able to stay at the entrance to encourage quiet departure
- The provision of Hackney Carriage / Private Hire services at the premises
- Signs on doors and on tables encouraging consideration to the neighbours.

## **10. Promoting the Prevention of Children from Harm**

The Royal Borough recognises that the protection of children from harm. includes the protection of children from moral, psychological and physical. harm. This includes not only protecting children from the harms directly. associated with alcohol consumption but also wider harms such as exposure. to strong language and sexual expletives (for example, in the context of certain films and adult entertainment).

The licensing authority will consider the need to protect children from sexual. exploitation when undertaking licensing functions. Applicants are therefore. expected to provide a robust Operating Schedule outlining how they will. address the Prevention of Children from Harm objective.

The licensing authority encourages licence holders and operators of licenced. premises:

- To ensure that they are fully aware of the signs of child sexual exploitation.
- and to understand that the sexual exploitation of a child is sexual abuse
- and a criminal offence
- Proof of Age Cards
- To raise awareness of their staff about child sexual exploitation and
- provide intelligence to the appropriate authorities about concerns and
- about perpetrators who may be operating in their areas.

All applicants need to demonstrate how children and young people will be safeguarded if attending the licenced premises, or how it will be ensured that they do not gain access to the premises if not appropriate.

The licensing authority and other responsible authorities may propose conditions or restrictions in relation to the Protection of Children from Harm objective. These may include;

- Limitations on the hours when children may be present
- Age limitations below 18
- Limitations or exclusions when certain activities are taking place
- Requirements for accompanying adults
- Full exclusion of people under 18 from the premises when any licensable activities are taking place
- The provision of a full range of non-alcoholic drinks

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.

#### **D) Revised Guidance issued under section 182 of the Licensing Act 2003**

The full document is 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](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)

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 nuisance**

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

### **Protection of Children from harm**

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly to alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- Restrictions on the hours when children may be present;
- Restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- Restrictions on the parts of the premises to which children may have access;



- Requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

## 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

## E) Conclusion / Summary

The Licensing Panel 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 also obliged to have regard to national guidance and the Council's own Licensing Policy. Of course, the Committee must have regard to all of the representations made and the evidence that it hears.

The Sub-Committee must, having regard to the application and to the relevant representations, take such step or steps as it considers appropriate for the promotion of the licensing objectives. The steps are:

- (a) Reject the application;
- (b) Refuse to specify a person in the licence as the premise's supervisor;  
(\*Note – not all of these will be relevant to this particular application)
- (c) Grant the application but modify the activities and/or the hours and/or the conditions of the licence;
- (d) Grant the application.

Where conditions are attached to a licence then reasons for those conditions must be given.

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 are reminded that any party to the hearing may appeal against the decision of the Sub-Committee to the Magistrates' Court within 21 days of the notification of the determination.

**The Sub-Committee are asked to determine the application.**

**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 report.

**Background papers:**

Licensing Act 2003

Licensing Act 2003 Section 182 Statutory Guidance

Royal Borough of Windsor and Maidenhead Council Licensing Policy

**Enclosures/Appendices:**

Appendix A – Application and plans

Appendix B – Map of the area

Appendix C – Agreed Conditions

Appendix D – Received representation

**Contact details:** Craig Hawkings - Licensing Team Leader

[Craig.Hawkings@RBWM.gov.uk](mailto:Craig.Hawkings@RBWM.gov.uk)

**Mobile:** 07833047887

# APPENDIX A

## Application for a premises licence to be granted 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 Incognito Holdco Limited .....

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description <b>13 High Street</b>			
<b>Post town</b>	Windsor	<b>Postcode</b>	SL4 1LD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<b>£44,250.00</b>

### Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** **Please tick as appropriate**

a)	an individual or individuals *		please complete section (A)	
b)	a person other than an individual *			
	i	as a limited company/limited liability partnership	x	please complete section (B)
	ii	as a partnership (other than limited liability)		please complete section (B)
	iii	as an unincorporated association or		please complete section (B)
	iv	other (for example a statutory corporation)		please complete section (B)

c)	a recognised club		please complete section (B)
d)	a charity		please complete section (B)
e)	the proprietor of an educational establishment		please complete section (B)
f)	a health service body		please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales		please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England		please complete section (B)
h)	the chief officer of police of a police force in England and Wales		please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- statutory function or
- a function discharged by virtue of Her Majesty's prerogative

**(A) individual applicants** (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					



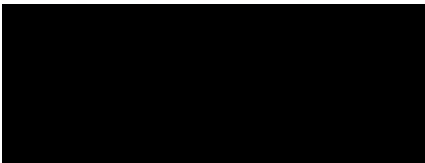
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**Second individual applicant** (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b> or over		I am 18 years old		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

**(B) Other applicants**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

Name	<b>INCOGNITO HOLDCO LIMITED</b>
Address	

Registered number (where applicable)	<b>14954123</b>
Description of applicant (for example, partnership, company, unincorporated association etc.)	<b>Limited Company</b>
Telephone number (if any)	
E-mail address (optional)	

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
0	1	0 2 2 0 2 4

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
Restaurant

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)	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)	

<b><u>Provision of late night refreshment</u></b> (if ticking yes, fill in box I)	x
<b><u>Supply of alcohol</u></b> (if ticking yes, fill in box J)	x

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon	.....	.....		<b><u>Please give further details here</u></b> (please read guidance note 4)	Both
Tue	.....	.....			
Wed	.....	.....	<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Thur	.....	.....			
Fri	.....	.....	<b><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</u></b> (please read guidance note 6)		
Sat	.....	.....			
Sun	.....	.....			

**B**

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon	.....	.....		<b><u>Please give further details here</u></b> (please read guidance note 4)	
Tue	.....	.....			
Wed	.....	.....	<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Thur	.....	.....			
Fri	.....	.....	<b><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</u></b> (please read guidance note 6)		
Sat	.....	.....			
Sun	.....	.....			

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon	.....	.....	<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Tue	.....	.....	
Wed	.....	.....	
Thur	.....	.....	<b><u>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</u></b> (please read guidance note 6)
Fri	.....	.....	
Sat	.....	.....	
Sun	.....	.....	

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon	.....	.....		<b><u>Please give further details here</u></b> (please read guidance note 4)	Both
Tue	.....	.....			
Wed	.....	.....	<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Thur	.....	.....			
Fri	.....	.....	<b><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</u></b> (please read guidance note 6)		
Sat	.....	.....			
Sun	.....	.....			

# E

Live music Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Day	Start	Finis h		Outdoors	
Mon				<b><u>Please give further details here</u></b> (please read guidance note 4)	
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><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</u></b> (please read guidance note 6)		
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><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></b> (please read guidance note 6)		
Sat					
Sun					



**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon	.....				
Tue	.....				
			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Wed	.....				
Thur	.....				
			<b><u>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</u></b> (please read guidance note 6)		
Fri	.....				
Sat	.....				
Sun	.....				



## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>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</u></b> (please read guidance note 6)		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	x
				Outdoors	
Day	Start	Finish		Both	
Mon	2300	0000	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	2300	0000			
Wed	2300	0000	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thur	2300	0000			
Fri	2300	0000	<b><u>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</u></b> (please read guidance note 6) The premises may remain open for the sale of alcohol and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.		
Sat	0000	0100			
	2300	0000			
Sun	0000	0100			
	2300	0000			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	X
				Off the premises	
Day	Start	Finish		Both	
Mon	1100	0000	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Tue	1100	0000			
Wed	1100	0000			
Thur	1100	0000	<b>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</b> (please read guidance note 6) The premises may remain open for the sale of alcohol and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.		
Fri	1100	0000			
Sat	0000	0100			
	1100	0000			
Sun	0000	0100			
	1100	0000			

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b>	Ashley Peter Wilson
<b>Date of birth</b>	[REDACTED]
<b>Address</b>	[REDACTED]
<b>Postcode</b>	[REDACTED]

Personal licence number: [REDACTED]

Issuing licensing authority: Winchester City Council

## 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 9).

None

## L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	0000	0030	
	1100	0000	
Tue	0000	0030	
	1100	0000	
Wed	0000	0030	
	1100	0000	
Thur	0000	0030	
	1100	0000	

**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 6)

The premises may remain open for the sale of alcohol and the provision of late-night refreshment from the terminal hour for

Fri	0000	0030	those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
	1100	0000	
Sat	0000	0130	
	1100	0000	
Sun	0000	0130	
	1100	0000	

## M

Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e)** (please read guidance note 10)

Please see supporting documents
---------------------------------

**b) The prevention of crime and disorder**

Please see supporting documents
---------------------------------

**c) Public safety**

Please see supporting documents
---------------------------------

**d) The prevention of public nuisance**



Please see supporting documents

**e) The protection of children from harm**

Please see supporting documents

**Checklist:**

**Please tick to indicate agreement**

<input type="checkbox"/>	I have made or enclosed payment of the fee.	
<input checked="" type="checkbox"/>	I have enclosed the plan of the premises.	x
<input checked="" type="checkbox"/>	I have sent copies of this application and the plan to responsible authorities and others where applicable.	x
<input checked="" type="checkbox"/>	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	x
<input checked="" type="checkbox"/>	I understand that I must now advertise my application.	x
<input checked="" type="checkbox"/>	I understand that if I do not comply with the above requirements my application will be rejected.	x
<input checked="" type="checkbox"/>	[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	x

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	[Redacted Signature]
Date	01/11/2023
Capacity	Consultant

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
<b>James Hoffelner</b>			
[Redacted Address]			
Post town	[Redacted]	Postcode	[Redacted]
Telephone number (if any)	[Redacted]		

1. The premises will install and maintain a comprehensive CCTV system covering all parts of the premises as per the minimum requirements of the Thames Valley Police. Further:
  - (a) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - (b) The CCTV system will continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
  - (c) All recordings will be stored for a minimum period of 31 days with date and time stamping.
  - (d) Viewing of recordings will be made available immediately upon request of the Thames Valley Police throughout the preceding 31-day period, providing the request complies with the Data Protection Act or any other Primary Legislation
  - (f) A staff member from the premises who is conversant with the operation of the CCTV system will be always on the premises when the premises are open. This staff member will be able to provide Thames Valley Police copies of recent CCTV images or data with the absolute minimum of delay when requested, providing the request complies with the Data Protection Act or any other Primary Legislation.
  - (g) The CCTV system will be maintained, and details of maintenance will be made available upon request to The Royal Borough of Windsor and Maidenhead or Thames Valley Police.
  - (h) The recording equipment and data storage devices will be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with.
  - (i) The system will be register with the Information Commissions Office.
  - (j) The system will abide by the Surveillance Camera Code of Practice.
2. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. A direct telephone number for the manager at the premises shall be always publicly available when the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of residents and businesses and leave the area quietly.
5. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
6. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
7. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
8. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
9. All waste shall be properly presented when placed out for collection.



10. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport, or proof of age card with the PASS Hologram.

11. A log shall be kept at the premises and made available on request to an authorised officer of The Royal Borough of Windsor and Maidenhead or the Thames Valley Police, which will record any attempted underage alcohol purchases.

12. The premises may remain open for the sale of alcohol and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

13. The premises licence holder will ensure that all staff are trained commensurate with their roles at the premises including:

- a) The Licensing Act 2003, responsibilities in supporting the four key objectives.
- b) Crime Scene Preservations
- c) Welfare and Vulnerability Engagement (WAVE) training.

14. The Designated Premises Supervisors should submit a management plan that includes a procedure for active, regular engagement with nearby residents and The Royal Borough of Windsor and Maidenhead Environmental Protection with a policy and framework for dealing with any complaints from residents.

15. A noise limiter must be fitted to the musical amplification system set at a level to ensure that no noise nuisance is caused to residents or businesses. The operational panel of the noise limiter shall then be secured by key or password and access shall only be by persons authorised by the Premises Licence holder.

16. All patrons are to be greeted by a host/hostess and shown to their seat. All service is by waiter/waitress

*Handwritten signature*

FIRST

SECOND

Plan No. 1.



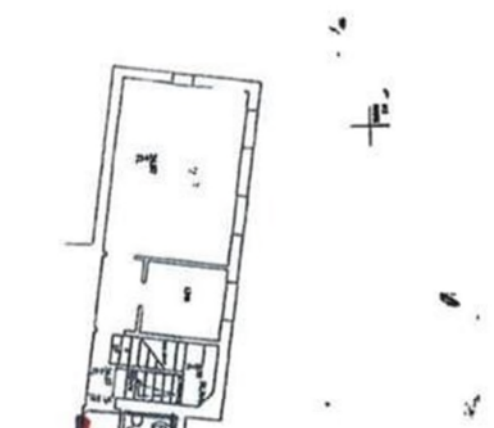
**LEVEL DATUM**  
AS SHOWN ON THIS PLAN IS THE MEAN SEA LEVEL DATUM.

**LEGEND**

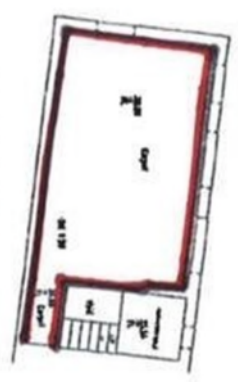
---	WALL
---	DOOR
---	WINDOW
---	STAIR
---	PLUMBING
---	ELECTRICAL
---	MECHANICAL
---	STRUCTURAL
---	FINISH
---	LANDSCAPE
---	TOPOGRAPHY
---	UTILITIES
---	ADDITIONAL

NOT TO SCALE



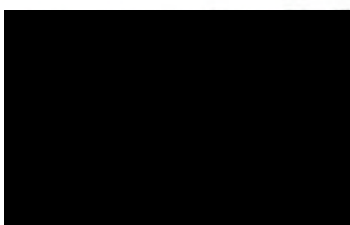


FIRST



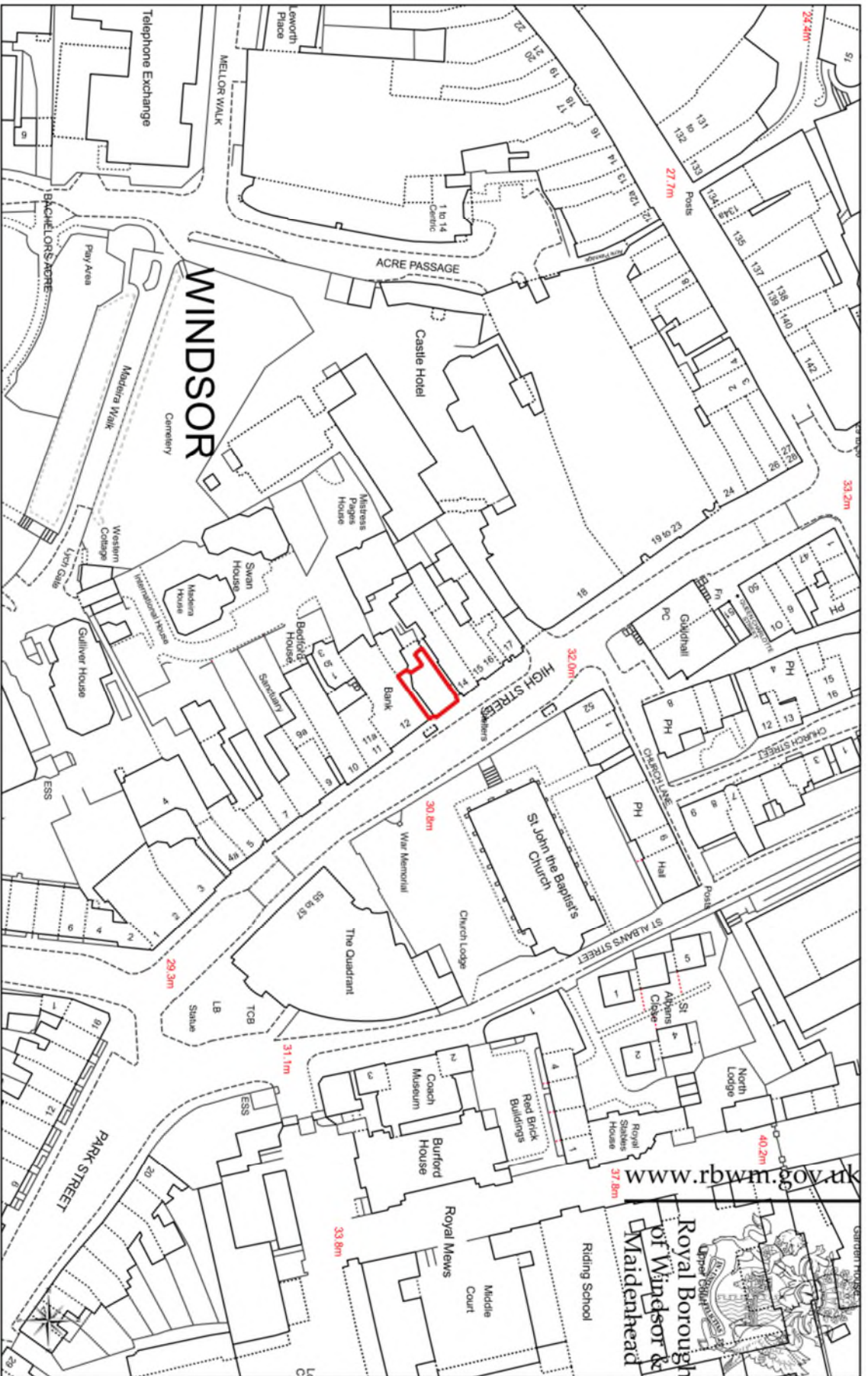
SECOND

LEVEL DRAWING	
1	1st Floor
2	2nd Floor
3	3rd Floor
4	4th Floor
5	5th Floor
6	6th Floor
7	7th Floor
8	8th Floor
9	9th Floor
10	10th Floor
11	11th Floor
12	12th Floor
13	13th Floor
14	14th Floor
15	15th Floor
16	16th Floor
17	17th Floor
18	18th Floor
19	19th Floor
20	20th Floor
21	21st Floor
22	22nd Floor
23	23rd Floor
24	24th Floor
25	25th Floor
26	26th Floor
27	27th Floor
28	28th Floor
29	29th Floor
30	30th Floor



# APPENDIX B

13a High Street, Windsor, SL4 1LD



# APPENDIX C

Hello Lauren and Craig, Following conversations with Raj at Trading standards we have agreed to amend the following conditions to:

Proposed Condition 4.

Notices shall be prominently displayed:

- a) at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- b) throughout the premises advising customers that the premises operates a Challenge 25 proof of age scheme.

Proposed Condition 10.

A Challenge 25 proof of age scheme shall be operated at the premises where the only Acceptable forms of identification are photographic identification documents; including passport, photo-card, driving license or proof of age card bearing the PASS hologram or any identification such as military ID or recognised national photographic identity cards.

Proposed Condition 11.

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/possible description) and updated as and when required, and made available for inspection on request by either an authorised officer of the Royal Brough of Windsor and Maidenhead or Thames Valley Police.

# APPENDIX D



From: Brian B [REDACTED]  
Sent: 27 November 2023 12:37  
To: Licensing <[Licensing@RBWM.gov.uk](mailto:Licensing@RBWM.gov.uk)>  
Subject: FW: Licensing Application for incognito, 13 High Street, Windsor

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.

Hi,

Please find my contact details in line with the objections raised to the licensing application for Incognito, 13 Hight Street.

Name: Brian Bell  
[REDACTED]

Objections:

Planned closing time of 1am. I personally think this should be earlier and based on the table bookings being limited to 2 hours it suggests the last 'sitting' will be from 11pm until 1am. This will clearly run the risk of significant disturbance with people arriving, leaving and taxis outside collecting people /dropping off customers when residents will be heading to bed. I'm not sure how many premises on this stretch of the High Street have a license to operate until 1am as this particular area of Windsor is heavily residential. I would have expected 11/11:30pm would be much more reasonable at the weekends and possibly earlier Sunday to Thursday (but definitely no later).

Area of concern: Public order/disturbance

I'm not sure if this is relevant to the application but it would also be good to understand how the restrictions that have been included on the application will be managed as I think on paper it will mitigate some of the concerns IF they are observed to the letter. This also relates to the sound level restrictions set within the venue to avoid noise disturbance to the neighbouring residential properties. I understand there is no request for live entertainment and it is just background 'mood' music otherwise this would also be a clear objection relating to disturbance.

Finally, and I appreciate this is not specifically related to the license but clearly links to the business, I do think there needs to be input from the Planning department within the council to make sure the business meets those requirements. My understanding is that the premises are a 'restaurant' and historically a number of problems have been caused by what actually defines a restaurant from a bar but this does mean the 'restaurant' surely needs an adequate food offering with no drinking only customers, something which presented in problems and subsequently the forced closure of previous premises that have gone into this particular venue. Maybe this simply is that Incognito are going into the venue having performed due diligence and any subsequent problems relating to the approved use of the venue will just be handled independently after a license has been granted.

If you need any further information then please let me know.

Thanks,

Brian.  
[REDACTED]

From: Brian B [REDACTED]  
Sent: Tuesday, November 14, 2023 1:41 PM  
To: [licensing@rbwm.gov.uk](mailto:licensing@rbwm.gov.uk)  
Subject: Licensing Application for incognito, 13 High Street, Windsor

Hi,

In reference to the licensing application for Incognito, 13 High Street, Windsor I do object to the weekend times of extending the hours to serve alcohol until 1am (this presumably then has additional 'drinking up' time and is not a time the premises will actually close).

The bar is sandwiched between residential properties and I would welcome views from the licensing panel on their views of living next to a bar serving until 1am. 11pm would surely be way more reasonable/sensible? (Noise/disturbance concerns)

I know it isn't strictly licensing but what provisions are in place to 'control' noise of customers to the bar and from within the bar. This has all been discussed previously with this particular premises and has been very difficult to enforce. It is also possible to 'transfer' the license so how can this be avoided if Incognito fails and someone else can simply take over the license. (Noise/disturbance/public order concerns)

But the term 'bar' is in itself controversial as I thought the premises were a restaurant in planning terms and a simple google search on existing incognito premises in the chain clearly are described as 'cocktail bars'. How can you grant a licence to a 'bar' in a premises that don't have planning to operate as a bar? (Operating outside of planning agreement concerns)

This also raises a fundamental concern in the process itself which I have experienced first hand. The business will actually be covered by planning, environmental and licensing departments within the council. These don't currently but do have to work together. Two very different and completely separate businesses seem to operate under rules for 1 building. Any disturbances cannot be handled/investigated quickly, there are no rules from within the building and there is definitely a lack of communication between the council departments. I am still waiting for a response on planning that was originally raised in April.

If there are any issues there needs to be an agreement that these will be dealt with swiftly and efficiently and if necessary must include noise measuring/limiting from within the building.

I think the licensing panel should also be aware of the many historic problems with the venue itself and make appropriate provision to avoid repeat scenarios. The license should not be transferable should the business fail but appreciate this might be a bigger issue of the law.

It would also be greatly appreciated if someone could actually provide a consolidated position on what can operate in those premises and how they can operate. I tried to get this and failed despite chasing.

I look forward to a response but please do forward the broader concerns to the relevant departments or advise how these are included in the overall process for the business wishing to operate.

Thanks,

Brian