

LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

Friday 19 January 2024

Present: Councillors Mandy Brar, Mark Wilson and Kashmir Singh

Officers: Ana Marcinkevic, Craig Hawkings, Will Ward and Kirsty Hunt

Appointment of Chair

Councillor Wilson nominated Councillor Brar for Chair of the Sub-Committee; Councillor Singh seconded.

AGREED: That Councillor Brar be elected Chair for the duration of the meeting.

Apologies for Absence

No apologies for absence were received.

Declarations of Interest

No Interests were declared.

Procedures of the Sub Committee

All parties present noted the procedures of the sub-committee.

Consideration of an application for a new premises license to be granted under the Licensing Act 2003.

Craig Hawkings, Reporting Officer for the Royal Borough of Windsor & Maidenhead, introduced the report to the Sub-Committee and outlined why a hearing had needed to be convened. Craig Hawkings explained that under section 51 of the Licensing Act 2003 a responsible authority, or any other person may apply to the relevant licensing authority for a review of a premises licence. Craig Hawkings outlined to the Sub-Committee what the application was and set out the reasons why the application had been submitted and the evidence to support it. The application was for the provision of late-night refreshments indoors, the supply of alcohol (on and off the premises) and the hours open to the public, which were on Monday – Sunday from 08:00am – 01:00am.

Craig Hawkings reminded all parties what the four licencing objectives set out in the Licencing Act 2003 were:

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

Craig Hawkings noted that the application had received thirteen objections, although one objection prior to the hearing had been withdrawn.

Councillor Wilson asked what the trend was of other opening hours in the area.

Craig Hawkings stated that restaurants were located either side of the proposed site, which included Bardo Lounge, which had operating hours of Monday to Sunday, supplying alcohol from 10:00am until 00:30am and El Cerdo, which supplied alcohol on Monday to Saturday, from 8:00am to 11:30pm and on Sundays from 9:00am until 10:30pm.

Councillor K Singh asked about the provision of chairs and tables outside, Craig Hawkings confirmed that there had been a request for chairs and tables outside within the licenced area. Councillor K Singh also asked about glass being used outside. Craig Hawkings stated that this was a question that the applicant could better answer.

The Chair then asked the applicant to put their case to the Sub-Committee.

Christopher Barber representing the applicant, thanked the Sub-Committee for the convening of the hearing. Christopher Barber explained that Bombay Story was primarily a premium restaurant, with a high spend per head. Christopher Barber highlighted that they had been operating in Wokingham for several years in a similar location to the one that they intended to open in Maidenhead.

Christopher Barber stated that they placed a great deal of emphasis on good relations with their neighbours. Christopher Barber stated that there would be a bar in the restaurant but that it was only intended for customers who were eating.

Christopher Barber also stated that the outside tables would be closed significantly earlier than the actual restaurant. This was to make sure neighbouring residents would not be disturbed.

Councillor Wilson asked the applicant what their normal opening hours would be. The applicant stated that opening hours on a weekday would be 9:00am until 00:30am. The exceptions would be for special occasions, where alcohol would be served in the morning. Councillor Brar asked the applicant when they were planning to open the premises for business, if successful at gaining a license. The applicant stated that they intended to open on Valentine's Day.

Craig Hawkings sought clarification on the closing times. The applicant confirmed that the closing times would be 11:30pm on weekdays and 10:30pm on Sundays.

The applicant then stated that they were prepared to move the opening times from 9:00am to 10:00am on Sundays.

Craig Hawkings then explained to the Sub-Committee that they had the following options available to them and asked them to decide on which it considered appropriate for the promotion of the four licencing objectives.

These options were:

- Reject the application.
- 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)
- Grant the application but modify the activities and/or the hours and/or the conditions of the licence.
- Grant the application.

The Applicants and the Reporting Officer left the room and took no further part in the meeting.

The Sub-Committee then began their deliberations by seeking advice from the Legal Officer. Overall, they concluded that having taken into account all of the written and oral evidence that was presented, no evidence had been provided that gave the Sub-Committee reason to not grant the premises license, as applied for. The Sub-Committee noted that the application fell within the licencing policy and that the applicant had taken steps to mitigate the impact on residents. This was demonstrated by the applicant modifying the hours, at which the premises would open so that disruption would be more limited. They also noted that one of the objectors had withdrawn their objection prior to the hearing on the 19 January 2024.

AGREED: To grant the application for a new premises license under the Licensing Act 2003.

The meeting, which began at 10.00 am, finished at 11.00 am

Chair.....

Date.....