

REPORT TO LICENSING PANEL SUB COMMITTEE

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

LICENSING PANEL SUB COMMITTEE: Tuesday 23rd August 2016

OFFICER REPORTING: Steve Smith - Licensing Officer

A) THE APPLICATION

APPLICANT: Stardust Brewery Ltd

PREMISES: Unit 5, Howe Lane Farm Estate, Howe Lane, White Waltham, Maidenhead, SL6 3JP

- 1) The application for a premises licence is to permit the sale by retail of alcohol (on and off the premises) for the following hours:

Monday – Wednesday: 09:00 – 18:00

Thursday – Saturday: 09:00 – 22:00

Sunday: 11:00 – 16:00

Designated Premises Supervisor

Benjamin Roland Ebbetts

B) RELEVANT REPRESENTATIONS

Responsible Authorities:

- a) Police

None

- b) Environmental Health

None

- c) Fire Officer

Royal Berkshire Fire & Rescue Service - No objection – 25/07/16

- d) Planning Officer

None

- e) Child Protection Agency

Local Safeguarding Children Board – No objection – 11/07/16

Interested Parties

Attached are emails from Cllr Maureen Hunt (Ward member) and Paula McLoughlin (clerk speaking on behalf of White Waltham Parish Council).

C) IT IS CONSIDERED THAT THE FOLLOWING POLICIES HAVE A BEARING UPON THE APPLICATION

The following is taken from the Council's Licensing Policy:

The Council maintains that licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act and 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, centring on the premises and their vicinity.

Licensing is not the primary mechanism for controlling anti-social behaviour away from premises and beyond the control of operators. However, it is a key aspect of such control and licensing law is part of the holistic approach to the management of the evening and night time economy in town and city centres.

Where relevant representations have been made, the Licensing Authority will have particular regard to the following issues in relation to the crime and disorder objective:

- Measures to prevent bottles being carried from premises
- Use of drinks' promotions
- Measures 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

Door Supervisors

Whenever any persons are employed at licensed premises to carry out any security activity, all such persons must be licensed with the Security Industry Authority. Where relevant representations are made the Licensing Authority may consider that certain premises require strict supervision for the purpose of promoting the reduction of crime and disorder. In such cases, the Licensing Authority may impose a condition that licensed door supervisors must be employed at the premises either at all times or at such times as certain licensable activities are being carried out.

D) NATIONAL GUIDANCE

National guidance regarding the prevention of crime and disorder is as follows:

- 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).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder. 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.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

E) OBSERVATIONS

The Sub Committee is obliged to determine this application with a view to promoting the 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 Committee is also obliged to have regard to national guidance, the Council's own Licensing Policy, all of the representations made and the evidence it hears.

The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- a) Grant the application as requested
- b) Modify the proposed conditions, activities or hours of the licence, by altering or omitting or adding to them
- c) Reject the whole or part of the application

If members are minded to grant this application then they are respectfully requested to impose the conditions offered in the operating schedule, particularly those relating to the prevention of crime and disorder.