

Licensing Sub-Committee – Meeting held on Monday, 7th February, 2011.

Present:- Councillors Sohal (Chairman), Davis and Long

PART 1

7. Declarations of Interest

None.

8. Application for a Premises Licence - 305 High Street, Slough.

The Chair welcomed all parties to the meeting; asked those present to introduce themselves and explained the procedure for the hearing.

Introduction by the Licensing Officer

The Licensing Officer introduced the report stating that an application for a new premises licence on behalf of M H Property Lettings Ltd at 305 High Street Slough had been received. The application requested sale by retail of alcohol for consumption on the premises, performance of live music, playing of recorded music, performance of dance and the provision of facilities for dancing.

Members were informed that following the submission of the application, a meeting was held with the applicant, Mr Ferguson representing Thames Valley Police and Mrs Sagar from the Licensing Department to address a number of discrepancies within the application. The previous history of the premises and its locality were also raised at the meeting.

Following this meeting, Mr Ferguson proposed a number of recommendations, which if agreed by the applicant meant that Thames Valley Police would not object to the application. However, the Applicant declined to agree the proposed recommendations, following which Thames Valley Police submitted a formal objection to the application. It was noted that the objections by Thames Valley Police primarily related to crime and disorder grounds.

Options available to the Sub-Committee were highlighted and Members were reminded of the relevant guidance and legislation that had to be taken into account when determining the application.

Questions to Licensing Officer

In response to whether there were similar venues within the local vicinity, the Licensing Officer stated that there currently no venues within the High Street that provided a similar service. It was also clarified that the premises could not operate without the relevant safety certificate from Royal Berkshire Fire Authority (RBFA). The Licensing Officer clarified that although RBFA had not

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submitted a formal objection to the application the premises could not operate without a safety certificate.

A Member requested clarification regarding what the ratio was for door staff to the number of people at the premises. It was noted that national guidelines stated that the ratio be 1 door supervisor per 100 people.

Representations by Thames Valley Police

Mr Ferguson addressed the Sub-Committee by stating that historically the east end of the High Street had been difficult to manage with regard to crime and disorder issues. Objections had been raised to the application due to concerns regarding crime and disorder and specifically the proposed opening times of the venue.

Concerns were also expressed regarding Mr Hussain's suitability as the Designated Premises Supervisor (DPS) as he did not have previous experience of managing a similar venue.

Questions to Thames Valley Police

Mr Ferguson outlined what the Challenge 21 Policy was. It was confirmed that although nightclubs in a neighbouring authority opened until 4am they had associated crime and disorder issues to contend with.

Representations by the Applicant

Mr Hussain informed the Sub-Committee that he was intending on purchasing the venue and at renovation works were currently being carried out at the premises.

It was submitted that a number of measures would be implemented to address concerns raised regarding crime and disorder issues, including the use of hand held metal detectors which would be used to search patrons upon entry to the premises. In addition, CCTV would be installed at the premises and recordings maintained for a period of 31 days.

It was also brought to Members' attention that Mr Hussain was currently in negotiations with a number of local taxi firms in order to minimise groups of individuals congregating upon exit from the venue.

Mr Hussain submitted that he was willing to participate with the local PubWatch Scheme in order to combat crime and disorder.

Questions to the Applicant

Mr Hussain was asked whether he had any experience in managing venues similar to that which was being proposed. Mr Hussain stated that he had managed nightclubs in Birmingham and London, albeit on an informal basis.

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A number of irregularities were highlighted with the application as it had been submitted, including the finish time for performance of dance. Mr Hussain stated that this was an error and formally amended his application in order for the terminal hour for performance of dance to be 3am.

Summing Up

All parties were given an opportunity to sum up.

The Licensing Manager reiterated the options available to the Sub-Committee.

Mr Hussain summarised that all four licensing objectives were being met via the conditions proposed in the operating schedule and that the application should be judged on its own merits.

All parties were asked to leave the meeting whilst the Sub-Committee deliberated.

Decision

All parties were asked to re-join the meeting.

The Sub-Committee considered the report of the Licensing Officer and listened carefully to your representations and the submissions made on behalf of Thames Valley Police. After careful consideration the Sub-Committee decided to grant you a Premises Licence as follows:

- a) The sale by retail of alcohol for consumption on the premises:** Friday to Sunday – 2100 hours to 0200 hours.
- b) Performance of Live Music:** Friday to Sunday - 2100 hours to 0200 hours.
- c) Playing of recorded music:** Friday to Sunday - 2100 hours to 0200 hours.
- d) Performance of Dance:** Friday to Sunday - 2100 hours to 0200 hours.
- e) Provision of Facilities for Dancing:** Friday to Sunday - 2100 hours to 0200 hours.
- f) Hours Premises are open to the Public:** Friday to Sunday - 0830 hours to 0230 hours.

Seasonal Variations as below:

- a) The sale by retail of alcohol for consumption on the premises:**

Christmas Eve	20:30 to 03:00
Boxing Day	20:30 to 02:30
New Years Eve	20:30 to 04:30
New Years Day	21:30 02:30

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b) Performance of live music:

Christmas Eve	20:30 to 03:00
Boxing Day	20:30 to 02:30
New Years Eve	20:30 to 04:30
New Years Day	21:30 02:30

c) Playing of recorded music:

Christmas Eve	20:30 to 03:00
Boxing Day	20:30 to 02:30
New Years Eve	20:30 to 04:30
New Years Day	21:30 02:30

d) Performance of dance:

Christmas Eve	20:30 to 03:00
Boxing Day	20:30 to 02:30
New Years Eve	20:30 to 04:30
New Years Day	21:30 02:30

e) Provision of facilities for dancing:

Christmas Eve	20:30 to 03:00
Boxing Day	20:30 to 02:30
New Years Eve	20:30 to 04:30
New Years Day	21:30 02:30

f) Hours Premises are Open to the Public

Christmas Eve:	2000 hours to 0330 hours
Boxing Day:	2000 hours to 0300 hours
New Years Eve:	2000 hours to 0500 hours
New Years Day:	2100 hours to 0300 hours

Whilst agreeing to the conditions proposed by Thames Valley Police, as set out in the committee report, the following amendments/conditions were also agreed by the Sub-Committee:

- CCTV recordings to be maintained for 31 days.
- Door Supervisors in accordance with national guidelines.
- No last entry time to the venue.
- Contents of bottles used should be decanted prior to service to customers in toughened glass, or if any bottles are served to customers these are also to be made from toughened glass.

Sub-Committee Members considered the variations to be necessary, reasonable and proportionate to address concerns relating to crime and disorder.

In reaching this decision the Sub-Committee also took into account the written and verbal concerns submitted by Thames Valley Police and noted the conditions attached to the premises licence as detailed in the operating

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schedule and the relevant mandatory conditions under the Licensing Act 2003.

9. Exclusion of the Press and Public

Resolved – That the press and public be excluded from the remainder of the meeting as the item to be considered contains exempt information relating to an individual as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

10. Private Hire Driver Conduct Hearing (Reference 24-10)

Members of the Sub Committee were informed that the Appellant had contacted the Democratic Services Officer to request that consideration of the matter be adjourned.

Resolved – That the matter be adjourned to a future meeting of the Licensing Sub-Committee.

11. Private Hire Driver Conduct Hearing (Reference 25-10)

All parties were welcomed to the meeting and the procedure for the hearing was outlined. The Appellant confirmed that he had received a copy of the paperwork.

The Licensing Officer reported that the Appellant was issued with a Fixed Penalty Notice (FPN) for driving with no insurance by the Metropolitan Police at Heathrow Airport on 19th September 2010. The matter had been referred to the Sub-Committee for Members to decide whether the Appellant was a fit and proper person to hold a Private Hire Driver's Licence.

The Appellant detailed the circumstances relating to the FPN he had received, stating that he had gone to the airport to collect his brother. The Appellant decided to take his brother's car to the airport in order to accommodate the luggage and the fact that his nieces and nephew wanted to collect their father from the airport. It was submitted that he had been working as a Private Hire Driver (PHD) for over ten years and had assumed that his insurance policy allowed him to drive his brother's vehicle. The Appellant stated that this was an unintentional error for which he had received a fine and six penalty points on his DVLA licence.

After the Licensing Officer and Appellant had completed their representations, and answered questions of the Sub-Committee they withdrew from the meeting.

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The Sub-Committee having considered all the written and oral information submitted

Resolved - That Appellant 25-10's private hire driver licence be suspended for one week and a warning be issued with regard to future compliance with the conditions of the private hire driver licence.

Chair

(Note: The Meeting opened at 10.00 am and closed at 2.20 pm)