

Licensing Sub-Committee – Meeting held on Wednesday, 16th October, 2013.

Present:- Councillors Sohal, Davis and Wright

Officers Present:- Teresa Clark, Senior Democratic Services Officer, Richard Garnett, Environmental Health Officer, Rachael Rumney, Senior Licensing Officer, and Monika Juneja, Principle Locum Lawyer

PART 1

15. Declarations of Interest

Councillor Wright declared that she had received a phone call from a member of the public, in respect of Agenda item 6, Private Hire Conduct hearing (Ref 05-13). The caller had not identified himself and she had advised him she could not enter into any discussion regarding this matter.

16. Guidance on Predetermination/ Predisposition

Members confirmed that they had read and understood the guidance note on Predetermination and Predisposition.

17. Minutes of the Last Meeting held on 22nd July, 2013

Resolved – That the minutes of the meeting held on 22nd July be approved as a correct record.

18. Application for a new Premises Licence- Bombay Dreams Fusion, 302-304 High Street, Slough, SL1 1NB

The meeting commenced at 10.25 am due to the delayed arrival of one of the parties.

Following introductions the procedure for the hearing was outlined. The Chair confirmed that all parties had received a copy of the relevant paperwork.

At the commencement of the hearing, the Applicant's Legal Representative requested that a written submission prepared by the Applicant be circulated. With the agreement of the Chair, the document was distributed to all parties present together with a number of photographs of the location of the premises.

Introduction by the Council's Licensing Officer

The Senior Licensing Officer referred the Sub-Committee to the report set out in the agenda papers.

It was confirmed that an application was received from Ms Aslam and the matter was referred to the Sub-Committee for decision as representations

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were received from Responsible Authorities, i.e. the Neighbourhood Enforcement Team and Thames Valley Police.

The Sub-Committee was reminded that in reaching its decision Members were obliged to have regard to the following Licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The Applicant had submitted an application for a Licence in which the following activities were requested:

- Sale by retail of alcohol for consumption on the premises
- Performance of live music
- Playing of recorded music
- Performance of dance
- Anything of a similar description to that falling within Appendices (e), (f) or (g) of the report
- Late night refreshment

The activities were requested for the following hours:

Monday to Thursday: 10:00 – 02:00

Friday: 10:00 – 03:30

Saturday: 10:00 – 04:30

Sunday: 10:00 – 02:00

In addition to the above a number of seasonal variations were requested by the Applicant as set out in the Officer's report. The Sub-Committee was advised that the Applicant had agreed verbally to a number of conditions requested by Thames Valley Police but this had not been confirmed in writing.

The Senior Licensing Officer discussed the options available to the Sub-Committee, which were in summary; to grant the application submitted; grant the application subject to further reasonable conditions; or refuse the application.

The parties submitted representations and questions as follows:

Representations made by Trading Standards

The Environmental Health Officer advised that the premises was situated on the ground floor only (unoccupied offices above), and there was residential accommodation to the sides. He was concerned if the premises was licensed there would be noise disturbances in the locality of Wexham Road, High Street and Sussex Place. He also raised the following specific concerns:

- Nuisances from noise, people arriving and smoking outside the premises.

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- Limited street parking and lack of parking available after midnight.
- The proposal to use a guest list would result in disturbances on the High Street while customers waited to enter the premises.
- Noise emanating from within the premises when the doors opened.
- There had been previous noise issues relating to other premises in the locality and the same issues could arise.
- The proximity of the premises to residential homes.

Representations made by Thames Valley Police (TVP)

Ms Pearmain, Licensing Officer, advised that TVP was concerned that the premises was not merely a restaurant. The Applicant had indicated there would also be a dance floor and seating over half of the floor area and a DJ and music for dancing would be available. She also discussed the following concerns:

- Historic issues in the locality with noise and disorder.
- Key workers lived nearby and a noise abatement order had been served.
- There had been problems related to drinking in High Street East. Another venue would add to the existing problems.

The Officer advised that a mediation meeting had been held with the Applicant to discuss a review of the opening hours set out in the report but the conditions had not been accepted. There was a particular concern that the premises would in fact be similar to a nightclub and it was important to ensure that the objectives of crime and disorder and public safety were not undermined.

Questions to the Licensing Officer

Had any objections about the application been received? It was confirmed that the application had been advertised in the usual manner and none had been received.

Question to the Environmental Health Officer

What provision was there for public car parking? The Officer advised that Hatfield Car Park closed at 9 pm but this was disputed by the Applicant.

Questions to Thames Valley Police

Was there any evidence/ statistics relating to incidents of crime and disorder? The Sub- Committee was advised that this was not available but advised that a premises known as Rubz had lost its licence following incidents.

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Submission by the Applicant

The Applicant's Legal Representative argued that no facts had been submitted to support the representations made. concerns lodged by the Authorities. He advised that the locality of the premises was not highly populated and it was clear that the concerns about the car park were not substantiated. The concern relating to noise pollution was speculative and it was disputed that some of the residential property referred to was actually occupied as such. There was no evidence that the extended hours would impact on noise levels and the Applicant's application was not unreasonable. The representative contended that if the licence was granted and complaints subsequently materialised, then the licence could be reviewed by the Sub-Committee. The Applicant's husband stated that the premises had been empty for 8 yrs and he would be investing in the area. The restaurant clientele would be respectable and would not cause antisocial behaviour problems in the street. There would be strict codes of dress and behaviour in place.

Questions to the Applicant's Representative

- Would people be able to walk in to the restaurant off the street? Members were advised that customers would book in advance so the Applicant would know how many clients would be expected (it was confirmed that capacity was 300).
- The Licensing Officer questioned the description of the premises as the Applicant had indicated there would be hen parties, DJs, music, and Karaoke. It was confirmed that the premises would open for breakfast, lunch and dinner, weekdays but at weekends there would be functions and dinner and dance.
- Why was the time of closing crucial to the Applicant? The Sub-Committee was advised that in the Asian community people worked late hours and would eat and socialise late into the evening.

Summing Up

The Environmental Health Officer repeated his concerns relating to the residential properties in the area and noise from customers walking to and from cars and entering the premises. He felt that reducing opening hours would alleviate this problem.

The Licensing Officer, Thames Valley Police, reiterated her concerns and argued that to grant the licence would undermine the licensing objectives.

The Senior Licensing Officer, SBC, reminded the Sub-Committee of its responsibilities and options available.

The Applicant's Representative confirmed his case as previously submitted.

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At the end of the hearing, in response to a query relating to the location of residential properties, a TV Police Officer tabled a map showing the respective locations.

Following the summing up, the parties left the meeting at 11.40 am in order for the Sub-Committee to deliberate.

Decision

The Sub-Committee re-convened at 12.50 pm and all parties were asked to re-join the meeting when the decision was announced.

The Sub-Committee carefully considered all of the evidence submitted by the Applicant and her representative, the Licensing Officer, the Environmental Health Officer and the Thames Valley Police Licensing Officer. In reaching its decision the Sub-Committee had regard in particular to the following Licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The Sub-Committee took account of inter alia, the capacity of the premises, the proposed restaurant/ dancing and sale of alcohol use, the residential properties in the neighbourhood, and the potential disturbances from customers entering and leaving the premises. At the same time Members were mindful of the need to have regard to the regeneration and economic development of the area. The Sub-Committee had concerns relating to the requested closing times submitted by the Applicant and after careful deliberation decided to grant a Premises Licence subject to revised closing times, seasonal adjustments and conditions as set out within the Addendum to these minutes.

Members considered that the hours granted would be more reasonable in view of the representations made. The Sub Committee considered the decision reached to be appropriate, reasonable and proportionate to promote the Licensing Objectives.

The Sub-Committee reminded the Applicant of her right to notify the Licensing Authority of her intention to hold a 'Temporary Event' at the premises.

The Sub-Committee also reminded the Applicant of her responsibilities as the Licensee and the importance of fully adhering to all of the conditions set out in the premises licence.

Resolved- That the premises be issued with a licence as set out within the addendum to these minutes, subject to the conditions imposed.

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19. Exclusion of the Press and Public

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

20. Private Hire Driver Conduct Hearing (Reference 05-13)

The Chair welcomed all parties to the meeting and after introductions explained the procedure for the hearing.

The Sub Committee was requested to decide whether the Appellant (Ref 05-13) was a fit and proper person to continue to hold a Private Hire Driver's licence in view of his failure to display his licence plate at all times.

The Senior Licensing Officer, advised that the Appellant been observed by a Licensing Officer, driving his Private Hire vehicle without his licence plate on 4 separate occasions, between 26th April, 2013 and 1st August, 2013. The Officer advised that the requirement to correctly display a licence plate at all times, whether a driver was working or not, was a condition of a Private Hire Driver's licence. The Sub-Committee noted that the driver was sent a letter by a Licensing Officer and issued with 3 penalty points on each occasion. The issue of the 12 Penalty Points had necessitated the automatic referral of the License to the Sub-Committee for review. The Sub-Committee was recommended to consider whether the licence be suspended for a period of time to be determined.

The Sub-Committee was reminded that it could only grant a Private Hire Drivers Licence if it was satisfied that the applicant was a fit and proper person. Similarly, if an incident involving a driver was brought to its attention, the Sub-Committee had the power to not issue, suspend, revoke that licence or issue a strict warning. It was highlighted that Licence holders provided a public service and their primary responsibility was the safety of members of the public and to adhere to the law.

The Appellant submitted reasons why he had not displayed his plate on the relevant dates.

Following a summary from the Licensing Officer and Appellant, the parties were asked to leave the room whilst the Sub-Committee deliberated.

The meeting adjourned at 1.48 pm and reconvened at 1.57 pm.

The Sub-Committee considered all the written and oral information at its disposal and after careful consideration decided that the driver's licence be suspended for four weeks. The Sub-Committee felt that the period of suspension was reasonable and proportionate in view of the seriousness of the failure to comply with the conditions of the licence.

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The driver was reminded of his responsibilities as a private hire driver and issued with a strict warning, with regard to his future conduct and responsibility as the holder of a private hire driver's licence. Any future breaches of the conditions of the licence would result in the Appellant being requested to reappear before the Sub-Committee when previous breaches of the licence would also be considered.

Resolved – That the Appellant's Private Hire Licence (Ref 05-13) be suspended for four weeks.

Chair

(Note: The Meeting opened at 10.25 am and closed at 2.10 pm.)

ADDENDUM

Bombay Dreams Fusion, 302-304 High Street, Slough
Licence Granted by the Licensing Sub-Committee, 16th October, 2013
subject to conditions set out below

- 1. Sale by retail of alcohol for consumption on the premises: –**
Monday to Thursday: 10:00 – 01:00
Friday: 10:00 – 02:00
Saturday: 10:00 – 02:00
Sunday: 10:00 – 00:00
- 2. Performance of live music: –**
Monday to Thursday: 10:00 – 01:00
Friday: 10:00 – 02:00
Saturday: 10:00 – 02:00
Sunday: 10:00 – midnight
- 3. Playing of recorded music: –**
Monday to Thursday: 10:00 – 01:00
Friday: 10:00 – 02:00
Saturday: 10:00 – 02:00
Sunday: 10:00 – midnight
- 4. Performance of dance: –**
Monday to Thursday: 10:00 – 01:00
Friday: 10:00 – 02:00
Saturday: 10:00 – 02:00
Sunday: 10:00 – midnight
- 5. Anything of a similar description to that falling within (e), (f) or (g)**
Monday to Thursday: 10:00 – 01:00
Friday: 10:00 – 02:00
Saturday: 10:00 – 02:00
Sunday: 10:00 – midnight
- 6. Late night refreshment: -**
Monday to Thursday: 10:00 – 01:00
Friday: 10:00 – 02:00
Saturday: 10:00 – 02:00
Sunday: 10:00 – midnight

Seasonal Variations:

- 1. sale by retail of alcohol for consumption on the premises: –**
New Year Eve until 03:30 am.
- 2. performance of live music: –**
New Year Eve until 03:30 am.
- 3. playing of recorded music: –**
New Year Eve until 03:30 am.

4. **performance of dance: –**
New Year Eve until 03:30 am.

5. **anything of a similar description to that falling within (e), (f) or (g)
as set out in report**
New Year Eve until 03:30 am.

(The designated premises supervisor (DPS) is Ms Hanah Aslam).

Bombay Dreams Fusion, 302-304 High Street, Slough

Conditions determined by the Licensing Sub-Committee

In the absence of the DPS a Personal Licence Holder (PLH) to be on the premises during all licensable activities.

Last entry time for new patrons to be 00:30 hrs midnight on a Friday and Saturday including smokers.

Maximum of 10 clients allowed out to smoke at any one time.

A specific area to be set aside to the rear external part of the premises for customers who smoke.

The DPS will give a minimum of 21 days notice of an intention to hold a promotion promoted by an outside promoter (i.e. not directly employed by the DPS) to run an event at the premise. The DPS shall cancel the event should the Police give notice of objection.

Accredited SIA door team to be used inside the premise and outside from 2100 hours until close, seven days a week.

Sunday to Thursday- Minimum of 2 SIA accredited door staff to be on duty, one to be female. The number of SIA staff must be proportionate to the number of customers on the premises at all times.

Friday to Saturday- Minimum of 6 SIA accredited door staff to be on duty, one to be female. Four door staff to be on duty inside the venue with 2 door staff on the front door.

New Years Eve- Minimum of 6 SIA accredited door staff to be on duty, one to be female. Four door staff to be on duty inside the venue with 2 door staff on the front door.

Door Staff signing in and out Register to be in place and made available upon the request of Thames Valley Police and authorised Local Authority Licensing Officers and be kept for a minimum of one year.

CCTV to be installed in accordance with current or amended Home Office Guidelines relating to UK Police Requirements for Digital CCTV Systems. These cameras shall be located both internally and externally. CCTV images shall be retained for 31 days and except for mechanical breakdown beyond the control of the proprietor shall be made available upon request to the police and Authorised Officers of the Council. Any breakdown or system failure will be notified to the police immediately and remedied as soon as practicable. Any request from Thames Valley Police or Local Authority Licensing Officers for a recording to be made for evidential purposes must be carried out immediately.

DPS or nominated person to be trained on how to work the CCTV system to the standard where the nominated person can download any potential evidence required by Thames Valley Police employees and Local Authority Licensing Officers.

DPS or nominated person is responsible in supplying the necessary media (discs, data stick) containing any downloaded content.

The DPS will become a member of the local pub watch scheme as long as it is in existence.

Drugs policy to be in place and made available to Thames Valley Police and authorised Local Authority Licensing Officers.

Incident Register to be in place and kept up to date and made available upon the request of the Thames Valley Police and authorised Local Authority Licensing Officers and be kept for a minimum of one year.

DPS and Management shall operate and make use of the Retail Radio system.