

## **Licensing Sub-Committee – Meeting held on Thursday, 11th August, 2011.**

**Present:-** Councillors Dodds (Chair), Long and Rasib

**Officers Present:-** Mrs Kauser (Democratic Services) and Ms Osbourne (Legal Services)

### **PART 1**

#### **5. Declarations of Interest**

None.

#### **6. Minutes of the Meetings held on 7th February 2011 and 23rd March 2011.**

The minutes of the meetings held on 7<sup>th</sup> February and 23<sup>rd</sup> March 2011 were approved as a correct record.

#### **7. Application for Variation of Premises Licence for Stoby's Wine Bar & Restaurant, 163 Farnham Road, Slough.**

The Chair welcomed all parties to the meeting asked those present to introduce themselves and explained the procedure for the hearing. All parties confirmed that they had received a copy of the paperwork for the meeting.

##### Introduction by the Licensing Officer

The Licensing Officer advised that an application for variation of the premises licence for Stoby's Wine Bar and Restaurant, 163 Farnham Road had been received. Members were informed that the current premises licence permitted the sale by retail of alcohol for consumption on the premises and only if accompanied by a meal. The premises licence holder, Mr Singh, had made an application to vary the premises licence in order to allow the sale by retail of alcohol for consumption on and off the premises. It was also requested that the provision of late night refreshment on Friday and Saturday from 11pm to 2am be included within the variation.

Following the submission of the application Thames Valley Police met with Mr Singh to discuss the hours applied for. Thames Members were informed that a reduction in hours and a number of additional conditions had been agreed by Thames Valley Police and Mr Singh in relation to the application. Following agreement between Mr Singh and Thames Valley Police regarding the additional conditions, the objections submitted by Thames Valley Police were withdrawn.

The Licensing Officer stated that there had not been any objections from any other responsible authority or interested party to the application.

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Members were reminded of the relevant legislation that had to be taken into account when deliberating and the various options available to them.

### Questions to the Licensing Officer

None.

### Representations by the Premises Licence Holder

Mr Singh informed the Sub Committee that he had run Stoby's Wine Bar and Restaurant for more than forty years. It was submitted that given the current economic climate, he was looking to extend his business with a takeaway delivery service and for an extension of opening hours on a Friday and Saturday evening.

Following submission of the variation of the premises licence, a meeting took place with Thames Valley Police. Initial objections to the application made by Thames Valley Police were withdrawn subject to a number of conditions being imposed on the premises licence to promote the licensing objectives.

Mr Singh stated that he had held a premises licence for twenty one years and that there had never been a breach of the licence during this time. It was highlighted that the option of retail of alcohol for consumption off the premises was required in order to allow members of the public to order alcohol without the requirement to order food. It was clarified that the business would be expanding to include delivery of corporate lunches and it was envisaged that the option of delivering alcohol would be included within this.

### Questions to the Premises Licence Holder

A Member commented that selling alcohol without the need to order food would change the outlook of the premises. Mr Singh stated that his business would remain first and foremost as a restaurant and that he was not looking to attract a younger clientele. It was submitted that the the price of alcohol within the wine bar and restaurant meant that it could not be easily purchased by younger individuals.

Mr Singh stated that the number of conditions agreed with Thames Valley Police would ensure that the premises would continue to be run and managed in a responsible manner. This included having a SIA approved door staff on Friday and Saturday evenings. Mr Singh stated that should the variation in the premises licence be approved, a member of the public would be able to enter the premises purchase alcohol and leave. However, Mr Singh assured the Sub-Committee that he would ensure that this was not possible and only alcohol accompanied with a takeaway meal would be delivered.

### Representation from Thames Valley Police

It was noted that Thames Valley Police was not represented at the meeting. The Licensing Manager stated that he had spoken to the Thames Valley

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Police Licensing Officer who had stated that they would not be present at the Licensing Sub Committee hearing. It was noted that their concerns had been met by the conditions as detailed within the paperwork.

A Member questioned as to whether there were issues of disruptive or anti-social behaviour in or within close proximity to the premises. Mr Singh stated that there were no concerns regarding anti-social behaviour in relation to the premises, or the other venues within the vicinity of the wine bar. Furthermore, it was highlighted that had Thames Valley Police had concerns regarding crime and disorder in connection to the premises then these would have been raised in their original objections to the variation application.

### Summary

All parties were given an opportunity to provide a brief summary, following which they were asked to leave the meeting in order for the Sub Committee to deliberate.

### Decision

All parties were asked to return to the room.

After careful consideration the Sub-Committee decided to vary the Premises Licence as follows:

- a) **Late Night Refreshment** – Friday and Saturday 2300 hours to 0030 hours.
- b) **Supply of alcohol on the premises:** Friday and Saturday 1100 hours to 0000 hours
- c) **Hours Premises are open to the Public:** Friday and Saturday 1100 hours to 0030 hours

The Premises Licence was granted subject to the following additional conditions:

- 1 SIA door staff to be on duty at the premises wearing a high florescent jacket from 11.00pm until close of Friday and Saturday evenings.
- CCTV to be installed and maintained to Thames Valley Police standard and CCTV to be kept for 31 days and made available upon the request of Thames Valley Police employees and relevant Agencies.
- Designated Premises Supervisor (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 or relevant Agencies.
- The DPS and Management shall adopt measures to ensure groups of persons do not congregate and loiter outside the premises to include the use of the Police non-emergency number (0845 8 505 505).

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- Two members of staff to be on the premises each evening from 6.00pm until close.

Sub-Committee Members considered varying the premises licence, to allow the sale of alcohol off the premises, would undermine the licensing objectives relating to crime and disorder, public safety and the prevention of public nuisance.

### 8. **Application for a Premises Licence Day N Night Express, 415 Bath Road, Slough.**

Following introductions, the Chair outlined the procedure for the hearing and confirmed that all parties present had received a copy of the documentation.

#### Introduction by the Licensing Officer

The Licensing Officer stated that an application had been made for a new premises licence at 415 Bath Road, Slough. It was noted that the premises would be known as Day n Night Express and the application was for the licensable activity of the supply of alcohol of the premises between the hours of 0700 hours and 0200 hours Monday to Sunday.

Following the submission of the application a meeting was held between the Thames Valley Police Licensing Officer, the Premises Licence Holder (PLH) and the Designated Premises Supervisor (DPS) to discuss the hours of operation applied for. Members were informed that following this meeting the proposed closing time was reduced from 2am to 1am and a number of conditions imposed on the premises licence, which were agreed by both parties.

It was brought to Members' attention that objections had been received from the Environmental Health Officer with regards to concerns over noise levels which could cause nuisance to local residents. The Environmental Health Officer was proposing that the terminal hour be reduced to 2330 hours.

Objections to the premises licence were also received from a local resident who stated her concerns over the premises being permitted to sell alcohol in the locality, given that there were a number of other premises in the vicinity that already sold alcohol. Furthermore a petition containing 126 signatures objecting to the application had also been received. The petition had been submitted by an operator of a nearby licensed premises and the Licensing Officer highlighted that the Sub Committee may wish to consider whether the reasons for objecting to the application were relevant, taking into account that Thames Valley Police had not objected to the application on grounds of crime and disorder.

The various options available to the Sub Committee and relevant legislation were outlined for Members' attention.

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### Questions to the Licensing Officer

None.

### Representations by the Premises License Holder

Mr Panchal, agent on behalf of the Premises Licence Holder, stated that following discussions with Thames Valley Police the terminal hour for licensable activity had been reduced to 0100 hours. However taking into account representations made by local residents, Mr Panchal stated that his client wished to work in partnership with all interested and responsible parties and was therefore formally proposing to reduce the hours of operation to 12 midnight. Mr Panchal confirmed that his client was in agreement to the conditions proposed by Thames Valley Police.

### Questions to the Premises Licence Holder

A Member asked what measures would be put in place to ensure that children were protected from harm, given that there was a school in close vicinity to the premises. Mr Panchal stated that a strict Challenge Twenty Five Scheme would be implemented at the venue.

### Representations by Responsible Authority – Environmental Health

The Environmental Health Officer, Miss Byrne stated that a formal objection to the application had been made on the ground of public nuisance. It was noted that many of the shops within the vicinity closed at 11pm. Given that this was a residential area, it was considered that a terminal hour of anything later was not reasonable. Furthermore there had been antisocial problems within the area in the past and it was envisaged that a later opening hour would exacerbate the problem.

### Representations from Interested Parties

Mr Patel, a local newsagent, stated that later opening hours would result in noise disturbance and anti-social behaviour.

Mr Harris addressed the Sub Committee and stated that he ran a florist business in close proximity to the proposed venue. Mr Harris submitted that, in his opinion, there was no demand for a late night service and that there was a petrol station within the area which was open 24hours.

Mr Butler voiced his concerns regarding the opening hours and stated that he was present at the Sub Committee representing the views of a number of local elderly residents.

### Summary

All parties were given an opportunity to provide a brief summary. All parties were then asked to leave the room whilst the Sub Committee deliberated.

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### Decision

All parties were asked to rejoin the meeting.

After careful consideration the Sub-Committee decided to grant a Premises Licence as follows:

**a) Supply of Alcohol:** Monday to Sunday - 0700 hours to 2300 hours.

The Premises Licence was granted subject to the following additional conditions:

- Two Members of Staff to be on the premises each evening from 1800 hours until close.
- Photographic identification to be requested (passport/driving licence)
- Refusals Register to be maintained on the premises and kept up to date and made available upon the request of Officers from the Police, Trading Standards or the Local Authority.
- Signage to be displayed where alcohol is offered for sale indicating that alcohol will not be sold to persons under the age of 18.
- CCTV to be installed and maintained to Thames Valley Police standard and CCTV footage to be maintained for 31 days and made available upon the request of Thames Valley Police employees and relevant agencies.
- Designated Premises Supervisor 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 relevant agencies.
- All staff to successfully pass the store alcohol training course before selling alcohol, written training records will be kept and made available for Inspection by Officers from the Police, Trading Standards or the Local Authority.

Members also strongly advised that the serving hatch at the premises was not to be used in an effort to address concerns relating to noise nuisance and to deter individuals from congregating or loitering outside the premises.

Sub-Committee Members considered the conditions to be necessary, reasonable and proportionate to address concerns relating to crime and disorder, public safety, the prevention of public nuisance and protection of children from harm.

Chair

(Note: The Meeting opened at 10.00 am and closed at 12.17 pm)