

LICENSING SUB-COMMITTEE
16th OCTOBER 2013

LICENSING ACT 2003

Application for: Grant of a new premises licence
Premises: BOMBAY DREAMS FUSION, 302-.304 High Street, Slough, SL1 1NB
Applicant: Ms Hanah Aslam
Reason for Referral: Representations made

1. CURRENT POSITION

1.1 An application for a new premises licence has been made by Ms Hanah Aslam, for 302-304 High Street, Slough (a copy of the application is attached at **appendix A**).

1.2 In summary, the application is for the following licensable activities at the following times:

1. Sale by retail of alcohol for consumption on the premises: –

Monday to Thursday: 10:00 – 02:00
Friday: 10:00 – 03:30
Saturday: 10:00 – 04:30
Sunday: 10:00 – 02:00

2. Performance of live music: –

Monday to Thursday: 10:00 – 02:00
Friday: 10:00 – 03:30
Saturday: 10:00 – 04:30
Sunday: 10:00 – 02:00

3. Playing of recorded music: –

Monday to Thursday: 10:00 – 02:00
Friday: 10:00 – 03:30
Saturday: 10:00 – 04:30
Sunday: 10:00 – 02:00

4. Performance of dance: –

Monday to Thursday: 10:00 – 02:00
Friday: 10:00 – 03:30
Saturday: 10:00 – 04:30
Sunday: 10:00 – 02:00

5. Anything of a similar description to that falling within (e), (f) or (g) Monday to

Thursday: 10:00 – 02:00
Friday: 10:00 – 03:30
Saturday: 10:00 – 04:30
Sunday: 10:00 – 02:00

- 6. Late night refreshment: -**
Monday to Thursday: 23:00 – 05:00
Friday: 23:00 – 05:00
Saturday: 23:00 – 05:00
Sunday: 23:00 – 05:00

1.3 Additionally, Ms Aslam has requested seasonal variations as detailed below:

- 1. sale by retail of alcohol for consumption on the premises: –**
Festive season such as Christmas, New Year Eve, Eid, Diwali or another other festive occasions. Also wedding occasions (booking required), anniversaries or private bookings until 05:00am.
- 2. performance of live music: –**
Festive season such as Christmas, New Year Eve, Eid, Diwali or another other festive occasions. Also wedding occasions (booking required), anniversaries or private bookings until 05:00am.
- 3. playing of recorded music: –**
On festive season such as Christmas, New Year Eve, Eid, Diwali or another other festive occasions. Also wedding occasions (booking required), anniversaries or private bookings until 05:00am.
- 4. performance of dance: –**
Festive season such as Christmas, New Year Eve, Eid, Diwali or another other festive occasions. Also wedding occasions (booking required), anniversaries or private bookings until 05:00am.
- 5. anything of a similar description to that falling within (e), (f) or (g)** Festive season such as Christmas, New Year Eve, Eid, Diwali or another other festive occasions. Also wedding occasions (booking required), anniversaries or private bookings until 05:00am.

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

2. BACKGROUND INFORMATION

- 2.1 Following the application submission, concerns were raised by the Licensing Authority and Thames Valley Police. The concerns relate to the previous history of noise complaints emanating from the former premises located on the application site.
- 2.2 A mediation meeting took place on 18th September 2013 between the applicant, Melanie Sagar (Licensing Officer), Debie Pearmain (Thames Valley Police Licensing Officer), Andy Amor (Town Centre Sergeant), Richard Garnett (Neighbourhood Enforcement Team) and Ian Blake (Neighbourhood Enforcement Team). The purpose of the meeting was to review the application and the responses to it from Thames Valley Police and Environmental Health.
- 2.3 The Licensing Authority and Thames Valley Police also have concerns over the seasonal variations and non-standard timings applied for as they are wide ranging and non-specific.
- 2.4 The applicant has verbally agreed to all the conditions proposed by Thames Valley Police and has been asked to provide written confirmation of those conditions. Written confirmation of the verbal agreement referred to above has been sought from the Applicant, but to date has not been provided.

3. REPRESENTATIONS RECEIVED

- 3.1 Responses to the application from Responsible Authorities have been received.
- 3.2 The Neighbourhood Enforcement Team (NET) have made a formal objection to the application due to the hours requested and the impact on the public nuisance licensing objective. A request has been made to Richard Garnett for evidence detailing the historical noise complaints in the area (see email attached at **appendix E**). At the time of preparing the report the information has not be provided.
- 3.3 Thames Valley Police Licensing Officer, Debie Pearmain has responded to the application and has requested additional conditions be attached to the premises licence and for a reduction in hours for licensable activities to the following:

1. reduction of hours namely:

Monday to Thursday: 10:00am – 00:00 (Midnight)
Friday & Saturday night: 10:00am – 01:00am
Sunday: 10:00am – 00:00 (Midnight)

2. All seasonal variations and non-standard timings to be removed except for New Years Eve when all licensable activities cease at 02:00am.

The full written response from Thames Valley Police is attached at **appendix B**.

- 3.4 The Royal Berkshire Fire and Rescue Service confirmed that they do not propose to make a representation. This response is attached at **appendix F**.
- 3.5 There have not been any responses from any other Responsible Authorities.

4. RELEVANT GUIDANCE

- 4.1 The Committee must have regard to section 9 of the amended guidance issued under section 182 of the Licensing Act 2003 and in particular to hearings at points 9.27 – 9.40.

5. DETERMINATION – OPTIONS AVAILABLE TO THE COMMITTEE

- 5.1 The available options to the Committee,are:

1. Grant the application as it stands in which case it would be issued subject to the relevant mandatory conditions and conditions consistent with the applicant's operating schedule
2. Grant the application subject to further conditions which are reasonable, proportionate and appropriate in order to meet one or more of the four licensing objectives i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.
3. Refuse the application.

APPENDICES

Appendix 'A' - copy of premise licence application.

Appendix 'B' - copy of the Thames Valley Police formal response

Appendix 'C' - copy of the Neighbourhood Enforcement Team (NET) formal response

Appendix 'D' – Consent of Hanah Aslam to be Designated Premises Supervisor

Appendix 'E' – Email dated 29.08.13 to Richard Garnet requesting evidence of noise complaints

Appendix 'F' – Royal Berkshire Fire & rescue Service 'no objections' response

Appendix 'G' – Email dated 11.09.13 to applicant with Thames Valley Polices formal response

Appendix 'H' – Email dated 11.09.13 response from applicant to Thames valley Police request

Appendix 'I' – Applicants representation

Appendix 'J' – Email dated 11.09.13 confirming mediation meeting

Appendix 'K' – Email dated 29.09.13 requesting confirmation from applicant of conditions they agree to and confirming that they do not agree to the reduction in hours

Appendix 'L' – Meeting notes from mediation meeting held 20.09.13

Background papers

- The Licensing Act 2003
- Guidance issued under Section 182 of the Licensing Act 2003
- Regulations (cited as the Licensing Act 2003 ([Various]) Orders 2005
- Slough Borough Council Statement of Licensing Policy - December 2010

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