

## **Licensing Sub-Committee – Meeting held on Thursday, 24th August, 2017.**

**Present:-** Councillors Parmar (Chair), Davis and Strutton.

**Officers Present:-** Shabana Kauser, Senior Democratic Services Officer, Alison Peters, Legal Representative, Michael Sims, Licensing Manager and Nabihah Hassan-Farooq, Democratic Services Officer.

### **PART 1**

#### **6. Declarations of Interest**

None.

#### **7. Guidance on Predetermination/ Predisposition**

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

#### **8. Temporary Event Notice- The Lounge, 21 London Road, Slough**

The Chair welcomed all parties to the meeting and explained the procedure for the hearing. It was confirmed that all parties had received a copy of the paperwork.

##### Introduction by the Council's Licensing Manager

The Licensing Manager, Mr Sims stated that a Temporary Event Notice (TEN) application had been submitted for The Lounge, 21 London Road, Langley, and that the event was scheduled to take place on the 27<sup>th</sup> August 2017. The Officer advised that he would like to circulate maps and aerial views of the area to Sub-Committee Members; no objections were made to the circulation of these items and three documents were tabled. Details of the TEN application which was submitted for the provision of Licensable Activities and times were outlined as follows;

- The Sale of alcohol for consumption On and Off the premises.
- The provision of regulated entertainment.
- The provision of late night refreshment.

It was explained that the nature of the event was to air to the public a boxing sporting event on Sunday 27<sup>th</sup> August 2017 between 00:00 hours and 06:00 hours. The Sub-Committee were advised that objections has been made to the TEN by Environmental Health and TVP on grounds of Prevention of Public Nuisance, the prevention of crime and disorder and public safety. It was noted that the premises had also been served with a Statutory Noise Abatement Notice in May 2017.

Options available to the Sub-Committee in respect of the submitted TEN, were outlined and included issuing a standard TEN, refuse the application for

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a TEN and issue a Counter Notice or issues a standard TEN imposing existing licensing conditions deemed appropriate.

### Questions to Licensing Manager

None.

### Representations made by the Designated Premises Supervisor

Mr Taranjit Dhanowalia Designated Premises Supervisor (DPS) was in attendance and addressed the Sub-Committee on behalf of the Premises Licence Holder, Paramjit Dhesi. The circumstances regarding the joint visit by the Licensing Team and Thames Valley Police on 28<sup>th</sup> April 2017 were outlined. Whilst acknowledging that the fire exit was blocked, Mr Dhanowalia stated that he had felt intimidated by the Police Officers present which had led him to reacting in the manner that he had.

Mr Dhanowalia informed Members that he had received calls from members of the public who had threatened him due to the levels of noise emanating from the premises, which in his opinion were unfounded and untrue. It was noted that the beer garden was open to the public and was part of the hotel adjacent to The Lounge and that there were no current means of closing the garden for public use. Details of how the public could enter and cause anti social behaviour were outlined. It was submitted that the premises were disproportionately blamed for the noise complaints received from within the local vicinity of the area.

Mr Dhanowalia stated that the planned event would be a one off event, which would be ticketed and that patrons would be unable re-enter the venue if they left whilst the event was taking place. The Sub-Committee were advised that security concerns raised by Thames Valley Police had been taken seriously with doormen supervising the entry and exit into the venue. Mr Dhanowalia took the opportunity to apologise to Thames Valley Police for his previous behaviours and actions and asked that the Sub-Committee take into consideration the additional safety measures he would implement to ensure the event was well managed.

### Questions to the Designated Premises Supervisor

Members were concerned with the obstructions mentioned within the report that were found at the premises and asked whether the local fire authority had provided any proof that the premises were safe. Mr Dhanowalia advised that a report may have been sent to the hotel, which was a separate part of the site, and that he was advised at the time in front of patrons that the premises would be closed unless the obstructions were moved immediately. Mr Dhanowalia advised that he did move the sofa in front of officers and acted compliantly.

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Members requested clarification regarding the beer garden and whether it was a part of The Lounge or Skyways Hotel, which was located next door to the venue. It was confirmed that although the beer garden was a part of The Lounge's premises, its location meant that patrons from the Skyways Hotel often congregated there. A Member asked whether there was any way of securing the beer garden outside of operating hours from the public. Mr Dhanowalia advised that the beer garden had no lock, and was surrounded by a picket fence.

A Member asked whether Mr Dhanowalia was aware that as the DPS he was required to be at the premises at all times. Mr Dhanowalia confirmed that he was but had on one occasion gone home to collect personal belongings.

### Representations from Responsible Authorities- Thames Valley Police

Objections to the TEN had been submitted on a number of grounds. Ms Pearmain, Thames Valley Police Licensing Officer, outlined them as Prevention of Crime & Disorder, Prevention of Public Nuisance and Public Safety. Incidents of anti-social behaviour and noise disturbances from the venue were highlighted. It was brought to Sub-Committee Members attention that CCTV had been requested, following the incident in March 2017, as per condition of the current premises licence, but to date had not been provided. Ms Pearmain stated that it was disappointing that the Premises Licence Holder was not present at the meeting and nor had she attended any previous meetings arranged with Licensing Officers and that in her opinion, this was indicative of the lack of importance attached to promoting the licensing objectives.

Ms Pearmain advised that a number of noise complaints had been received and that should these continue, there would be no option but to apply for a review of the premises licence. The noise and anti social behaviour complaints had been determined to arise from the Lounge as opposed to the hotel. The Sub-Committee was also advised that the DPS had sworn at officers and on occasions his behaviour had been erratic and aggressive

Ms Pearmain advised that should the TEN be granted, this would adversely affect residents and create a public nuisance and undermine the Licensing objectives.

### Questions to the Responsible Authority

Members asked whether CCTV footage from March 2017 had been received. The DPS advised that no one had collected the CCTV. However Ms Pearmain advised that the footage had been requested at a meeting in May 2017 but had still not been received.

Members also asked about any noise limitation devices or controls in place at the premises to monitor sound levels. The Applicant advised that although there were no noise limiter mechanisms in place at the venue, these could be installed should the Sub-Committee deem them necessary.

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### Representations from Natalie Worley, Environmental Health Officer (EHO)

Natalie Worley, Senior Enforcement Officer advised the Sub-Committee that the Enforcement Team were currently investigating noise complaints relating to noise emanating from The Lounge. It was explained that the complaints referred to loud amplified music and loud talking and shouting from persons attending the venue. The complaints had been made by two separate households in the immediate area. Noise Abatement Notices were served to the premises in May 2017. It was brought to Member's attention that since then, a further complaint regarding loud amplified music had been received.

### Questions to the EHO Officer

Members asked questions relating to the nature and origin of noise complaints and whether they had been founded to be malicious. The Sub-Committee were advised that there had been a mixture of complaints referring to noise and drug use at the premises. Leading on from the discussion, questions relating to evidence of drug use on the premises were asked and the Members were advised that no drugs were found on that occasion.

### Summing up

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

Ms Pearmain stated that the application for a TEN be refused on the likelihood that the licensing objections would not be upheld. Thames Valley Police were concerned that the event would not be safely managed. Ms Pearman submitted that the application be refused and that Members take into account concerns raised by local residents.

Ms Worley, advised that there were serious concerns regarding noise nuisance which would be caused to residents in the local vicinity and there were no current controls in place to limit noise.

In summing up, Mr Dhanowalia acknowledged that although there were a number of issues that had been identified he would ensure that appropriate measures, such as employing door staff, were in place to ensure that the event took place in a safe incident free manner. Mr Dhanowalia stated that he wanted the venue to do well and was willing to work in partnership with the relevant authorities to ensure this was achieved.

All parties were then asked to leave the room to enable the Sub-Committee to deliberate.

### Decision

All parties were asked to re-join the meeting.

Having considered all the information available, both written and at the hearing, the Sub Committee decided that granting the Temporary Event

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Notice would undermine the Licensing Objectives relating to the Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety, and that it was therefore appropriate to issue a Counter Notice to promote those objectives.

Chair

(Note: The Meeting opened at 10.18 am and closed at 11.38 am)