

# Notice of Meeting

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## Licensing Sub-Committee

**Thursday, 28th July, 2011 at 10.00 am**

in Committee Room 1 Council Offices  
Market Street Newbury

### **Members Interests**

Note: If you consider you may have an interest in any Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Friday, 22 July 2011

### **FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC**

If you require further information about this Agenda, or to inspect any background documents mentioned in the reports, please contact Robert Alexander.

Further information and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)



To: Councillors

Substitutes: Councillors

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# Agenda

## Part I

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| (1) | <b>Application No. and Ward: 11/00796LQN The Black Horse St Johns Road Thatcham RG19 3SY</b> | 1 - 4 |
|-----|--|-------|

Andy Day  
Head of Policy and Communication

West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

If you require this information in a different format, such as audio tape, or in another language, please ask an English speaker to contact Moira Fraser on telephone (01635) 519045, who will be able to help.



# Agenda Item 2(1)

## NOTICE OF DECISION

The Licensing Sub-Committee of West Berkshire Council met on 28 July 2011 and considered the application 11/00796/LQN for the review of the Premise License in respect of premises known as The Black Horse, St John's Road, Thatcham submitted by Sue Gore (Principal Environmental Health Officer).

In coming to their decision, the Sub-Committee had regard to the four licensing objectives, which are:

1. The prevention of crime and disorder;
2. Public safety;
3. The prevention of public nuisance; and
4. The protection of children from harm.

They also considered the Department of Culture, Media and Sport Guidance on the Licensing Act 2003 and West Berkshire Council's licensing policy.

The Sub-Committee heard representations made by:

1. The Applicant: Sue Gore (Environmental Health Officer)
2. The Supporters: Patricia Tomlinson and George Bembenek
3. The Objectors: Beverley Barnaby (The Black Horse), Richard Morgan (Designated Premises Supervisor (DPS)), A Solicitor (on behalf of Punch Tavern), Philip Ryder and Gavin Joubert
4. Responsible Authority: Mike King and Dave Milsom (Thames Valley Police)

The Licensing Sub-Committee also considered the representations of the following who did not attend:

- Eric Abbott (Supporter of the review)

Having taken those representations into account, the Licensing Sub-Committee found that the premises known as The Black Horse, St John's Road, Thatcham (11/00796/LQN) was not being operated in accordance with the licensing objective the prevention of public nuisance as the activities at the premises were causing an ongoing public nuisance to surrounding residents.

The Licensing Sub-Committee was satisfied that a public nuisance had been established, and that steps should be taken to remedy the situation. The Committee believed that a variation in conditions would be sufficient to address the issues on this occasion.

The Sub Committee therefore RESOLVED that the premises licence number 013215 in respect of premises at The Black Horse, St John's Road, Thatcham be amended with immediate effect in the terms below:

- (1) The opening hours of the premises shall be permitted from 11:00 to 23:30 on Mondays to Sundays. A further additional hour following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional

hour every Christmas Eve. A further additional hour every boxing day. To reflect existing New Year's Eve/Day hours.

REASON: The prevention of public nuisance.

- (2) The Supply of alcohol shall be permitted from 11:00 to 23:00 on Mondays to Sundays. A further additional hour following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve. A further additional hour every boxing day. To reflect existing New Year's Eve/Day hours.

REASON: The prevention of public nuisance.

- (3) No Regulated entertainment of any description shall be permitted on the premises after 23:00hrs

REASON: The prevention of public nuisance.

- (4) No entertainment facilities will be provided at the premises after 23:00 hours.

REASON: The prevention of public nuisance.

- (5) Patrons shall not be permitted by staff to smoke at the front of the property. Clear and legible signage will be displayed requesting smoking to take place in the rear garden.

REASON: The prevention of public nuisance.

- (6) Checks for noise levels shall be undertaken at the rear of the premises in the garden area, during live or amplified music performances. Noise levels must be managed and controlled to ensure that there is no excessive noise transfer from that area. A record shall be kept of checks undertaken and this will be made available to an officer of the Licensing Authority on demand.

REASON: The prevention of public nuisance.

- (7) Sight of evidence of age shall be required from any person appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol. Refusal log (for under age sale and other refusals) to be used and made available to Officers upon request. Identification policy approved by Trading Standards shall be implemented.

REASON: The prevention of public nuisance.

- (8) The Premise Licence holder shall have installed a digitally recorded CCTV system. Camera coverage shall include the major entry and exit points and be able to record frontal identification of every person entering in any light condition. Additional cameras shall be installed to cover the garden area at the back of the venue.

All Cameras shall continually record whilst the premises were open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping.

Data recordings shall be made immediately available to an authorised officer of West Berkshire Council or police officer together with facilities for viewing upon request.

Recorded images all are of such a quality as to be able to identify the recorded person. At all times when the venue is open there will be a member of staff on duty who can operate the system and retrieve footage when required.

If the CCTV system becomes inoperative for any reason, the licensee shall notify the Police and Local Authority of this within 3 days.

A notice shall be displayed at the entrances to the premises advising that CCTV is in operation.

REASON: The prevention of public nuisance. As agreed between the Premise Licence Holder and the Police.

- (9) An incident book and record of details of all instances of public disorder and other alcohol related incidents shall be maintained. This incident book shall be made available to officers of West Berkshire Council, and authorised officer of Thames Valley Police and any Police Officer

REASON: The prevention of public nuisance. As agreed between the Premise Licence Holder and the Police.

- (10) All reasonable steps shall be taken to ensure that people entering or leaving the premises do so in an orderly manner and do not in any way cause annoyance to residents and people passing by the premises.

REASON: The prevention of public nuisance. As agreed between the Premise Licence Holder and the Police.

- (11) Windows will be kept closed at all times during live or recorded music performances. Door too will be kept closed except for access or egress.

REASON: The prevention of public nuisance..

- (12) Prominent, clear and legible notices will be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the immediate area quietly.

REASON: The prevention of public nuisance.

- (13) A dedicated Taxi service shall be available for customers with strict instructions of no horn blowing and/or door banging.

REASON: The prevention of public nuisance.

- (14) Bottling-up and refuse disposal outside is prohibited between 1800hrs and 0800 hours so as to minimise disturbance to near by properties.

REASON: The prevention of public nuisance.

(15) A direct telephone line to the duty manager shall be available immediately upon request to residents who are encouraged to use it if they think necessary.

REASON: The prevention of public nuisance.

(16) There is a "Zero tolerance" drug policy in place and all staff will receive continuous training in "drug awareness" and all aspects of Public Safety and Prevention of Public Nuisance. Any patrons who do not comply will be barred.

REASON: The prevention of public nuisance.

.....Cllr Paul Bryant (Chairman)
.....Cllr Quentin Webb
.....Cllr Andrew Rowles
.....28 <sup>th</sup> July 2011..... Date