

LICENSING SUB-COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 23 JANUARY 2012

Councillors Present: Jeff Beck, Adrian Edwards and Andrew Rowles (Chairman)

Substitute: Geoff Mayes

Also Present: Sarah Clarke (Solicitor), Amanda Ward (Licensing Officer) and Denise Anns (Clerk).

PART I

4. Declarations of Interest

There were no declarations of interest received.

5. Application No. 11/02043/LQN - 2 St Johns Road, Thatcham, RG19 3SY

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application 11/02043/LQN in respect of The Black Horse, 2 St Johns Road, Thatcham RG19 3SY.

In accordance with the Council's Constitution, Ms Amanda Ward (Licensing Officer, West Berkshire Council) and Mr Mike King (Licensing Officer Thames Valley Police - Applicant) and Mr Roy Light (Counsel for Punch Taverns – the Licence Holder) addressed the Sub-Committee on this application.

Ms Ward, in addressing the Sub-Committee, raised the following points:

On 07 December 2011 West Berkshire Council Licensing Department received an application (under Section 51 Licensing Act 2003) from Superintendent Rickard – (the applicant from the responsible authority the Chief Officer of Police) Thames Valley Police, Reading Station, Castle Street, Reading RG1 7TH.

The Application was made for a review of a Premise Licence issued in respect of The Black Horse, 2 St Johns Road, Thatcham RG19 3SY.

The consultation period for the application ran from 08 December 2011 until the 04 January 2012.

On the 02 January 2012 the Licensing Authority received six (6) representations against the review for the premises. These representations were submitted by Beverley Barnaby the then manager of The Black Horse from residents living in the vicinity and customers who use the premises. The letters were also accompanied by a customer's petition which was signed but had no addresses included.

On the 18 January 2012 the Licensing Department received an application to vary the Designated Premises Supervisor from Mr Richard Morgan to a Mr Derek Gould. The Council had also received information from Beverley Barnaby that confirmed that she was no longer the manager in charge of the premises.

The grounds on which the review was sought were:

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.

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Details of the grounds for the review would be explained in full by the Licensing Officer (Mr Mike King) from Thames Valley Police.

At the Review Hearing the Licensing Authority could take any or all of the following steps that they considered to be necessary in order to promote the licensing objectives:

1. to modify the conditions of the licence;
2. to exclude licensable activity from the scope of the licence;
3. to remove the designated premises supervisor;
4. to suspend the licence for a period not exceeding three months;
5. to revoke the licence.

Mr King, on behalf of the applicant for the review (Thames Valley Police) addressed the Sub-Committee and advised that he had met with representatives from Punch Taverns before the meeting and agreed a way forward. The following points had been advised / agreed:

- the landlady had been removed;
- a local DPS had been appointed;
- a SIA registered door supervisor would be employed and would stay in place for not less than three (3) months.

Mr Roy Light (Counsel for Punch Taverns) advised the Licensing Sub-Committee that he had a document listing the points agreed with Mr King. Councillor Andrew Rowles (Chairman) asked if Mr King agreed to the document being circulated. He agreed and the document was circulated. This included a proposed additional condition requiring the presence of an SIA registered door supervisor whenever Regulated Entertainment was taking place.

Councillor Andrew Rowles asked if there were any questions.

Councillor Jeff Beck asked for clarification of the term 'regulated entertainment'. Miss Sarah Clarke (Solicitor for West Berkshire Council) responded to advise that for those purposes, it would apply to any entertainment as permitted under the terms of the Premises Licence. Background music was not included in that.

Councillor Adrian Edwards commented that he thought most doormen were at the premises all the time of opening. Mr King advised that this was not the case.

Councillor Jeff Beck asked if the Door Supervisor times of attendance were associated with the timings of the regulated entertainment or whether this should apply half an hour before the start and half an hour after the finish of the relevant entertainment. He noted that the issue of public nuisance arising from the disposal of refuse had already been considered as part of the previous review completed in July 2011. This required that "Bottling-up and refuse disposal outside is prohibited between 1800hrs and 0800hrs so as to minimise disturbance to nearby properties."

6. Existing Licence

7. Representation on behalf of Thames Valley Police

This item was covered in minutes item 5.

8. Supporting documentation on behalf of The Black Horse

Mr Roy Light (Counsel for Punch Taverns) in addressing the Licensing Sub-Committee advised that The Black Horse public house was in a residential area and that the noise nuisance cited in the previous review had, for the first two weeks after that Review been dealt with appropriately and the Premises operated according to the Review conditions.

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Unfortunately the manager had not managed the conditions on a long term basis and this had led to the manager and all staff being replaced. The new manager was Mr Dennis Lloyd Brown who had twenty (20) years experience as a manager and the new DPS Mr Derek Gould who had ten (10) years experience. The CV's of both gentlemen were circulated to members of the Licensing Committee. He went on to say that Mr Gould (DPS) lived above the premises and he had already spoken to the residents neighbouring The Black Horse and listened to their concerns. Mr Gould (DPS) had also spoken to customers of The Black Horse who had confirmed their willingness to support the new management.

The condition 5 on the document circulated was agreed between Punch Taverns and Mr King regarding a door supervisor. It was noted that if proven not to be necessary; and with the agreement of Thames Valley Police, this could be reassessed in three (3) months time.

Regular meetings had been agreed with Mr King (Thames Valley Police) and the management of The Black Horse.

Councillor Andrew Rowles asked if there were any questions.

Councillor Jeff Beck asked for an assurance that there would be no further activities such as moving barrels late in the evenings. Mr Lloyd Brown (manager of The Black Horse) gave his assurance that such activities would no longer continue. Mr Keith Cullimore (Regional Business Manager of Punch Taverns) added that all staff had changed and training would be given.

Councillor Adrian Edwards asked why Punch Taverns had not followed up from the previous Licensing Review to ensure that the conditions were being complied with.

Mr Light (Counsel for Punch Taverns) responded to say that the manager of The Black Horse had taken the view that everything was fine and had not advised Punch Taverns about any of the events causing concern to the Police. It was only when Punch Taverns received notification of this Review Hearing that they became aware. Punch Taverns were quite happy if the once a month meetings, or more frequently if necessary with Thames Valley Police were made a condition of the Licence if the Committee felt that it was appropriate.

Councillor Andrew Rowles asked if similar arrangements were in place with other public houses. Mr King (Thames Valley Police) confirmed that they were, primarily in Reading at the moment as he was dealing with public houses on a priority basis. This could expand if the need was identified to the West Berkshire area.

Councillor Jeff Beck asked how the output from the monthly meetings between Thames Valley Police and management of The Black Horse would be notified to West Berkshire Council's Licensing Authority, how would they be kept in the loop. Mr King (Thames Valley Police) advised that he was in regular contact with West Berkshire Council's Licensing Team and output from the meetings in the form of minutes would be sent to them.

Councillor Jeff Beck asked for a condition that the door supervisor be on duty a half hour before and until all customers had left the premises be included in the conditions. Mr Light (Counsel for Punch Taverns) suggested that this was not included in the conditions currently and therefore was not required.

There were no further questions.

The Sub-Committee retired at 2.30pm to make its decision.

Having taken the representations into account, including the written representations made by Mr Philip Ryder, Mr & Mrs Beaumont, Mr Matthew Arnold, Miss DM Jones,

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Albert Austen Buffalo Lodge, Mr & Mrs G Davids, Mr IF Vince and Ms Beverley Barnaby, the Licensing Sub-Committee **determined** that they were satisfied that the premises known as The Black Horse Public House, St John’s Road, Thatcham (Licence Number 013215 (“the Premises”)) was not being operated in accordance with the licensing objectives relating to the prevention of crime and disorder and the prevention of public nuisance as the premises was being operated contrary to existing licence conditions and was causing an ongoing nuisance to local residents.

The Licensing Sub Committee noted the steps that had been taken by the premises licence holder to address the issues identified by the application for a review. However, the Sub-Committee **RESOLVED** that it was also necessary to take action under its statutory powers as detailed in section 52 of the Licensing Act 2003, by the addition of 2 new conditions to the Premises Licence as set out below:

1. The premises licence holder shall ensure a minimum of one SIA registered door supervisor shall be employed at the Premises at all times when regulated entertainment is taking place at the Premises.

If regulated entertainment at the Premises continues on any occasion past 22:00hours, the premises licence holder shall ensure that a minimum of one SIA registered door supervisor shall be employed at the Premises until the Premises are closed to the public and all members of the public attending the Premises on that occasion have left the Premises.

This condition to be reviewed by Thames Valley Police in 3 months from the date of this decision and if the Premises are considered to be running to their satisfaction will not oppose the removal of the condition by way of a minor variation.

REASON: The prevention of crime and disorder and the prevention of public nuisance.

2. The premises licence holder shall attend regular monthly meetings with Thames Valley Police to review any issues arising at the Premises and to ensure that the premises licence holder is made aware of any concerns.

REASON: The prevention of crime and disorder and the prevention of public nuisance.

Name Councillor Andrew Rowles (Chairman)

Signature and Date

Name Councillor Jeff Beck

Signature and Date

Name Councillor Adrian Edwards

Signature and Date