

LICENSING SUB-COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 23 JANUARY 2013

Councillors Present: Jeff Beck, Mollie Lock and Andrew Rowles

Substitute: Billy Drummond

Also Present: Sarah Clarke (Team Leader - Solicitor) and Amanda Ward (Licensing Officer) and Stephen Chard (Policy Officer)

PART I

1. **Declarations of Interest**

Councillor Jeff Beck declared an interest in Agenda Item 2, but reported that, as his interest was personal and not prejudicial, he determined to remain to take part in the debate and vote on the matter.

2. **Application No. 12/02019/LQN - Document House, 7-9 Wharf Street, Newbury, RG14 5AN**

(Councillor Jeff Beck declared a personal interest in Agenda item 2 by virtue of the fact that he was a Member of Newbury Town Council (who had objected to the application) and was a member of the Town Council's Planning and Highways Committee. As his interest was personal and not prejudicial he was permitted to take part in the debate and vote on the matter. Councillor Beck did however advise that he would be willing to step down from this Sub-Committee if the applicant wished it. Jon Payne of Horsey Lightly Fynn (representative of the applicant) was asked for a view on this matter and he advised that he had no objection to Councillor Beck remaining on the Sub-Committee if he had not predetermined the application in his role on the Town Council. Councillor Beck made it clear that while he was on the Town Council's Planning and Highways Committee, he took no part in the associated debate and abstained from voting on the matter at the Town Council level. Mr Payne therefore confirmed that he had no objection to Councillor Beck remaining on the Sub-Committee).

The Sub-Committee considered a report (Agenda Item 2) concerning Licensing Application 12/02019/LQN in respect of Document House, 7-9 Wharf Street, Newbury, RG14 5AN.

In accordance with the Council's Constitution, Amanda Ward (Licensing Officer, West Berkshire Council), Jon Payne (Horsey Lightly Fynn – representative of the Applicant), Mark Quaintance (Applicant) and Kim Hodges (Newbury Town Council – Objector) addressed the Sub-Committee on this application.

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

- The Licensing Authority received an application to vary a premises licence under Section 34 of the Licensing Act 2003. The applicant was Leisure Licence Limited.
- The current premises licence allowed for the supply of alcohol and regulated entertainment from Monday to Sunday 10h00 – 02h30 with non standard timings from 10h00 on 31 December – 04h00 on 2 January each year. The standard opening hours of the premises were 10h00-02h30 from Monday to Sunday.

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- The consultation period ran until 30 December 2012 and the application had been advertised correctly. The variation sought to extend the hours of operating for films, live music, recorded music, performance of dance and late night refreshment on Saturday and Sunday from 0000-0400 and the supply of alcohol from 0000 – 0330 with opening times on Saturday and Sunday to be extended until 0400.
- During the statutory consultation period of 28 days, one representation was received from Newbury Town Council on the grounds of the prevention of public nuisance, public safety, and the prevention of crime and disorder.

Mr Payne, in addressing the Sub-Committee, raised the following points:

- The licence variation application sought permission to extend opening hours to 04h00 on Saturdays and Sundays. However, it was not the intention to utilise this closing time every weekend, rather to install a greater level of flexibility for special events and customer departures.
- With the permission of the Sub-Committee, additional information was circulated on behalf of the applicant. This served to highlight that Document House was a very responsibly run establishment. The paperwork included photographs of a recent campaign which gave the positive message that Document House served drinks and not drunks. Members of staff wore t-shirts with this message included. In addition, the Challenge 25 principles had been adopted. The information circulated also contained documentation included in the staff training pack which made the responsibility of staff clear as well as action to be taken in the event of fire.

Mr Quaintance, in addressing the Sub-Committee, raised the following points:

- Document House had experienced no major disorder issues since opening and it had been possible to deal with minor problems. This was helped by the good working relationship which was in place with local Police Officers. A good working relationship was also in place with the Licensing Authority.
- Although no formal representation had been received, the Police were of the view that this variation to the premises licence would be acceptable. Mr Quaintance added that he had spoken with a local Police Officer in the hour preceding the meeting who stated that the Police were content with the operation of the premises, its dispersal arrangements etc.
- Mr Quaintance then went on to describe the dispersal arrangements in place. Three security members of staff were employed on Friday and Saturday nights to aid this process and help prevent extensive noise/disruption when people left the premises. In addition, music was turned off in the half an hour preceding closure and this period of time allowed customers to finish off their drinks. If serious problems were to arise, the Police would be contacted.
- Mr Quaintance stated that no complaints had been received in relation to the level of noise during opening hours and caused by customers leaving the premises.
- Mr Payne, in summing up the points raised, stated that the premises was extremely well run, Police were not opposed to the proposed time extension and some measures were already in place to aid dispersal, potential disorder and to ensure responsible retailing.

Councillor Beck requested clarification on the application document. Page two of the application form stated that where an item had been left blank it was to be assumed that there was no change proposed from the existing licence. However, in the case of Section I (i) (late night refreshment) it stated that this was restricted to indoors only and Councillor Beck sought confirmation as to whether there was currently or any future plans to permit

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an element(s) of the operation of the premises outdoors. Mr Payne stated that the operation of the premises was conducted indoors in its entirety and this would remain the case. The application only sought a variation to the opening hours. The indication given in Section I was likely a typographical error and should have been left blank.

In noting the point made about not intending to open every Saturday and Sunday until 04h00 if permission was granted, Councillor Andrew Rowles queried whether the current closing time of 02h30 was always implemented. Mr Quaintance responded to advise that the premises did generally close at 02h30, but it was hoped that permission would be granted to open until 04h00 hours as this would enable the premises to remain open longer for the benefit of the loyal customer base of Document House. Mr Payne added that the premises had previously been awarded Temporary Event Notices (TENs) which enabled later closing times and these had not created any problems.

Mr Hodges, in addressing the Sub-Committee, raised the following points:

- He was representing the views of Newbury Town Council, and the Town Council's Planning and Highways Committee met on 17 December 2012 to consider this application when the motion was passed to lodge an objection. Nine Town Councillors voted in favour of this motion with abstentions from two Town Councillors (including Councillor Beck).
- It was noted by the Planning and Highways Committee that a number of applications had been approved in recent months to extend licences into the early hours of the morning and it was therefore felt that there were already enough premises opening to such late hours. It was also suggested in the Town Council's debate, that this application was potentially a competitive response to the extended opening hours of Moo Moos night club in Newbury. The late opening hours of the night club was felt to be acceptable with a certain number of provisions in place as was appropriate for such an establishment. These included specially trained security staff, risk assessments undertaken and liaison with the Police. These provisions were not being sought as part of the application submitted by Document House.
- Based on the evidence of the application, particularly the additional information circulated at the Sub-Committee meeting, Mr Hodges commented that the staff team appeared to be very young. He acknowledged that appropriate practices were in place, but felt it would be more difficult for a young person with less experience to determine if a customer was drunk and should not be served or if they had taken illegal substances. The Town Council was also concerned about the late hours being worked by this young team of staff who would not return home until past 04h00 if the application was granted.
- The Town Council's objections related to three of the four objectives of the Licensing Act, as follows:
 - Prevention of Crime and Disorder. It was believed that later opening hours encouraged the excessive consumption of alcohol and this was an area of national concern. This increased the risk of disorderly behaviour. Mr Hodges gave vandalism of car wing mirrors as an example of this.
 - Public Safety. Excessive consumption of alcohol could result in aggressive behaviour and as more premises opened to a later time, Police resources would become more stretched in dealing with incidents. Perception/fear of crime was another concern and it was felt that this prevented people from accessing the Town Centre/Market Place late at night.

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- Prevention of Public Nuisance. This area was of greatest concern to the Town Council as approval of the application could have a negative impact on the people living in the local community. The most particular concern was noise nuisance with people being woken up very late at night. This was a genuine concern, although it was an issue rarely recorded/reported. There was also a well known problem of late night littering.
- In summary, Mr Hodges restated the Town Council's view that there were a sufficient number of premises open late already and further problems could be generated if an additional number of premises continued to be granted permission to open to such a late hour.

Councillor Beck noted that the majority of the Town Council's comments were general and not specific to this application, with nothing directly related to Document House and its operation. There were a number of licensed premises in the Town Centre and approximately 41% of these were currently open at least to the hours being applied for. Of these 41%, 67% of licences permitted premises to be open until 0430 or later. If the application was refused, Councillor Beck questioned whether there were specific grounds on which to do so. If it was refused and the applicant appealed the decision, it would likely be approved. Councillor Beck also drew attention to the efforts being made in Newbury to ensure the safety and security of the evening economy – i.e. the Purple Flag and Best Bar None. He asked Mr Hodges if the Town Council had any points to raise that were specific to Document House and its operation.

Mr Hodges acknowledged that the nature of the debate at the Planning and Highways Committee was largely general and the main concern was the succession of applications which had led to a number of premises being open too late. In Mr Hodges personal opinion there was no particular concern in relation to Document House. However it was his experience and that of some Town Council constituents that it was the aftermath of a night out which could cause problems. He had spoken with some local people who were of the view that there were enough premises open late already and questioned if this was needed elsewhere.

Councillor Rowles asked if the Town Council had received any specific complaints with regard to Document House. Mr Hodges was not aware of any such being received.

Councillor Rowles also queried the number of residents who lived in close proximity to Document House. Mr Hodges advised that some residents did live in close proximity, but was not able to confirm an exact number. However, it was noted that no direct representations of objection had been received from local residents.

Mr Payne then made the following closing comments:

- Members of staff were recruited with care and a robust induction programme was in place for new employees.
- No specific objections had been raised in relation to the operation of Document House and all applications had to be considered on their own merits. The Town Council representative had acknowledged that there were no particular concerns with regard to Document House.
- The premises were keen to be involved in the Best Bar None scheme.
- Concerns had been expressed with regard to the potential for difficulties to be caused by more premises being open to a later time, but no complaints had been made that related to the operation of Document House. Document House had already been open to the time requested as part of temporary events and no problems had arisen as a result of these. If there was evidence of difficulties being caused that were specific to Document House, then it was likely that objections

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would be forthcoming to this application from the Police, Environmental Health and residents, but this was not the case. For the Sub-Committee to refuse the application they would need to be satisfied that there was a genuine possibility that problems would be caused by approval for this to be legally acceptable.

- While the objections of the Town Council had been noted, refusal of this application for a premises that was responsibly run would send out the wrong message to the trade. Approval would show that a responsibly run establishment would be dealt with fairly and appropriately by West Berkshire Council.
- Mr Payne felt that the licensing application should be granted as per the application.

The Sub-Committee retired at 2.40pm to make its decision.

Having taken the representations into account, the Licensing Sub-Committee **RESOLVED** that Application 12/02019/LQN be granted subject to existing conditions as referred to in the operating schedule and any relevant mandatory conditions in ss19-21 of the Licensing Act 2003.

(The meeting commenced at 2.00 pm and closed at 2.40 pm)

Name: Cllr M Lock

Date of Signature

Name: Cllr J Beck

Date of Signature

Name: Cllr A Rowles

Date of Signature