

LICENSING SUB-COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 2 JULY 2014

Councillors Present: Peter Argyle (Chairman), Tony Linden and Mollie Lock

Substitute: Geoff Mayes

Also Present: Sarah Clarke (Solicitor) and Emilia Matheou (Environmental Health & Licensing), Jo Watt (Member Services Officer)

PART I

1. **Declarations of Interest**

There were no declarations of interest received.

2. **Application No. 14/00748/LQN - Redwood House Restaurant, Coldharbour Road, Hungerford, RG17 0HR**

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application No. 14/00748/LQN submitted by Kitchen Angels Ltd in respect of premises at Redwood House Restaurant, Coldharbour Road, Hungerford, RG17 0HR.

In accordance with the Council's Constitution, Emilia Matheou (Licensing Officer, West Berkshire Council), Mr Hassen Guerroudj (on behalf of the Applicant) and Mrs Jan Giggins and Mr James Giggins (Objectors) addressed the Sub-Committee on this application.

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

- West Berkshire Council's Licensing Service received an application made under section 17 of the Licensing Act 2003 for a new premises licence to be granted for the premises at Redwood House Restaurant. The application was submitted on 13th May 2014.
- The Responsible Authorities were advised of the application by email on 13th May 2014.
- The application was for the sale, by retail, of alcohol, (for consumption on and off the premises) and recorded music: Monday to Sunday from 1000 to 2300 hours.
- The 28 day consultation period ran until 10th June 2014. The application was advertised in accordance with the Regulations with blue notices displayed at the premises (witnessed by an officer on 16th May 2014) and by publishing a notice in a local newspaper, The Advertiser on 16th May 2014.
- During the statutory consultation period of 28 days, representations were received on 7th June 2014 from Mr James Giggins and 9th June 2014 from Mrs Jan Giggins who objected to the application based on the licensing objectives.
- No representations were received from the Responsible Authorities.
- The applicants conducted a survey and petition on 12th June 2014 from 1.00 pm – 3.00 pm. The petition contained 98 signatures in support of the application and included the residents of houses in close proximity to the Redwood House restaurant along with residents of Redwood House and Lindley Lodge.

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- Written support had also been received from Mear's Manager, Christopher Mitchell (in house care provider). The onsite Sovereign Scheme Manager, Liz Fisher had also indicated her support to the applicant.
- No mediation had taken place and the objectors had specifically requested that their representations be heard by the Licensing Sub-Committee.

Mr Hassen Guerroudj (on behalf of the Applicant), in addressing the Sub-Committee, raised the following points:

- His company, 'Kitchen Angels' took over the Redwood House restaurant in March 2014 and almost immediately identified a need for an alcohol licence to allow residents and their guests to enjoy a drink with their meals in a restaurant setting rather than having to stay in their rooms. The intention was also to bring the residents of the two buildings (Redwood House and Lindley Lodge) together as a community.
- The restaurant currently offered a 25% discount on food to residents and as a result of offering such competitive prices the business was struggling to achieve the profits they hoped for. It was hoped that an alcohol licence would help achieve those profits. However, there was no intention to attract 'lager lout' drinkers and as such the sale of alcohol to non residents would be priced to discourage irresponsible drinking. Residents would be issued with membership cards to allow them to purchase alcohol at more reasonable prices.
- There was no intention of turning the restaurant into a night club or disco but simply to allow residents and their guests to have an alcoholic drink with their meal if they wished to. The restaurant was in a secluded area of the building with no outside space so there would be no noise emitted outside. The terraces at the back of the property all belonged to the apartments and the residents of those apartments could have a drink or a party on their terrace at any time.

In response to a question from Councillor Peter Argyle, Mr Guerroudj said that the restaurant currently provided food at breakfast and tea times and also delivered food to some of the rooms. Even with an alcohol licence, Mr Guerroudj said the latest the restaurant would ordinarily close would be around 7.00 pm. The reason the licence had been requested until 11.00 pm every night was that on special occasions (Birthdays, Anniversaries etc) it would be nice to provide a meal or buffet with a glass of wine. The panel noted the example provided of an ex RAF service man who wished to celebrate his 90th Birthday with family and friends. The applicant said if the licence was granted as requested it would mean they would not need to come back to the Council each time they required an extension to the hours.

In response to a question from one of the objectors, Mrs Giggins, Mr Guerroudj, the applicant confirmed that there was a Designated Premises Supervisor (DPS) in respect of the application. Emilia Matheou, the Council's Licensing Officer and Sarah Clarke, the Council's Solicitor confirmed that the DPS had a personal licence and it was not possible to hold the position of DPS without having a personal licence. In addition, it was confirmed that it was a formality of the premises licence application that the DPS must have signed the consent form and this had been done. Emilia Matheou confirmed that the DPS did not have to be on the licensed premises at all times.

In response to a further question from Mrs Giggins, Mr Guerroudj said that the applicants had approached residents, guests of residents and people living near by to complete their survey and petition and that those involved were aware of what they were signing. The Sub-Committee noted that some of the people who signed the petition were not residents of West Berkshire as they were guests of the residents. Sarah Clarke, the Council's Solicitor confirmed that the applicant was entitled to submit this information to the Sub-Committee for their consideration.

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Sarah Clarke confirmed that the Council's statutory obligations with regard to the advertisement of the application both at the premises by blue notice and in a local newspaper had been met.

Mrs Jan Giggins (objector), in addressing the Sub-Committee, raised the following points:

- The Sub-Committee was asked to note the following paragraph extracted from the DCMS guidance:

'When considering the steps that an applicant has volunteered to promote the licensing objectives, it is important to remember that applicants should already be adhering to legislation in other areas'.
- Redwood restaurant was an ancillary facility in an Extra-Care affordable housing residential development for the over 55's owned by Sovereign Housing Association. The build had been achieved with the help of public grant from the Homes and Communities Agency as well as a financial contribution from West Berkshire Council.
- She did not believe that the restaurant had planning permission to operate as a separate entity open to the public and certainly not as a licensed bar and the applicants might not have been aware of any planning restrictions in place.
- The premises were registered with the Care Quality Commission and they might have had concerns about the establishment of a public bar on site.
- The nature and legal status of the premises/restaurant should have been clarified with the applicants and discussions should have taken place between colleagues in planning, housing, legal and social care. The licence application should not have been considered in isolation and should have been evaluated together with other relevant licences, permission and regulations. The Sub-Committee was also asked to give consideration as to whether there was a change of use of the building in the future.
- It was not appropriate to establish (alcohol) licensed premises of any sort in the same building as an 'extra care' residential building. This could aggravate the care of residents and create an extra burden for the carers.
- The mark-up required on any alcohol sales to cover the staffing and operational costs of the bar/restaurant could also impact on the budgetary pressures of any personal financial care packages and ultimately result in public funding being diverted away from care.
- The application gave no detail of how public access was to be controlled when non residents made use of the restaurant. It was understood that some sort of key fob security system would be in place but due to disability regulations this meant doors could sometimes be open for long periods of time.
- A pedestrian route, used by surrounding residents and accessed by children walking to John O' Gaunt secondary school ran through the grounds of Redwood House. Due to limited parking for existing residents, the route was often obstructed by cars and this could be exacerbated by further public use of the building.
- There would be policing implications of opening up a new licensed bar in this location.
- The external lighting currently in place at the building meant that the exit from the site via Priory Road was dimly lit at night. This was a concern with regard to minimising the impact of crime and disorderly behaviour from the licensed bar.

Mr James Giggins (objector), in addressing the Sub-Committee, raised the following points:

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- It was understandable that residents wished to have a drink on an occasional basis but there were numerous bars and cafes in close proximity where the residents could purchase alcohol. Residents could also buy their own alcohol and store it in their apartments if they wished to have a drink.
- Kitchen Angels had said that their business was struggling and therefore the alcohol licence was linked to financial viability. Issuing a premises licence to a struggling business could lead to lots of events with alcohol in an attempt to increase profits.
- If the licence was to be granted, what would happen if Kitchen Angels ceased to run the restaurant.

In response to a question from Councillor Tony Linden, Mrs Giggins indicated the location of her property in relation to Redwood House on the map provided in the agenda. Mrs Giggins reported that there was approximately 12 meters between the end of her back garden and Redwood House.

In his closing remarks, Mr Guerroudj, the applicant said that the business was not struggling. It was currently operating at 30% gross profit but they wished to operate at 40% gross profit. Mr Guerroudj said that he wanted to make the business work and be good neighbours whilst giving something back to society.

The Sub-Committee retired at 2.35 pm to make its decision.

Having taken the representations into account, the Licensing Sub-Committee **RESOLVED** that Application reference 14/00748/LQN in respect of premises at Redwood House Restaurant, Coldharbour Road, Hungerford, RG17 0HR be granted subject to the conditions set out in the operating schedule and any relevant mandatory conditions as prescribed by the Licensing Act 2003 or secondary legislation, for the reasons set out in the Decision Notice.

(The meeting commenced at 2.00 pm and closed at 2.35 pm)

Name

Date of Signature

Name

Date of Signature

Name

Date of Signature