

From: Jan Giggins
Sent: 09 June 2014 15:48
To: Licensing
Subject: RE: 14/00748/LQN Kitchen Angels Limited Redwood House

Dear Sharon,

RE: 14/00748/LQN Kitchen Angels Limited Redwood House

Many thanks for sending through a copy of the application and then the representation form and guidance notes. Please find below my representations. I would be grateful if you could confirm that the method of submission is acceptable.

Before linking my objections to the four licencing objectives on your form I would like to draw your attention to the following paragraph extracted from the DCMS guidance you provided:

“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" is an ancillary facility in an Extra-Care affordable housing residential development for the over 55's. (Class C2). The building is owned by Sovereign Housing, a Registered Social Housing Provider/Charity and was built with the help of public grant from the Homes & Communities Agency as well as a financial contribution from West Berkshire Council. I don't believe it has planning permission to operate as a separate entity open to the general public, certainly not as a licenced bar. It appears that Sovereign Housing have sub-let the premises and that the applicants may not be aware of the planning restrictions.

I also believe the premises are registered with the Care Quality Commission and would have thought that they might have some concerns about the establishment of a public bar on site.

It would help if the exact nature and legal status of the premises/restaurant could be clarified with the applicants and your colleagues in planning/housing/legal/social care etc. The licence application should be evaluated together with other relevant licences/permissions/registrations and not in isolation. Consideration should also be given to the potential implications of granting the licence should current use of the building change eg from 'extra care' to 'general needs'.

If it is deemed that all the underlying permissions are in order (or not expedient to enforce), then it should be borne in mind that a suggested use of West Berkshire

Council's financial contribution when put forward for authorisation by the Executive was to kit out the kitchen/restaurant area of the building.

<https://www.whatdotheyknow.com/request/44032/response/235712/attach/3/Part%20II%20Report%20Extra%20Care%20Housing%20Development%20Hungerford.pdf>

As such I believe this premises licencing application should be referred to the licencing committee rather than being determined under delegated powers, as it is an application in which the Council has an interest. I also believe the consideration should be deferred until such time as the applicants have advertised the application appropriately in the local newspaper.

Detailed Representations:

Regarding the application itself as it now stands I have the following concerns. As some of these can be linked to more than one of the licencing principles, I have referenced them to A, B, C & D as detailed below rather than using the form provided, which seems rather prescriptive. Hopefully those concerns that don't directly link to any of the four licencing objectives are covered by the spirit of the licencing legislation.

- A. The prevention of crime and disorder;
- B. Public safety;
- C. The prevention of public nuisance;
- D. The protection of children from harm.

1. I do not feel it is appropriate to establish (alcohol) licenced premises of any sort in the same building as an 'extra-care' residential building intended to house the elderly frail and other vulnerable people over 55 in need of affordable housing. It could aggravate the care of residents on prescribed medication and add to the burden of their carers. (B & C)

2. The mark-up required on any alcohol sales to cover the staffing and operational costs of the bar/restaurant would also impact on the budgetary pressures of any personal financial care packages and ultimately result in public funding being diverted away from care. It is also unclear whether these proposals would preclude residents consuming their own alcohol (purchased elsewhere) or listening to their own recorded music in communal parts of the premises (eg in the resident's lounge).

3. Furthermore, the 'extra-care' category implicit in the planning permission does not distinguish between categories of vulnerable people and therefore encompasses people with alcohol and drug addictions. Provision of an on-site licensed bar/restaurant would run contrary to this group of vulnerable people's care needs. (B&C)

4. Whilst parts of the building may have been designated as 'public' (as opposed to private, residential/communal spaces, it surely would not be appropriate to have unrestricted access to those areas by the public at large. The application gives no detail of how access is to be controlled from those public spaces into other parts of the building. Eg use of toilets, lifts, access to corridors leading to residential accommodation etc. (A,B&C)

5. The hours and days of operation applied for (10am to 11pm, 7 days a week) are excessive for any premises situated in a residential area. If either licence (alcohol or recorded music) is granted, the hours and days of operation should be restricted in consideration of the amenity of both residents of the building and residents in the surrounding area. If possible restrictions should also be placed on volume of music, and on leaving windows/doors open. (B&C)

6. A pedestrian route, used by surrounding residents and accessed by children walking to John O Gaunt secondary school runs through the grounds of the building. This route is already at times obstructed by cars because there is limited parking for the existing residents, visitors and care staff working in the building/block of flats. Any further public and business/retail use of these buildings can only aggravate the parking/traffic issue.(B, C &D)

7. Whilst the applicant has detailed measures to prevent the sale of alcohol to children under 18 these seem a fairly standard set of safeguarding measures that youngsters, if so inclined, could (and do) find a way around. What experience does the applicant have of operating these measures? The company seems to have been set up fairly recently, and be more of a spin-off from a specialised event catering company than an experienced bar operator. How many staff do they employ? What training do they give their staff? How many staff are on site at any one time? (D)

8. There will be policing implications of opening up what is effectively a new licenced bar in this location. I do not consider the security measures as per the application are sufficient given that there is a very limited police presence in Hungerford, especially in the outer residential areas. Hopefully the police have already responded to the consultation. (A, B, C, D)

9. There are planning restrictions placed on the external lighting of the building due to the presence of bats and the location of the building in an AONB. The exit from the site via Priory Road is particularly dimly lit at night. The lighting

requirements required to minimise the impact of crime/disorderly behaviour from a licenced bar are at odds with this planning restriction. (A, B, C)

Please do not hesitate to contact me if you require clarification of any of the points made.

Many thanks.

Yours sincerely,

Jan Giggins