

# DRAFT

## LICENSING SUB-COMMITTEE

### MINUTES OF THE MEETING HELD ON THURSDAY, 4 APRIL 2019

**Councillors Present:** Jeff Beck, Paul Bryant and James Cole (Chairman)

**Substitute:** Tony Linden

**Also Present:** Anne Marie Baird (Solicitor), Karen Court (Licensing Officer), Laura Knowles (Trainee Solicitor), Stephen Chard (Principal Policy Officer) and Councillor Alan Law

#### PART I

##### 1 **Declarations of Interest**

There were no declarations of interest received.

Councillor James Cole advised that he had discussed the application with the Ward Member, Councillor Alan Law, but he asserted his view that this would not affect the outcome of today's Sub-Committee in any way.

##### 2 **Application No. 19/00225/LQN - The Swan, High Street, Streatley, Reading, Berkshire, RG8 9HR**

*(Councillor James Cole advised that he had discussed the application with the Ward Member, Councillor Alan Law, but he asserted his view that this would not affect the outcome of today's Sub-Committee in any way).*

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application 19/00225/LQN in respect of a premises licence application for The Swan, High Street, Streatley.

In accordance with the Council's Constitution, Karen Court (Licensing Officer, West Berkshire Council), Mr Joe Mair and Mr Thomas O'Maoileoin (Applicant/Applicant's Solicitor), and Goring-on-Thames Parish Councillor Matthew Brown, Mrs Anita Coghlan, Mr Colin Coghlan, Mr Brian Dickson (Thames Bank Association) and Mr Ben Warner (Objectors) addressed the Sub-Committee on this application.

##### **Licensing Officer Presentation**

Karen Court, in addressing the Sub-Committee, raised the following points:

- The premises was described in the application as a hotel with associated restaurant, bars, event space, terraces and gardens. Following major refurbishment works at the premises, the application proposed a new premises licence to replace licence reference 013241, incorporating the new licensable areas and external areas.
- There was no indication that the current premises licence would be surrendered if the new application were to be granted.
- Amendments had been made to the original application and the licensable activities being applied for were as follows:

<b>Alcohol (on &amp; off)</b>	Monday -Saturday 09:00 to 01:00 Sunday 09:00 to 00:00
<b>Recorded Music (indoors only)</b>	Monday - Sunday 23:00 to 01:00

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<b>Late Night Refreshment (indoors only)</b>	Monday - Sunday 23:00 to 01:00

In addition, all licensable activities would be permitted from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

All licensable activities would be unrestricted for hotel residents and their bona fide guests. This only concerned sales of alcohol and late night refreshment.

The proposed opening hours were 24 hours for residents and guests, and 9am until 1am for the public.

- During the statutory consultation period of 28 days, representations were received from Thames Valley Police and Environmental Health. The 19 conditions proposed by Thames Valley Police had since been agreed in full by the applicant, and on this basis both the Police and Environmental Health had withdrawn their representation/objection. Subject to approval, these conditions would be added to the operating schedule.
- In reference to section M of the application, proposed condition two related to the Public Entertainment Licence Conditions and this needed to be queried as it related to old legislation.
- Proposed condition one gave the capacity as:
  - Coppa Club Restaurant and Bar – 450
  - Events space – 250
  - Hotel Bar – 75
  - Total capacity of 775.
- A total of 33 representations had been received in time from local residents, four of whom would be addressing the Sub-Committee. A further representation had also been received beyond the deadline and while the individual had been advised that it could not be accepted, they had been informed that they could attend the Sub-Committee.
- Representations had also been received from Streatley Parish Council and Goring Parish Council, and Goring Parish would be addressing the Sub-Committee.

### Questions to Licensing Officer

In response to a question from Councillor James Cole, Karen Court confirmed her understanding that the capacity of the premises had increased. She added that ultimately, it would be for a Fire Officer to confirm if numbers accorded with fire safety regulations. To date, the Royal Berkshire Fire and Rescue Service had not raised any issues and, at this stage, an assumption could be made that these numbers were acceptable.

Karen Court clarified, in response to a question from Councillor Alan Law, that this was a new application. Mr O'Maoileoin took the opportunity to confirm that should this new application be approved, then the existing licence would be surrendered. As explained by the Licencing Officer, major refurbishment had been undertaken and therefore this new application had been submitted.

### Applicant/Applicant's Solicitor Representation

Mr O'Maoileoin, in addressing the Sub-Committee, raised the following points:

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- He started by offering an apology as the original application, submitted in February 2019, was over ambitious. In hindsight, liaison should have been undertaken with the parishes and local residents.
- They had since become aware of the high level of concern locally and had responded to this quickly with an amended application. Mr O'Maoileoin acknowledged that a different approach with the original application would have helped to lessen concerns.
- A particular concern highlighted by residents was in relation to having live and/or recorded music outside until 03:00. This was understood and in response, live music had been withdrawn from the application and recorded music would be indoors only until 01:00. For clarity, Mr O'Maoileoin reiterated that the amended application was only seeking a licence for three licensable activities:
  - Alcohol (on & off)
  - Recorded music (indoors only)
  - Late night refreshment (indoors only) – this would only consist of tea/coffee and a small hot dish.
- Some concern had also been expressed in relation to indoor recorded music, however the conditions proposed by Environmental Health in relation to preventing public nuisance had been accepted and would hopefully remove that concern.
- The sale of alcohol was sought from 09:00. The 09:00 start time was with a view to allowing visitors to partake in a champagne breakfast. Mr O'Maoileoin added that all sales of alcohol between 09:00 and 11:00 would be ancillary to a table meal. However, he was not aware of concerns being expressed on this point by objectors.
- Concerns expressed in relation to late night consumption of alcohol were understood. This included Thames Valley Police but, as already explained, their objections had been removed on the agreement of conditions. These conditions included use of the Challenge 25 Policy as well as having a robust system in place to not sell alcohol to people who were intoxicated.
- Mr O'Maoileoin acknowledged that proposed closing hours were later than that allowed by the existing licence and traditional hours, however this change was to coincide with the events and functions intended to take place that would be held to 01:00 at the latest.
- Visitors staying beyond 23:00 would primarily be in attendance at a private pre-booked function and it was anticipated that a number of them would stay in the hotel. Visitors staying late could also be dining in the restaurant.
- Mr O'Maoileoin stated that it was in no way the intention for the premises to become an all-day drinking establishment.
- Turning to capacity, Mr O'Maoileoin amended the numbers in the application to:
  - Coppa Club Restaurant and Bar – 300 (reduction from 450)
  - Events space – 200 (reduction from 250)
  - Hotel Bar – 75
  - Total capacity of 575 (reduction from (775)).
- These numbers were given as a maximum, however should the outcome of the Fire Risk Assessment require a lower number then this would be abided by.

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- Mr O'Maoileoin referred to the query raised by the Licencing Officer in relation to the Public Entertainment Licence Conditions. He agreed that this could be deleted as it served no purpose.

### Questions to Applicant/Applicant's Solicitor

Councillor James Cole asked for clarification of the area covered by the application within the plans. Mr Mair confirmed that the yellow area of the plan covered the Coppa Club, the beige area the events space and the blue area was the location of the hotel bar. These three areas comprised the entire indoor space.

Councillor Jeff Beck queried if the premises had been inspected by a Fire Officer. Mr O'Maoileoin was unable to confirm this point, but his expectation was that this would take place in the relatively near future if it had not already.

Councillor Beck then queried the drinking up time. Mr O'Maoileoin explained that sale of alcohol would cease at 01:00 and this would be followed by a drinking up period of 20-30 minutes.

Councillor Paul Bryant noted that a condition to prevent public nuisance was to keep windows closed in order to prevent recorded music from permeating outside. He queried how this could be enforced in practise. Mr Mair explained that the building would be acoustically sealed and all windows would be double glazed. While bi-folding doors could be opened to access the riverside, it would be closed by 22:30 and was double glazed.

Councillor Cole asked if the new proposed terms offered an improvement to residents with a lesser degree of noise impact. Mr O'Maoileoin viewed this as being the case with the inclusion of the agreed conditions. There had historically been issues with noise, however the completed building would be acoustically sealed to prevent noise emanating outside and Environmental Health conditions had been agreed to. It was understood that should there be a breach of conditions then the licence could be reviewed and a noise abatement notice was a potential sanction. However, there was confidence that there would not be an issue.

Councillor Cole then sought further detail on what would be available as late night refreshment. Mr O'Maoileoin gave the expectation that this would primarily consist of hot drinks – tea/coffee. Food would be limited to a small menu providing, for example, toasted sandwiches. Hot drinks would be non-alcoholic.

In response to a question from Councillor Bryant, Mr O'Maoileoin confirmed that the building was not yet completed. Currently, only the hotel bar was trading.

In response to a question from Councillor Alan Law, Mr O'Maoileoin confirmed that a member of the public would be able to access the Coppa Club from 23:00 and stay until 01:00.

Councillor Law then queried if it was the intention to install outdoor 'igloos' as was the case in other premises run by the applicant (Rare Bird Hotels Limited). Mr O'Maoileoin confirmed that this was not the intention for this premises.

Councillor Law noted that the premises had changed its operations over the years and queried how it should now be described. Mr O'Maoileoin described the premises as being a hotel with a restaurant and bar with a function/event space.

Karen Court also made reference to the plans and recommended that they be revised. The plans currently contained a red line (this covered the internal areas already highlighted by the applicant for licensable activities – the coloured areas of the map) and a green line showing the area for outdoor activity. Mr O'Maoileoin confirmed that updated plans would be provided. He made clear that licensable activities would only take place

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within the red line. Mr O'Maoileoin confirmed, in response to a question from Councillor Beck, that there had been no objection to licensable activities within the red line.

Councillor Cole sought further clarification on the use of outdoor areas. Mr O'Maoileoin confirmed that no licensable activities would take place in the grounds. There was a terrace outside the restaurant and bar by the riverside that would be used by diners and they could consume drinks, but the sale of alcohol would take place in the interior area and would be an off sale. Alternatively, the terrace could become part of the licensed area.

Members then sought an understanding of when the waiter/waitress service would be provided. Mr O'Maoileoin confirmed that this would be available for events, i.e. a wedding, in an earlier time of the evening. It would be not available post 23:00.

Karen Court explained that the waiter/waitress service did not need to be licensed as while drinks would be ordered, i.e. from the terrace, the actual appropriation of the alcohol would take place inside and would therefore be considered an off sale. She acknowledged that alcohol could potentially be taken to a table located on the island.

Councillor Cole queried if alcohol was permitted to be consumed on the island and whether the island would be used for events. Mr O'Maoileoin advised that alcohol could currently be consumed on the island as an off sale, but there was no intention to use the island for an event.

Councillor Cole remained concerned in relation to the use of outside areas. Karen Court felt that this could be controlled via conditions.

Mr Warner sought clarification that a customer could purchase alcohol and consume it on the island. Mr O'Maoileoin confirmed there that was nothing currently to prevent that within the application. Councillor Cole followed this by asking if the applicant would accept a condition to prevent this. Mr O'Maoileoin confirmed acceptance of such a condition.

### **Objector Representation**

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

- The representation of Mr and Mrs Coghlan was detailed from pages 89 to 92 in the document bundle and focussed on the prevention of public nuisance. Their concerns had arisen as a direct result of their past experiences.
- Mr and Mrs Coghlan had lived in Church Lane for 23 years. Their home was immediately adjacent to the hedge on the western border of the hotel and they also shared a party wall with the hotel's staff house.
- Mr Coghlan stated that the causes for concern were well founded as there had been numerous occasions where noise had become so intolerable that, regrettably, they had been forced to formally complain to the hotel.
- The reasons for complaint had arisen mainly as a result of disturbance during and after evening functions and the staff subsequently heading home. The noise emanated from both inside and outside the buildings and the grounds. It was felt clear from the other representations that they were not alone in their concerns.
- There was therefore great concern that the application had failed to identify any specific steps to prevent public nuisance.
- While it was pleasing to note that the applicant had agreed to adopt in full the generic conditions of Thames Valley Police, given the issues the current senior management team had encountered in the past and especially with the proposed increase in hours, significant increase in customers, the new layout and mostly new staff, Mr and

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Mrs Coghlan believed that no extension of any licensed activities should be granted until the applicant could demonstrate they could comply with the licensing objectives in full together with all conditions. It was felt that the applicant should agree to a trial period to demonstrate this compliance before any extension could be agreed.

- However, should the Sub-Committee be minded to agree the application in full or in part then it was requested that the following conditions be included:
  - Extended hours be restricted to Fridays and Saturdays only and curtailed to midnight. This would align with the closing time of the village hall which was next door to the hotel.
  - The extended holiday provisions on New Year's Eve be limited to 01:00.
  - No extension to the hours for the supply of alcohol be granted.
- As regards to other conditions specific to the prevention of public nuisance, it needed to be noted that the Coghlan's' representation proposed several detailed conditions. These had largely been covered by the conditions of Thames Valley Police, but a small number were not completely addressed as they related to site specific issues which Mr Coghlan knew to be a problem from past experiences and were felt to be simple to remedy to prevent noise disturbing local residents. It was felt that these could easily be incorporated into the newly agreed conditions by way of a few additional changes to the text. These changes were highlighted as follows:
  - Condition 10 (final sentence): 'Staff shall be available to assist in the dispersal of customers **from 22:00 each evening**'. Not only at the cessation of licensable activities.
  - Condition 11: 'The PLH shall ensure that no noise shall emanate from the premises, **including the outdoor area and staff house**, nor vibration be transmitted through the structure of the premises which gives rise to undue disturbance to local residents'.
  - Condition 14 (first sentence): 'An entry, closure and dispersal policy for controlling the opening and closing of the premises and the departure of customers **and staff** from the premises at the conclusion of the licensed activities shall be put in place and shall be actively operated.
- Mr Coghlan also made a request for two additional conditions, as follows:
  - Condition 14a: 'A suitable sound attenuating boundary is retained and further extended to cover the entire length of Church Lane'. This was needed in order to incorporate the gap in the hedge in front of the main function room entrance which had been a cause of many problems in the past with noise from the hotel.
  - Condition 14b: 'From 22:00 entry and exit should only be permitted from the northern main hotel reception entrance which leads directly to the main car park'. Or, '... from the southern bar entrance which leads directly to the High Street'. This was necessary as according to the drawings supplied by the hotel of the new layout, it appeared there were at least 12 points of entry and exit to and from the new Coppa Club, hotel bar and functions space. Further, it was felt unreasonable to expect the hotel to manage all these doors successfully, especially when considering that there was only to be two door staff.

Councillor Brown, in addressing the Sub-Committee, raised the following points:

- Goring Parish Council felt that the licensing application was confused and unclear. It needed to demonstrate how it would legislate against concerns.

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- The Parish was very concerned at the impact of noise late at night, particularly when sound travelled very efficiently across the water.
- The application had since been limited to indoor events only, but this still created a problem. He questioned how it would be possible to enforce keeping windows closed, as per the proposed condition, from 22:30. Even if this could be enforced, loud music would still be heard up until 22:30 and this would have a negative impact on the evenings of local residents.
- The Parish had concerns that The Swan could become a nightclub seven nights a week and while he accepted it was unlikely, parties could start at 09:00.
- Councillor Brown felt that a cut-off point was needed to manage the noise level.

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

- The Thames Bank Association consisted of 21 apartments which were inhabited by residents over the age of 55. They had chosen to live in the Thames Bank so they could enjoy the peace and tranquillity of the area.
- The requirement for doors and windows to be closed from 2230 did not go far enough as residents looked to enjoy evenings on their lawn and this would be negatively impacted.
- Mr Dickson had read reviews for the premises in Sonning, that was also managed by Rare Bird Hotels Limited, and while these had many positives, concerns had been raised in relation to the noise created by customers and their cars.

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

- He owned the Boathouse and moved from London to Goring to live in this beautiful, charming and quiet location. He wanted to continue to enjoy this quiet.
- Loud music was currently a factor from functions held at The Swan and these functions would increase. The suggestion that the noise from these would be mitigated by keeping windows closed after 22:30 was ridiculous. He felt it highly unlikely that windows would be kept closed on a hot night.

### Questions to Objectors

Councillor Bryant queried when noise problems started. Mr Warner explained that this was an issue at weekends and for functions. However, he had only lived in the Boathouse for around six months before a fire had unfortunately required him to temporarily vacate his home.

Mrs Coghlan could speak from the experience of living in the area for 23 years. She reported that noise levels had always been a problem. Mr Coghlan added that the situation worsened after the smoking ban in public places was introduced. The most recent complaint to the hotel was on 27 March 2019 and to date no response had been received.

Councillor Beck sought to understand if the staff accommodation in Church Lane was within the red line. He also asked if complaints had been lodged with Environmental Health. Mr Coghlan advised that contact had not been made with Environmental Health, liaison over complaints/issues had been with the hotel's management. An issue had arisen as part of the refurbishment where sound proofing had been unwittingly removed. Discussions had been held with the hotel to reinstate this but this had yet to be done.

Councillor Bryant asked if noise nuisance was a factor from staff assisting with the dispersal of customers at the end of an evening. Mr Coghlan explained that this was why he requested this assistance take place from 22:00 to lessen any impact (Condition 10).

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Mr Coghlan also wanted Condition 14 amended to capture staff leaving the premises as well as customers as a further measure to limit noise.

Councillor Cole queried if these points could be included in conditions and Karen Court felt that the appropriate conditions could be amended. Mr O'Maoileoin advised that he was content for these two conditions to be amended as described.

### **Ward Member Representation**

Councillor Law, in addressing the Sub-Committee as Ward Member, raised the following points:

- Approval of this application would result in the nature of the premises to change dramatically. A move from a small number of weddings/events to regular larger events would result in a high increase in the number of customers (up to 420 covers) and the level of noise this would generate was a significant concern.
- Councillor Law felt that the level of concern was unprecedented. The number of objectors went beyond those formally submitted, with a number raised through himself and Parish Councils.
- Streatley was situated in a beautiful setting in the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and abutted the Chilterns AONB. It was a tranquil area with over 12 listed buildings within 150 metres of the hotel. The Swan was located by the historic river crossing and the Thames Pathway.
- Much trouble and in some cases expense had been gone to by residents and bodies including the National Trust to maintain the beauty of this very sensitive area.
- The Swan's location at the base of the valley meant that the noise it generated travelled along the river and up the valley. He welcomed the change in approach from the applicant to remove outdoor music.
- However, he felt that a firm commitment should be sought from the applicant, if the application was approved, to not install igloos and to prevent alcohol being consumed on the island. It was also important to ensure that the red line be clarified.
- Licensed activities in every other premise in Goring and Streatley ended at 23:00. He queried why this should differ for The Swan. The likelihood was that customers in other premises would head to the Coppa Club at 23:00. An agreement to extended hours would generate noise later at night. An agreement to extended hours could set a precedent for other premises.
- Councillor Law was supportive of The Swan and he wanted it to prosper. He believed this was possible without extending its hours and requested that licensable activities continue to cease at 23:00 to alleviate the fears of local residents.
- He added a concern at the lack of distinction on Sundays from the rest of the week. This should exceed the one hour difference proposed for the sale of alcohol.
- In summary, Councillor Law requested that licensing hours remain unchanged and the area kept beautiful and tranquil.

### **Questions to Ward Member**

In response to a question from Councillor Cole, Councillor Law explained that he was aware of the Coppa Club. It catered for a niche market and a 'well healed' clientele. It was used as a working from home location and the gym was used by many residents. The bar/restaurant was of a considerable size, he did not feel the premises could be considered to be a nightclub. The operators of the premises were very experienced



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owners of restaurants and bars, their other premises were well used and popular. They had less experience of running hotels.

### **Comments from Applicant/Applicant's Solicitor**

Mr O'Maoileoin, in addressing the Sub-Committee, suggested that conditions could be formed to cover a number of the concerns that had been raised. As follows:

- He acknowledged that extending opening hours to beyond 23:00 could attract customers from other establishments. Mr O'Maoileoin proposed that a strict no entry policy be in place for members of the public from 23:00.
- He was content to bring forward the closure of windows and doors in order to protect local residents to 21:30 from 22:30.
- While the sale of alcohol would be possible throughout the day, it was considered unlikely. Mr O'Maoileoin repeated his earlier point that all sales of alcohol between 09:00 and 11:00 would be ancillary to a table meal. Alcohol sales between 23:00 and 01:00 would only be made to customers having a table meal or attending a private event/function.
- The Coppa Club would not be a nightclub. Mr O'Maoileoin described it as a lifestyle club. It would cater for people's food/drink needs throughout the day and enable people to work from home (very much as described by Councillor Law).
- The car park would be able to accommodate cars for the amended numbers proposed for the Coppa Club Restaurant and Bar, and the Events Space.

### **Questions to Applicant/Applicant's Solicitor**

Councillor Cole queried the measures to be taken to minimise noise as this was the main concern of residents. For example, how could it be ensured that windows and doors would be kept closed after the set time and would it be possible to only have two entrances/exits available?

Mr O'Maoileoin explained that the windows would be locked shut. This was common practice to manage noise levels and protect local residents, it would therefore be an acceptable condition. Local residents would be provided with a telephone number of an on-site manager should they wish to report concerns.

Doors could not be locked and therefore needed to be managed as with many licenced premises. This was an element for hotel management to resolve, as was ensuring that all conditions were adhered to. However, should conditions be breached, then the licence could be reviewed. There would be two points of entry for the Coppa Club.

The Swan covered a large area and therefore between two and three managers would always be on site to look after guests and ensure conditions were being adhered to.

Karen Court asked that the Coppa Club entrances be made clear on the revised plan.

Councillor Cole asked what could be done to ensure windows were kept shut on a hot summer's evening. Mr Mair explained that conditions for the booking would be made very clear and enforcement would be helped by the very effective and modern air conditioning that would be in place in the new building. The greatest difficulty came from smokers going outside.

Councillor Law asked for the proposed capacity to be reaffirmed. Karen Court confirmed this as:

- Coppa Club Restaurant and Bar – 300
- Events space – 200
- Hotel Bar – 75

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- A total capacity of 575

Mr Warner queried if the exterior doors would be self-closing to avoid them being left open. Mr Mair confirmed this would be the case other than for the doors facing the river. Mr Warner followed this by querying if these doors could also be self-closing. Mr Mair advised that as the doors had not yet been installed then self-closing doors could be suggested. He felt this was reasonable if they were not fire exits.

Councillor Law felt that the greater noise concern was for the events and Councillor Cole queried the number of fire doors in the events space and whether a condition could be imposed for the closure of non-fire doors in this area. Mr Mair confirmed there would be two fire doors. The events would be managed by staff and they would ensure door closures.

Mr Dickson referred to proposed Condition 11 – ‘to ensure that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to undue disturbance to local residents’ and queried how undue disturbance would be measured. Anne-Marie Baird explained that this was not defined but the condition had been agreed by the applicant. Councillor Cole added the view that strong conditions were proposed.

Councillor Beck reiterated the point that residents could contact West Berkshire Council’s Environmental Health to report concerns should they materialise. This was something the applicant would do all they could to avoid happening.

The Sub-Committee retired at 11.40am to make its decision.

Having taken the representations into account, including the written representations made by the following objectors:

Mr Gordon McBride, Mrs Anne McBride, Mr Ian McKenzie, Mr John Calvert, Ms Sally Bridgeman, Mr S M Gatto, Mr Brian Dickson, Mrs Jenny Dickson, J H Short, Mr Ben Warner, Mrs Louise Warner, Mrs J Storch, Mr Graham Underwood, Mrs Jacky Underwood, Mr John Palmer, Mrs Susan Palmer, Ms Rosemary Lee, C P Evans, M A Evans, E Worsley, Streatley Parish Council, Ms Marie Thomas, Mr Colin Coghlan, Mrs Anita Coghlan, Mr Paul Hardiman, Mrs Eileen Hardiman, Goring-on-Thames Parish Council, Mr Simon Carter, Mrs Susan Carter, Ms Jenny Hedge, Mr David West, Mrs Anthea West, Mr Ian Paddick, Mrs Diane Paddick, M J Christie, Mr P G T Read, Mrs Read, Mr Barry Newman, Mrs Valerie Newman, G E Sadler, P A Sadler, Mr Richard Hicks, Mrs Christine Cox, Ms Sue Crook, Mrs Wendy Riley, Mr Keith Riley, S Reynolds, Mr Geoff Crowther, Mrs Liz Crowther, Mrs Sandra Breen, Mrs Elizabeth Glover and Dr Allan Breen,

the Licensing Sub-Committee **RESOLVED** that Application 19/00225/LQN be granted, subject to the conditions as detailed and set out below together with the conditions as set out in the operating schedule as modified, as well as the relevant mandatory conditions of the Licensing Act 2003 or secondary legislation.

The Premises to be licensed in accordance with Plan no J420-CD-A2-08/B (submitted with this application) and the internal and external areas outlined in red. The Licenced Premises shall include the Terraces which are outlined in green on the attached plan. The Applicant shall provide an updated plan within 14 working days.

### **Box F: Recorded Music (Indoors)**

Monday to Saturday: 23:00 to 00:30

### **Box J: Supply of alcohol (on and off the premises)**

Monday to Saturday: 09:00 to 00:30

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Sunday: 09:00 to 23:00

All sales of alcohol between 9am and 11am will be ancillary to a table meal.

All sales of alcohol between 23:00 and 00:30 Monday to Saturday will be ancillary to a table meal or to those attending a private pre- booked function.

Residents and their bona fide guests 24 hours 7 days a week

### **Box I: Late night refreshment (indoors)**

Monday to Saturday: 23:00 to 00:30

Residents and their bona fide guests 24 hours 7 days a week

### **Box L: Hours premises are open to the public**

Monday to Saturday: 09:00 to 01:00

Sunday: 09:00 to 23:30

Residents and their bona fide guests 24 hours 7 days a week

A strict no entry policy shall be imposed on members of the public from 23:00 to 01:00 Monday to Saturday and from 23:00 to 23:30 on Sundays

### **Seasonal variations**

All licensable activities to be permitted from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

### **Conditions:**

1. The premises licence holder shall ensure that a refusal log (either written or electronic) is in operation at the premises. All staff involved in the sale of alcohol shall be trained in how to use and maintain the log. The log shall contain a description of the person attempting to purchase alcohol, the time the said person attempted to purchase alcohol, the reason for refusing the person alcohol and the name of the staff member dealing with the refusal. The log shall be signed off weekly by the Designated Premises Supervisor or nominated representative and shall be made available for inspection to officers of West Berkshire District Council and Thames Valley Police.
2. An incident log (either written or electronic) shall be used, maintained and kept at the premises. The log shall record any incident that undermines the promotion of the licensing objectives and any incident that involves police attendance at the premises. The log should contain a description of incident, time of the incident, action taken in relation to the incident and a description of any person involved in the incident. The incident log shall be made available to authorised officers of Reading Borough Council and Thames Valley Police upon request.
3. Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not be limited to: the premises age verification policy, the law relating to underage sales, dealing with refusal of sales, proxy purchasing, recognising valid identity documents not in the English language, identifying attempts by intoxicated persons to purchase alcohol, identifying signs of intoxication, conflict management, how to identify and safeguard vulnerable persons who attend and leave the premises, identifying signs of drug usage and prevention and the four licensing objectives. Such training sessions are to be documented and refreshed every six months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised officer of Thames Valley Police and West Berkshire District Council upon request.

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4. The Premises Licence Holder and/or Designated Premises Supervisor shall ensure that all staff complete training in Child Sexual Exploitation that is of a standard agreed with Thames Valley Police and West Berkshire District Council training package within 28 days of employment and a signed record of their training shall be maintained. Refresher training in relation to CSE shall formally take place once every three months and signed records of this training and signed records of this training shall be maintained. These records shall be kept for a minimum of two years of the date of the training and shall be made available to any authorised officer of Thames Valley Police or an authorised officer of West Berkshire District Council.
5. The Premises Licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV. There shall be at least one camera positioned at each entry and exit point to monitor any external areas to the premises. Data recordings shall be made immediately available to an authorised officer of West Berkshire District Council or a Thames Valley Police officer, together with facilities for viewing upon request. Recorded images shall be of such a quality as to be able to identify the recorded person.
6. A sign advising customers that CCTV is in use shall be positioned in a prominent position. A fully trained person who can operate the system shall be available at all times when the premises is open to the public.
7. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, military ID or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) are to be accepted as identification.
8. Notices advertising the Challenge 25 policy shall be displayed in prominent positions on the premises.
9. Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly. Staff shall be available to assist in the dispersal of customers from 22:00 each evening.
10. The Premises Licence Holder shall ensure that no noise shall emanate from the premises, nor vibration be transmitted through the structure of the premises which gives rise to undue disturbance to local residents.
11. All external doors & windows must be kept closed from 21.30, other than for access and egress, when events involving amplified music or speech are taking place so as not to cause disturbance to nearby residents and businesses
12. All external doors shall be fitted with a self-closing mechanism other than external fire doors.
13. There shall be no consumption of alcohol on the area referred to as The Island and marked as The Island on Plan No J420-CD-A2-08/B
14. During operating hours the licensee or nominated representative shall be available to receive and respond to nuisance related complaints a contact number shall be readily available to residents upon request.
15. An entry, closure and dispersal policy for controlling the opening and closing of the premises and the departure of customers from the premises at the conclusion of the licensed activities shall be put in place and shall be actively operated. The policy shall be in written format and made available upon request to an authorised officer of West Berkshire District Council and Thames Valley Police.
16. All staff shall quit the premises in a quiet and orderly manner.

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17. Before any person is employed at the premises sufficient checks will be made of their bona fides to ensure they are legally entitled to employment in the UK. Such checks will include: Proof of identity (such as a copy of their passport), nationality, current immigration status and employment checks. Copies of any relevant documents produced by an employee will be retained on the premises and kept for a minimum period of one year. Employment records as they relate to the checking of a person's right to work will be made available to an authorised officer of West Berkshire District Council or Thames Valley Police upon request.
18. A minimum of 2 SIA licensed door supervisors shall be employed at the premises whenever the sale of alcohol takes place after 00:00 Monday to Sunday. These door supervisors shall be employed on a Monday to Sunday trading period from 2100hrs until the last customer/ resident has left the premises. These licensed door supervisors shall be employed solely for vetting, regulating, controlling and supervising patrons on or within the immediate vicinity of the premises and to ensure the maintenance of good order, public safety and security.
19. A register of Door Staff shall be kept. The register will show the following details:  
full SIA registration number, date and time that the Door Supervisor commenced duty countersigned by the Designated Premises Supervisor or Duty Manager, date and time that the Door Supervisor finished work, countersigned by the Designated Premises Supervisor or Duty Manager, any occurrence or incident of interest involving crime & disorder or public safety must be recorded giving names of the Door Supervisor involved.  
In addition a record of the number of patrons on site shall be made half hourly in the door register, training records, ID Photo and scan of SIA badge and a record of the DPS/ management checking the validity of all SIA badges holders working at the premises (SIA Website checks)
20. When door supervisors are employed at the premises they shall be easily identifiable and display their badges in high visibility arm bands.
21. The Designated Premises Supervisor (DPS) and Premises Licence Holder (PLH) shall ensure that a policy relating to the safe removal of persons from the premises and/or its immediate vicinity by staff and door supervisors shall be put in place and actively operated. The policy shall be in written format and made available upon request to an authorised officer of West Berkshire District Council and Thames Valley Police. This shall include but not be limited to: persons who have been identified by staff as being vulnerable or at risk, persons who are refused entry to the premises or refused service within the premises and persons who are ejected from the premises.
22. The number of persons permitted within the premises shall not exceed:  
Coppa Club Restaurant and Bar – 300  
Events Space – 200  
Hotel Bar – 75
23. When persons in wheelchairs or other disabled persons are admitted to the premises the Licensee shall ensure that adequate measures are taken to enable such persons to evacuate the building in an emergency, in a manner safe and without undue delay and does not cause obstruction to other members of the public or employees using the premises.
24. The Appendix entitled 'Testing and Certification' should be complied with in its entirety with checks and inspections being carried out by the appropriate person at the required times and such log entries as are specified being made. All logs, inspection certificates or documentation shall be available for inspection by any authorised officer of the Council, Fire Brigade or Police at their request.

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- 25. All escape doors are to be kept free of fastenings at all times the premises is being used for licensed events.
- 26. All escape routes are to be kept free of obstruction at all times.

**Reasons**

The Sub- Committee noted that the Council as Licensing Authority must determine each application under the Licensing Act 2003 on its merits, and every decision must be both justified and proportionate based on the available evidence.

The Sub- Committee noted that the Council had not adopted a special policy in respect of the cumulative impact of licensed premises in this locality.

The Applicant had entered into post- application discussions with the police after the Application was submitted and prior to the Hearing. It was noted that the police had withdrawn their objections to the Application after conditions had been agreed. The police are a key source of information and advice on the impact of the licensable activities particularly on the crime and disorder objective.

It was noted that the Applicant had also offered additional conditions in the hope that these would address the concerns raised by the objectors.

The Sub- Committee considered that the additional conditions that had been proposed by the Applicant were proportionate, reasonable and proportionate to meet the requirements of the Licensing objectives. The Sub- Committee therefore determined that the licence should be granted subject to the conditions as detailed above.

*(The meeting commenced at 10.00am and closed at 11.40am)*

**Name** .....

**Date of Signature** .....

**Name** .....

**Date of Signature** .....

**Name** .....

**Date of Signature** .....