

LICENSING SUB-COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY, 13 JANUARY 2022

Councillors Present: Tony Linden (Chairman), Adrian Abbs and Graham Pask.

Substitute Councillor Present: Jeff Beck.

Also Present: Laura Knowles (Solicitor), David Macey (Licensing Officer), Moira Fraser (Principal Officer – Policy and Governance), Stephen Chard (Democratic Services Manager) and Vicki Yull (Principal Democratic Services Officer).

16 Election of the Chairman

Following a vote, Councillor Tony Linden was elected as Chairman of the Sub-Committee.

Ms Knowles referred to the absence of the Applicant and invited the Sub-Committee to consider whether it wished to continue with the hearing. Mrs Fraser confirmed that the Applicant had been advised both verbally and in writing that the hearing could take place in their absence. They had also been invited to send a representative but had declined to do so. Following a unanimous vote, the Sub-Committee agreed to continue with the hearing in the absence of the Applicant.

17 Declarations of Interest

There were no declarations of interest received.

18 Application No. (21/01001/LQN) Spoons Coffee Shop Ltd, Unit 7, The Colonnade, Overdown Road, Tilehurst, Reading, RG31 6PR

The Chairman explained the hybrid meeting process. Those participants who had joined the meeting via Zoom confirmed they had heard and understood the introduction.

The Sub-Committee considered a report (Agenda Item 3(1)) concerning a Licensing Application for a variation to an existing premise licence in relation to Spoons Coffee Shop Ltd, Unit 7, The Colonnade, Overdown Road, Tilehurst, Reading, RG31 6PR. This application had been recorded under reference number 21/01001/LQN.

In accordance with the Council's Constitution, Mr David Macey (Licensing Officer, West Berkshire Council), Councillor Clive Taylor (Objector - Tilehurst Parish Council), Miss Jacky Major (Objector - Tilehurst Parish Council) and Councillor Rick Jones (Ward Member) addressed the Sub-Committee on this application.

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

- The application to vary the existing premises licence was submitted in November 2021. It had been correctly advertised by Blue Notice in the premises window, and also by publication on the 25th November 2021 in the Reading Chronicle.
- The 28 day consultation period ran from the 19th November to 16th December 2021 with one representation received from Tilehurst Parish Council. There had been no responses from any of the responsible authorities.
- The existing licence issued on 6th November 2019 permitted the sale of alcohol from 7:00AM until 4:00PM Monday to Fridays, and from 8:00AM until 1:00PM on Saturdays.
- This application was to vary the licence to permit sales on the premises from 7:00AM until midnight Monday to Saturday, and on Sunday from 9:00AM until 11:00PM with

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the premises being open those same hours, and also for late night refreshments from 11:00PM until midnight Monday to Saturday, indoors and outside in the private garden.

- Late night refreshments referred to any hot food or drinks served after 11:00PM and before 05:00AM.
- There had been no recorded issues at the site since the original licence was granted.

Councillor Abbs referred to the plans in the agenda pack which appeared to show internal space only and asked for clarity on where the outside space was.

Mr Macey confirmed that the red area in the plans showed the already licenced area, and that the application was requesting late night refreshments for the outside area and consumption of alcohol on the inside within the red area.

Councillor Taylor confirmed that the outside area was on the right hand side of the property, not at the rear.

Councillor Jones advised that he had visited the site and spoken to the Applicant, and confirmed the outside area was to the right of the property, was within its enclosed boundaries, and that there was nothing to the rear of the property. Councillor Jones also responded to a further query from Councillor Abbs by confirming that the outside area was fenced and laid to gravel.

All parties confirmed that they had heard the presentation by Mr Macey and the subsequent questions and responses.

Councillor Taylor and Miss Major from Tilehurst Parish Council, in addressing the Sub-Committee, raised the following points:

- The primary concern of the Parish Council fell under the category of the prevention of public nuisance, specifically with regards to the outside area and the nuisance it could cause given its location close to residential property.
- Feedback had been received from local residents who were concerned about the noise that could result from the licence being extended to midnight.
- The outside area was owned by the Landlord of the Colonnade who gave permission to the Applicant during COVID to convert the unused area to an outside seating area. The Parish Council had been led to understand that this had been a temporary arrangement.

Councillor Pask asked whether the Parish Council had any indication as to whether the Applicant was endeavouring to make the temporary COVID arrangements permanent, and approximately how many seats did they feel could be accommodated in the outside area. Miss Major advised that the Parish Council had not had any indication of whether the Applicant was intending to formalise the outside area, but it was assumed they intended to do so given the request for it to be licenced. Councillor Taylor noted that it was a relatively small area, and estimated that it would seat around 12 to 15 people.

All parties confirmed they had heard the representations from Councillor Taylor and Miss Major and the subsequent questions and responses.

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

- It was his belief that the Applicant intended to provide a permanent service in the outside area in the evening, and that there was customer demand for that service in these premises.
- The Colonnade of shops was surrounded by residential properties, the nearest being on the side of the outside area around 25 metres away. The properties were within hearing distance if the activity was very loud.

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- His understanding from the Applicant that there was room for negotiation on the application, both in terms of the areas that were used and the hours of operation.
- The potential for the Sub-Committee to apply conditions and modify the scope accordingly in line with the solutions proposed by the Parish Council.

Councillor Abbs asked Councillor Jones to describe the premises and the set-up of the outside area in more detail. Councillor Jones described that approaching the premises from the front there was a raised platform for the whole Colonnade of shops. There were a few tables outside the cafes entrance, and the outside area to the side was fenced with a wicker-type material. It was around 5 metres from the side of the restaurant to the boundary, and perhaps double that from front to back. Councillor Jones agreed with Councillor Taylor's estimate that around 15 to 20 people could be seated in that space, and highlighted that there had been no registered objections from neighbours. He stated his belief that the outside area could be reasonably controlled if the owner was careful about its management, but agreed with the risks as identified by the Parish Council.

All parties confirmed they had heard the representation from Councillor Jones and the subsequent questions and responses.

Having taken all representations into account, the Licensing Sub-Committee RESOLVED that Application 21/01001/LQN be granted in part and Premises Licence 19/00975/LQN be varied, but in accordance with the operating schedule set out below, and subject to the existing licence conditions and any relevant mandatory conditions pursuant to ss19-21 of the Licensing Act 2003. The part of the Application to include late night refreshment was rejected.

Operating Schedule

Box F: Recorded Music

Monday to Saturday 07:00 – 23:00
Sunday 09:00 – 22:00
Indoors only

Box J: Supply of Alcohol

Monday to Saturday 07:00 – 23:00
Sunday 09:00 – 22:00
On premises

Box L: Hours premises are open to the public

Monday to Saturday 07:00 – 23:00
Sunday 09:00 to 22:00

(The meeting commenced at 10.00 am and closed at 10.40 am)