

DRAFT

LICENSING SUB-COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 17 JANUARY 2024

Councillors Present: Phil Barnett, Nigel Foot and Stephanie Steevenson

Substitute:

Also Present: Beth Varcoe (Solicitor) and Riley Timney (Licensing Officer), Thomas Radbourne and Benjamin Ryan (Democratic Services Officer)

PART I

1 **Declarations of Interest**

There were no declarations of interest received.

2 **Application No. 22979 - Reloaded Nightclub, 7 Wharf Street, Newbury, RG14 5AN**

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application 22979 in respect of Reloaded Nightclub, 7 Wharf Street, Newbury, RG14 5AN.

In accordance with the Council's Constitution, Mr Riley Timney (Licensing Officer, West Berkshire Council), Mr Jon Payne (Agent), Ms Sonja Wall (Applicant), Mr Samuel Biggs (Royal Berkshire Fire and Rescue Service), Ms Kate Powell (Environmental Health) and Mr Gary Clarke (Thames Valley Police) addressed the Sub-Committee on this application.

Mr Payne formally moved to introduce a fire-risk assessment and floor plan to which he believed would alleviate the Fire Authority's concerns.

As the material had been submitted out of time, it was explained to all parties that the material could only be introduced, if unanimously agreed.

It was agreed by all parties that the evidence could be submitted to the Sub-Committee Members. The Sub-Committee adjourned at 10:20 am to allow the Members to review the evidence and returned at 10:40 am.

Mr Biggs explained that within the risk assessment a certificate had been omitted, therefore the Fire Authority were not satisfied with the evidence.

Mr Payne expressed that he would be able to retrieve the certificate. With the agreement of the Panel the Sub-Committee was adjourned at 10:50 to allow for the retrieval of the certificate. The Sub-Committee returned at 11:25 am and Mr Payne had been unable to retrieve the evidence. To allow for the retrieval of the documentation the Sub-Committee adjourned to the 17 January 2023 at 10:00 am.

Councillor Owen Jeffrey withdrew from the Sub-Committee.

The Sub-Committee reconvened on the 17 January 2023 at 10:00 am.

Mr Biggs made an application to submit late evidence in the form of photographs that were taken of the premise.

LICENSING SUB-COMMITTEE - 17 JANUARY 2024 - MINUTES

All parties agreed that the evidence would be reviewed before it was to be submitted to the panel.

As the material had been submitted out of time, it was explained to all parties that the material could only be introduced, if unanimously agreed.

The Sub-Committee adjourned at 10:15 am to review the submitted evidence. The Sub-Committee returned at 10:30 am and it was agreed by all parties that the evidence could be submitted to the Sub-Committee Members. The Sub-Committee adjourned at 10:38 am to allow the Members to review the evidence and returned at 10:47 am.

Mr Timney introduced the Report to the Sub-Committee, which took account of all the relevant policy considerations and outlined the application timeline. Mr Timney explained that due to consultation between Environmental Health and the Applicant, Environmental Health had withdrawn their objection.

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

- The premises had a previous license with similar terms that had ceased.
- The Applicant worked with local residents and reduced the operating hours.
- The Objector's concerns would be dealt with by extensive noise control measures and were speculative.
- The decorations used by the venue were used in other premises and have been treated to minimise fire risk. The certificate provided had included a test, which proved they did not sustain combustion.
- The Applicant did not want to carry out measures to make the premises Class 0 as the works would cost £3000-£4000 and they did not want to commit the funds without the approved license.
- The Applicant would be satisfied to have the license conditioned in a way that meant the premise could not start trading until the Fire Authority was content.
- The total capacity was minimised to take into account the width of the front door.

Councillor Steevenson asked what the revised capacity was, and it was confirmed to be 220 people.

Councillor Foot questioned what the previous licensing hours were in 2013. Mr Payne stated that the hours were Monday to Sunday 10:00 am to 02:30 am Monday to Sunday and non-standard dates could operate to 04:00 am.

The Chairman queried whether the decorations that were causing objection were compulsory to the interior of the room. Mr Payne explained that the decorations were necessary to attract the level of clientele wanted for the bar.

Ms Powell wanted to understand the situation with the front doors. Mr Payne stated that if the doors were to be removed it would increase the capacity of the venue. It was stated that the door was not going to be removed in all cases. Mr Payne agreed that a condition would also need to be put in place on the door in terms of fire safety. Ms Powell expressed concerns over the potential noise leak from this solution and stated it would need to be conditioned.

Councillor Colston asked whether the premises would remain open at 2:30 am on Thursday night and Mr Payne confirmed.

Mr Biggs on behalf of Royal Berkshire Fire and Rescue Service in addressing the Sub-Committee, raised the following points:

- Despite the new risk assessment, the Fire Authority still objected to the application.

LICENSING SUB-COMMITTEE - 17 JANUARY 2024 - MINUTES

- The capacity suggested in the assessment was far greater than the one that the fire service believed to be correct.
- The Fire Authority believed the site needed formal consultation and would like to work with the applicant to find a solution to alleviate concerns over public safety.

The Chairman asked how the Fire Authority arrived at a different capacity figure, and whether they would like to see the decorations removed. It was explained that the door measurement was overstated in the Applicant's Fire Risk Assessment and that the Fire Authority only wanted to see the decorations meet a Class 0 standard.

Councillor Steevenson queried the classification of the fire assessments. Mr Biggs explained that there were two Classification 0 or Classification BS-3-D2 and three factors were examined, which were fire retardancy, fire resistance and surface spread.

Councillor Foot questioned the amount of time the Fire Authority would need to work with the Applicant to resolve the issues. Mr Biggs explained that it would depend on a variety of factors, such as the conditions they would like to apply.

Councillor Foot looked for clarification over the fire exits. Mr Biggs explained that in a fire assessment you assume the fire would take out the largest exits and then you would look at whether the remaining doors were outward opening and the width of the door. If the door was to be pinned back the capacity figure would be calculated on the width of the door and when measuring the door this considers, the full unobstructed width.

Mr Payne asked whether flame tests had been carried out by the Fire Authority and it was stated it had not.

Mr Payne enquired into whether the Fire Authority had powers to close down an establishment if deemed unsafe and this was confirmed.

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

- The main concern raised was over the noise.
- Both residents mentioned the sound check, however this was not on this premises.
- It was welcomed that the Applicant had agreed conditions.

Councillor Foot asked whether the Ward Member had received any complaints, and it was stated he had not.

Mr Payne in summarising to the Sub-Committee raised the following points:

- The application in part replicates an existing license, which had satisfied the Sub-Committee in previous years.
- Noise and disturbance issues had been mitigated by working alongside the Environmental Health Officer and implementing a strong work schedule.
- License conditions should not duplicate other statutory provisions placed upon Responsible Authorities.
- Mr Payne suggested several conditions that could be implemented such as the provision of a fire certification that would please the Fire Authority, noise provisions when the door is removed and capacity.

The Sub-Committee retired at 11:45 am to make its decision.

Having taken the representations into account including the written representations made by Greg Reznek, James Anfield, Micheal Barnes, Tobia McDonald the Licensing Sub-Committee **RESOLVED** that Application 22979 be granted subject to the conditions within the Decision Notice.

LICENSING SUB-COMMITTEE - 17 JANUARY 2024 - MINUTES

(The meeting commenced at 10:00 and closed at 11:45)

Name Councillor Phil Barnett

Date of Signature 20/02/2024

Name Councillor Stephanie Steevenson

Date of Signature 20/02/2024

Name Councillor Nigel Foot

Date of Signature 20/02/2024