

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 20 JANUARY 2016

Present: Councillors Woodward (Chair), Livingston and Vickers.

21. MINUTES

The Minutes of the meeting of Licensing Applications Sub-Committee 1 held on 8 December 2015 were confirmed as a correct record and signed by the Chair.

22. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - FIVE STAR WINES, CAVERSHAM ROAD, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by Reading Borough Council's Chief Inspector of Weights and Measures for the review of a Premises Licence in respect of Five Star Wines, 133 Caversham Road, Reading, RG1 8AS.

The report stated that a review of the Premises Licence had been requested by Reading Borough Council Trading Standards team. The application detailed that on 27 August 2015 the named premises licence holder and designated premises supervisor sold nearly 30 units of alcohol to a person aged 15 years during a test purchase operation. The application also detailed two further incidents of alcohol being sold to underage persons on 28 August 2015. The premises were operating under a temporary event notice at the time of all three sales. The offences detailed in the review application constituted breaches of Section 146 of the Licensing Act 2003, three breaches of Section 147 of the Licensing Act 2003 and a breach of Section 147A of the Licensing Act. The review application sought the revocation of the premises licence due to the persistent selling of alcohol to children, to promote the licensing objectives of the protection of children from harm and the prevention of crime and disorder.

A copy of the review application was attached to the report at Appendix I. This gave further details of the grounds for the application. A representation in regard to the review application had been received from Thames Valley Police and was attached to the report at Appendix II. A plan showing the location of the premises (in black) and surrounding streets was attached to the report at Appendix III.

It was reported at the meeting that that the Premises Licence had been transferred on 15 January 2016 and the Premises Licence Holder and the Designated Premises Supervisor was now Mrs Kuljinder Kaur Roy (previously Mr Rajiv Roy).

The Premises Licence, a copy of which was attached to the report at Appendix IV, permitted the following:

Sale of Alcohol by Retail

Monday to Saturday	0800 hours until 2300 hours
Sunday	1000 hours until 2230 hours

Good Friday	0800 hours until 2230 hours
Christmas Day	1200 hours until 1500 hours and 1900 hours until 2230 hours

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The previous Premises Licence had been circulated prior to the meeting. This allowed the same licensable activities and permitted hours, but showed Mr Rajiv Roy as the Premises Licence Holder and Designated Premises Supervisor.

The report stated that in considering the application, the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives, as follows:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The report stated further that, in determining the application, the Sub-Committee could take the following steps:

- Take no further action;
- Issue formal warnings to the premises supervisor and/or premises licence holder;
- Modify the conditions of the licence (including, but not limited to hours of operation of licensable activities);
- Exclude a licensable activity from the scope of the licence;
- Remove the Designated Premises Licence Supervisor;
- Suspend the licence for a period not exceeding three months;
- Revoke the licence.

(Where the Sub-Committee took a step mentioned in the third and fourth bullet points above it may provide that the modification or exclusion was to have effect for a period not exceeding three months or permanently.)

The report set out paragraph 9.12 of Secretary of State's Guidance, Section 182 of the Licensing Act 2003 (March 2015), which stated that in their role as a responsible authority, the police were an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police had a key role in managing the night-time economy and should have good working relationships with those operating in their local area.

The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but might also be able to make relevant representations with regard to the other licensing objectives if they had evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority had evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remained incumbent on the police to ensure that their representations could withstand the scrutiny to which they would be subject at a hearing.

The report also set out paragraph 11.30 of the Secretary of State's Guidance which stated that the Government recognised that the majority of licensed premises operated responsibly and undertook due diligence checks on those who appeared to be under the age of 18 at the point of sale (or 21 and 25 where they operated a Challenge 21 or 25

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scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g. where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under Section 147A or a closure notice has been given under section 169A of the 2003 Act.

In addition the report included the relevant sections of the Licensing Act 2003, setting out Section 147A, Section 146, Section 147 and Section 26.

Mrs Kuljinder Kaur Roy, Premise Licence Holder, was present at the meeting and was represented by Mr William Donne, Silver Fox Licensing Consultants, who addressed the Sub-Committee on behalf of the Premises Licence Holder.

Ian Savill, Senior Trading Standards Officer, and Matthew Knight, Community Alcohol Partnership Officer, were present at the meeting and addressed the Sub-Committee. PC Simon Wheeler, Thames Valley Police, was also present at the meeting and addressed the Sub-Committee.

Resolved -

That, having reviewed the Premises Licence in respect of Five Star Wines, Caversham Road, Reading and having had regard to the four licensing objectives, in particular the protection of children from harm and the prevention of crime and disorder, and the oral and written representations made, the Secretary of State's guidance and the Council's Statement of Licensing Policy, the Sub-Committee concluded that it was appropriate and proportionate to revoke the Premises Licence for the following reasons:

- (i) there were policies in place but they had not been adhered to, for example the Premises Licence Holder although trained had not promoted the licensing objectives;
- (ii) it was indicated that there was a refusal book at the premises but it appeared not to have been used;
- (iii) the premises had been warned that test purchases would be taking place during the Reading Festival period;
- (iv) the premises had not implemented the Challenge 25 process, as admitted by Mr Roy at interview.

(The meeting started at 5.00pm, was adjourned between 5.04pm and 5.25pm and finished at 7.26pm)

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Present: Councillors Woodward (Chair) and Vickers.

24. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - READING & MID-BERKSHIRE CAMRA

The Head of Planning, Development and Regulatory Services submitted a report on an application by Patricia Rapley, David Scott and Martin Harbor (Reading & Mid-Berks CAMRA) for the grant of a Premises Licence in respect of Reading & Mid-Berks CAMRA Beer & Cider Festival, Christchurch Meadows, George Street, Caversham, Reading.

The report stated that the application was requesting the following licensable activities:

Hours for the Sale by Retail of Alcohol (on and off the premises)

Wednesday	1200 hours until 2300 hours
Thursday	1100 hours until 2300 hours
Friday	1045 hours until 2300 hours
Saturday	1045 hours until 2300 hours
Sunday	1145 hours until 2030 hours

Hours for provision of Live Music (indoors and outdoors)

Thursday	1800 hours until 2200 hours
Friday	1100 hours until 2300 hours
Saturday	1100 hours until 2300 hours
Sunday	1200 hours until 2030 hours

Performance of Dance (indoors and outdoors)

Thursday	1800 hours until 2200 hours
Friday	1100 hours until 2300 hours
Saturday	1100 hours until 2300 hours
Sunday	1200 hours until 2030 hours

Hours the Premises are open to the Public

Wednesday	1200 hours until 2300 hours
Thursday	1200 hours until 2355 hours
Friday	1045 hours until 2355 hours
Saturday	1045 hours until 2355 hours
Sunday	1145 hours until 2100 hours

A copy of the application form was attached to the report at Appendix I.

Representations against the application had been received from residents and were attached to the report at Appendix II. A representation was received from Reading Borough Council Environmental Protection (Noise) Team and was attached to the report at Appendix III; however this objection was withdrawn on 27 January 2016 following the agreement of noise conditions with the applicant. A representation was also received from Reading Borough Council Licensing Team however following the agreement of conditions with the applicant which were attached to the report at Appendix IV the

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objection was withdrawn. A plan showing the location of the premises (identified in black) and surrounding area was attached at Appendix V.

The report stated that in considering representations received, the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives, as follows:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The report also stated that paragraph 11.4.1 of the Council's Statement of Licensing Policy, regarding licensing hours for Licensed Premises in Residential Areas, stated that in general the Authority would deal with the issue of licensing hours on the individual merits of each application, but that when issuing a licence, stricter conditions were likely to be imposed with regard to noise control in the case of premises that were situated in largely residential areas. In general, public houses located in and catering for residential areas wishing to open beyond 11pm would need to demonstrate clearly that public nuisance would not result from later operation.

Ms Carol Goddard, Mrs Lin Godfrey and Mr Alan Godfrey, Reading residents, who had submitted representations were present at the meeting and addressed the Sub-Committee on the application.

Ms Patricia Rapley, Mr David Scott, Mr Martin Harbor and Mr Paul Scrivens, the applicant and members of the Reading & Mid-Berks CAMRA, were present at the meeting who addressed the Sub-Committee on the application.

Resolved -

- (1) That, in order to promote the four licensing objectives, and having regard to the oral and written representations made, the Secretary of State's guidance and the Council's Statement of Licensing Policy, the application in respect of Reading & Mid-Berks CAMRA, Christchurch Meadows, George Street, Caversham, be granted for five years as follows:

Hours for the Sale by Retail of Alcohol (on and off the premises)

Wednesday	1200 hours until 2300 hours
Thursday	1100 hours until 2300 hours
Friday	1045 hours until 2300 hours
Saturday	1045 hours until 2300 hours
Sunday	1145 hours until 2030 hours

Hours for provision of Live Music (indoors and outdoors)

Thursday	1800 hours until 2200 hours
Friday	1100 hours until 2300 hours
Saturday	1100 hours until 2300 hours
Sunday	1200 hours until 2030 hours

Performance of Dance (indoors and outdoors)

Thursday	1800 hours until 2200 hours
Friday	1100 hours until 2300 hours
Saturday	1100 hours until 2300 hours
Sunday	1200 hours until 2030 hours

Hours the Premises are open to the Public

Wednesday	1200 hours until 2300 hours
Thursday	1200 hours until 2355 hours
Friday	1045 hours until 2355 hours
Saturday	1045 hours until 2355 hours
Sunday	1145 hours until 2100 hours

- (2) That the following conditions be attached to the licence:
- (a) 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 British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) are to be accepted as identification;
 - (b) Notices advertising the Challenge 25 policy shall be displayed in prominent positions on the premises;
 - (c) All bar staff shall be reminded upon registration of the reasons for refusal of sales of alcohol. All bar staff shall be trained to involve a CAMRA bar manager or deputy in a refusal of sale of alcohol. The bar manager or deputy shall record refusals of sales of alcohol in a refusals book/ register to include:
 - Details of the time and date the refusal was made;
 - The identity of the staff member refusing the sale;
 - Details of the alcohol the person attempted to purchase.This book/ register will be available for inspection by a police officer or other authorised officer on request;
 - (d) An incident book/ register shall be maintained to record all incidents of crime and disorder occurring at the premises. Details of occasions when the police are called to the premises shall be recorded. This book/ register shall be available for inspection by a police officer or other authorised officer on request;
 - (e) All incidents that are recorded in the incident register shall be signed off by the Designated Premises Supervisor or nominated representative;

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- (f) Staff employed to sell alcohol shall undergo training upon induction in utilising the Challenge 25 proof of age checking policy. This shall include, but not be limited to, dealing with refusal of sales, proxy purchasing and identifying attempts by intoxicated persons to purchase alcohol. Such training sessions are to be documented in English and refreshed annually. The staff shall sign to say they have read the rules for the sale of alcohol. The bar managers shall repeat the induction at the start of each session. Records of training shall be kept for a minimum of two years and be made available to an authorised officer of Thames Valley Police and Reading Borough Council;
- (g) The Premises Licence Holder or nominated representative shall ensure that the immediate vicinity, five metres from the perimeter fence outside the front of the premises is kept clear of litter;
- (h) The Premises Licence Holder or nominated representative shall ensure that customers are actively dispersed from the immediate area outside the main entrance/ exit gate of the premises so as not to cause undue disturbance to local residents or other businesses;
- (i) Unaccompanied persons under the age of 18 years shall not be permitted on the premises;
- (j) The Event Management Plan shall first be submitted to the Reading Borough Council Licensing Team and Safety Advisory Group before the event takes place and shall be continually reviewed to reflect best practice. The event shall be run in accordance with the Event Management Plan as agreed with the Reading Borough Council Licensing Team;
- (k) The premises licence shall only permit one event per year. The dates of the event shall be notified in writing to the Licensing Authority at least three months prior to it starting;
- (l) Any live music taking place outside of the marquees shall not be amplified;
- (m) The Premises Licence Holder shall ensure no noise shall emanate from the premises, which gives rise to undue disturbance to local residents;
- (n) Boundary Noise Control:
 - (i) Periodic observation of the noise level and the likelihood that it will cause disturbance shall be undertaken throughout the entertainment period by a member of staff at the boundary at reasonable and regular intervals and logged. This log must be made available for inspection by an Authorised Officer;
 - (ii) The log book must set out: time and date of observation; observer; observation of noise level i.e. either A: satisfactory

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level of noise unlikely to cause disturbance, or B: unsatisfactory level of noise likely to cause disturbance; and if the level of noise is unsatisfactory, the action taken to resolve situation;

- (o) Generators shall only operate outside of the opening hours if required for operational reasons and they shall be sited such that noise from any generator does not cause a nuisance due to noise at any residential dwelling;
- (p) The stage shall be sited inside the marquee, at least 100m from the nearest dwelling. Sound barriers shall be put in place as required at appropriate locations to reduce the sound emanation towards residential dwellings;
- (q) Notices shall be displayed at the exit to request that customers leave quietly;
- (r) A letter drop shall be carried out prior to the event to inform local residents of the dates and times of the event. The letter shall include a contact telephone number which can be used to report noise complaints during the event;
- (s) The control limits set at the mixer position shall be adequate to ensure that the music level shall not at any noise sensitive premises exceed the background noise level by more than 15 dBA over a 15 minute period throughout the duration of the event.

(The meeting started at 4.55pm and finished at 6.22pm)

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 29 JANUARY 2016

Present: Councillors Woodward (Chair), Dennis and Vickers.

23. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - MANGAL, ST MARYS BUTTS, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by Tofan Restaurants Limited for the variation of the Premises Licence in respect of Mangal, 59 St Marys Butts, Reading.

The Premises Licence indicated that the following licensable activities were permitted:

Hours for the Provision of Late Night Refreshment

Sunday	2300 hours until 0000 hours
Monday to Saturday	2300 hours until 0030 hours

Hours for the Sale by Retail of Alcohol

Sunday	1200 hours until 2330 hours
Monday to Saturday	1000 hours until 0000 hours

Good Friday	1200 hours until 2330 hours
Christmas Day	1200 hours until 2330 hours

New Year's Eve in addition to the permitted hours for that day, the period between the end of the permitted hours on that day and the beginning of permitted hours the following day.

A copy of the Premises Licence was attached to the report at Appendix I.

The application was seeking to vary the Premises Licence to allow the following:

Hours for Live Music, Recorded Music and Performance of Dance

Sunday to Wednesday	1000 hours until 0100 hours
Thursday	1000 hours until 0200 hours
Friday and Saturday	1000 hours until 0300 hours

Hours for the Provision of Late Night Refreshment

Sunday	2300 hours until 0100 hours
Monday to Wednesday	2300 hours until 0030 hours
Thursday	2300 hours until 0200 hours
Friday and Saturday	2300 hours until 0300 hours

Hours for the Sale by Retail of Alcohol

Sunday	1000 hours until 0030 hours
Monday to Wednesday	1000 hours until 0000 hours
Thursday	1000 hours until 0200 hours
Friday and Saturday	1000 hours until 0300 hours

Hours the Premises are Open of the Public

Sunday to Wednesday	1000 hours until 0100 hours
Thursday	1000 hours until 0230 hours
Friday and Saturday	1000 hours until 0330 hours

The application also requested that, as a consequence of the proposed variation, all embedded conditions were removed from the licence.

A copy of the application form was attached to the report at Appendix II.

Representations against the application had been received from Reading Borough Council Licensing Team, which was attached to the report at Appendix III and Thames Valley Police, which was attached to the report at Appendix IV. A plan showing the location of the premises (identified in black) and surrounding area was attached at Appendix V.

The report stated that in considering representations received, the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives, as follows:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The report set out paragraphs 8.5.1 to 8.5.3 and 8.6.1, 8.6.5, 8.6.6 and 8.6.8 of the Council's Statement of Licensing Policy (October 2013). Paragraphs 8.5.1, 8.5.2 and 8.5.3, regarding the application of the Cumulative Impact Policy (CIP), stated that the policy applied to all applications for premises licences and club premises certificates for material variations for premises within the Reading Central CIP area. Material variations included an increase to the hours, capacity and all other variations likely to add to cumulative impact in the Reading Central CIP area. The policy would only be applied where there had been relevant representations. Where there were no relevant representations, it was the duty of the licensing authority to grant the application subject to the conditions in the operating schedule and the mandatory conditions imposed by law. The policy took a different approach to different types of premises. In the case of applications for hybrid premises that would fall into more than one type, the predominant use would be taken for the purposes of the policy.

The report also stated that the amended guidance issued under Section 182 of the Licensing Act 2003 stated that in their role as a responsible authority, the police were an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police had a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but might also be able to make relevant representations with regard to other licensing objectives if they had evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations by the police unless the authority had evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remained incumbent on the police to

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ensure that their representations could withstand the scrutiny to which they would be subject at a hearing.

Mr Mike King and Sergeant Rob Pitman, Thames Valley Police, who had submitted a representation, were present at the meeting and addressed the Sub-Committee on the application.

Mr Jean Champeau, Reading Borough Council Licensing, who had submitted a representation, was present at the meeting and addressed the Sub-Committee on the application.

Mr Gursel Demeni, the manager of the Premises, and Ms Lili Pozsar, Company Director, were present at the meeting and were represented by Mr Jon Payne from Licensing Lawyers who addressed the Sub-Committee on the application.

Resolved -

- (1) That, in order to promote the four licensing objectives and having regard to the oral and written representations made, the Secretary of State's guidance, in particular paragraphs 9.12, 9.13, 13.30, 13.36, 13.39 and 13.44 and the Council's Statement of Licensing Policy, in particular paragraphs 8.6.1 and 8.6.8, the Sub-Committee was not satisfied that the presumption against granting the application to vary the licence in respect of Mangal, 59 St Mary's Butts, had been rebutted and if the application was granted the Sub-Committee were not satisfied that conditions would prevent a negative cumulative impact on the licensing objectives. The application was therefore refused for the following reasons:
 - (a) the Sub-Committee believed that the premises would not operate wholly as a restaurant and was likely to effectively operate as a nightclub outside the hours in which food was served. The premises manager stated that last orders for food would be 2300 hours and the premises would cease to be a restaurant and in effect become a nightclub. The applicant did not rule out non-diners entering the premises to purchase and consume alcohol again indicating the premises primary purpose to act as a nightclub;
 - (b) the Sub-Committee was satisfied that the hours when no licence premises was required for live music, recorded music and dance as stated in Legislative Reform (Entertainment Licencing) Order 2014 should suffice for the purposes of the applicant;
- (2) The Sub-Committee agreed to remove the embedded conditions from the premises licence.

(The meeting started at 9.30am and finished at 12.14pm)