

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 3 NOVEMBER 2015

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

16. MINUTES

The Minutes of the meeting of Licensing Applications Sub-Committee 1 held on 6 October 2015 were confirmed as a correct record and signed by the Chair.

17. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - THE ROYAL, BEFORD ROAD, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by Reading Borough Council Licensing for the review of a Premises Licence in respect of The Royal, 2 Bedford Road, Reading, RG1 7HS.

The report stated that a review of the Premises Licence had been requested by Reading Borough Council Licensing Team. The application detailed the grounds for review, which included that the licensing objectives of prevention of public nuisance and the prevention of crime and disorder were being undermined by the actions of the current management. The report stated that there had been numerous breaches of licensing conditions and that numerous complaints had been made against the premises since 2014.

The review application sought a reduction in the hours permitted for licensable activities at the premises to 2300 hours every day. The review application also sought the removal of the Designated Premises Supervisor and invited the Sub-Committee to consider the removal of Live Music and Recorded Music from the Premises Licence as well as disapplying the Live Music exemption specified in Section 177A of the Licensing Act 2003.

A copy of the review application was attached to the report at Appendix I. This gave further details of the grounds for the application. Representations had been received from Ms Karen Rowland, Chair of Baker Street Area Neighbourhood Association (BSANA) and Mr Peter Bowyer, Chair of Oxford Road Neighbourhood Action Group, which were attached to the report at Appendix II. A representation from Reading Borough Council's Environmental Protection (Noise) Team was attached to the report at Appendix III. A representation from Thames Valley Police was attached to the report at Appendix IV. A representation from Mrs Lavina Juanita Copper, the Designated Premises Supervisor, was attached to the report at Appendix V. Additional evidence submitted by Reading Borough Council's Licensing Team was attached to the report at Appendix VI. A plan showing the location of the premises and surrounding streets was attached to the report at Appendix VII.

The report stated that the Premises Licence Holder was Admiral Taverns Limited and that the Designated Premises Supervisor was Mrs Lavina Juanita Cooper. The existing Premises Licence, a copy of which was attached to the report at Appendix VIII, permitted the following:

Hours for the Performance of Live Music, Hours for the Playing of Recorded Music, Hours for the Performance of Dance

Monday to Thursday	1100 hours until 0000 hours
Friday and Saturday	1100 hours until 0200 hours
Sunday	1200 hours until 2230 hours

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Hours for the Provision of Late Night Refreshment

Monday to Thursday	2300 hours until 0030 hours
Friday and Saturday	2300 hours until 0230 hours

Hours for the Sale by Retail of Alcohol

Monday to Thursday	1100 hours until 0000 hours
Friday and Saturday	1100 hours until 0200 hours
Sunday	1200 hours until 2230 hours

Hours the Premises is Open to the Public

Monday to Thursday	1100 hours until 0030 hours
Friday and Saturday	1100 hours until 0230 hours
Sunday	1200 hours until 2300 hours

Non-standard timings: an additional hour on every Friday, Saturday and Sunday for each May Bank Holiday, Spring Bank Holiday and every August Bank Holiday weekend. An additional hour on every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. An additional hour on Christmas Eve and Boxing Day.

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 and 9.13 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.

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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 guidance also stated that Licensing authorities were included in the list of responsible authorities. A similar framework existed in the Gambling Act 2005. The 2003 Act did not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It was, therefore, for the licensing authority to determine when it considered it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under Section 4 of the 2003 Act.

Ms Rebecca Farley, Licensing Administrator, and Ms Nicola Reeves, Business Development Manager, Admiral taverns Ltd, were present at the meeting and addressed the Sub-Committee, and were represented by Mr Walaiti Rathore, Fraser Brown Solicitors, who addressed the Sub-Committee on behalf of the Premises Licence Holder.

Richard French, Reading Borough Council's Licensing Team, was present at the meeting and addressed the Sub-Committee on the application. PC Simon Wheeler, Thames Valley Police, and Ross Jarvis, Reading Borough Council's Environmental Protection (Noise) Team were present at the meeting and addressed the Sub-Committee.

It was reported at the meeting that the Premises Licence Holder had served notice to remove the current Designated Premises Supervisor.

Resolved -

That, having reviewed the Premises Licence in respect of The Royal, 2 Bedford Road, and having had regard to the licensing objectives for the prevention of public nuisance and the prevention of crime and disorder and the oral and written representations made, the Secretary of State's guidance (in particular paragraphs 2.14, 2.15, 11.1, 11.10, 11.17-11.20, 11.22-11.24 and 11.26) and the Council's Statement of Licensing Policy (in particular paragraphs 10.51, 11.11.2 and 11.11.3), the Sub-Committee has concluded that it was appropriate and proportionate for the Premises Licence to remain in force but that hours be reduced as follows:

Hours for the Performance of Live Music, Hours for the Playing of Recorded Music, Hours for the Performance of Dance

Monday to Thursday	1100 hours until 2300 hours
Friday and Saturday	1100 hours until 0000 hours
Sunday	1200 hours until 2230 hours

Hours for the Provision of Late Night Refreshment

Friday and Saturday	2300 hours until 0000 hours
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Hours the Premises is Open to the Public

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Non-standard timings: an additional hour on every Friday, Saturday and Sunday for each May Bank Holiday, Spring Bank Holiday and every August Bank Holiday weekend. An additional hour on every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. An additional hour on Christmas Eve and Boxing Day.

The Sub-Committee also removed the Designated Premises Supervisor, and the conditions on the Premises Licence relating to Live Music were altered so that Section 177A of the Licensing Act 2003 did not apply to them. The Sub-Committee also added the following conditions to the Premises Licence:

1. The Licensee 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;
2. During operating hours, the licensee or a nominated representative shall be available to receive and respond to nuisance-related complaints. A contact number shall be readily available to residents upon request;
3. No music or speech shall be relayed via external speakers [other than for events with the prior approval of the licensing authority];
4. 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. After 2230 hours staff shall be available to ensure that customers disperse quietly (replaces current condition number 24);
5. All external doors/windows must be kept closed, other than for access and egress, when events involving amplified music or speech are taking place (replaces current condition number 26);

The Sub-Committee's reasons were:

- The regular occurrence of public nuisance from loud music;
- The repeated carrying on of licensing activities not in accordance with an authorisation, namely live music and late night refreshment after the permitted hours;
- The breaches of conditions of the Premises Licence as specified in the report;

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- The public nuisance of noise caused by customers in the vicinity of the premises, due to the failure or absence of a dispersal policy;
- The carrying on of licensing activities not in accordance with an authorisation 11 days after the performance meeting held on 1 July 2015;
- The failure of the Premises Licence Holder to ensure that there was responsible management of the premises to prevent the licensing objective of the prevention of public nuisance being undermined;
- The fact that repeated public nuisance had occurred in a residential area.

The Sub-Committee considered the case between Hall & Woodhouse Limited -v- the Borough and County of the Town of Poole and held that that paragraph 21 of the judgement of Mr Justice Owen was in favour of the review of the Premises Licence and it did not absolve the Premises Licence Holder of responsibility if it was done.

(The meeting started at 5.02pm and finished at 8.40pm)