

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 19 JULY 2016

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

11. MINUTES

The Minutes of the meeting of Licensing Applications Sub-Committee 1 held on 19 April 2016 and Licensing Applications Sub-Committee 2 held on 30 June 2016 were confirmed as correct records and signed by the Chair.

12. EXCLUSION OF THE PRESS AND PUBLIC

Resolved - That, in accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, members of the press and public be excluded during consideration of the following items of business on the grounds that the public interest in doing so outweighed the public interest in the hearing taking place in public.

13. APPLICATION FOR THE GRANT OF A PERSONAL LICENCE

The Head of Planning, Development and Regulatory Services submitted a report on an application for the grant of a personal licence.

The report set out a summary of the application and relevant documents were appended to the report.

The report stated that in determining the application, if the chief officer of police was satisfied that granting the licence would undermine the crime prevention objective, he must, within the period of 14 days beginning with the day he had received the notice under Section 120 (4) of the Licensing Act 2004, give the authority a notice stating the reasons why he was so satisfied (an "objection notice"). Where no objection notice was given within that period (or the notice was withdrawn), the authority must grant the application. Having regard to the objection notice, the Licensing Authority must hold a hearing to consider the objection notice unless the applicant, the Chief of Police and the Authority agreed that this was unnecessary; and having regard to the notice the Authority must reject the application if it considered it necessary for the promotion of the crime prevention objective to do so; and grant the application in any other case.

On 24 June 2016 the Licensing Section had received a notice of objection from Thames Valley Police in respect of the application, which was attached to the report at Appendix II.

The report also stated that the Council's Licensing Policy Statement set out that under the Act, Licensing Authorities would automatically grant applications for personal licences so long as the applicant was 18 years or over, had possession of the qualification determined by the Secretary of State, had not had a personal licence forfeited within five years of the date of application and had not been convicted of any relevant offence or any relevant foreign offence. Such applications would be dealt with by way of a purely administrative process within the Licensing Section. Thames Valley Police might make representations where the applicant had been convicted of a relevant offence or relevant foreign offence. In such cases the Licensing Sub-Committee would consider the matter and the application would be refused if the Sub-Committee decided that refusal was in the interest of the promotion of the prevention of crime objective. In all other cases the application would be granted.

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The applicant GC was present at the meeting and addressed the Sub-Committee on his application.

Mike King, Thames Valley Police, was present and addressed the Sub-Committee.

Resolved -

That having reviewed the application for a personal licence in respect of GC and having had regard to the licensing objective for the prevention of crime, which the Sub-Committee did not believe would be undermined if the licence was granted, 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 is appropriate and proportionate to grant a personal licence.

14. APPLICATION FOR GRANT OF A PREMISES LICENCE - OKTOBERFEST, PALMER PARK, WOKINGHAM ROAD, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by London Oktoberfest Ltd for the grant of a Premises Licence in respect of Oktoberfest, Palmer Park, Wokingham Road, Reading.

The application was requesting a premises licence from 15 to 18 September 2016 which would permit the following licensable activities:

Live Music

Thursday and Friday	1700 hours until 2230 hours
Saturday	1230 hours until 2230 hours
Sunday	1230 hours until 1800 hours

Recorded Music

Thursday and Friday	1700 hours until 2300 hours
Saturday	1230 hours until 2300 hours
Sunday	1230 hours until 1830 hours

Sale of Alcohol (on the premises only)

Thursday and Friday	1700 hours until 2300 hours
Saturday	1230 hours until 2300 hours
Sunday	1230 hours until 1830 hours

A copy of the application form was attached to the report at Appendix 1.

Five representations against the application had been received from residents and were attached to the report at Appendix 3. Representations were also received from Reading Borough Council Licensing Team and Reading Borough Council Environmental Protection Noise and Nuisance Team; however following the agreement of the proposed conditions with the applicant which were attached to the report at Appendix 2 the objections had been withdrawn. A plan showing the location of the premises had been included with the application.

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:

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- 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.

The report also stated that the Licensing Act 2003 Section 18 (6) stated that any relevant representation should be considered in the context of the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Therefore, in the context of the grant of a licence, it was reasonable for the Licensing Authority to base its decision on an application on what the likely effects of granting a licence would have on the promotion of the licensing objectives. The report also set out paragraphs 8.33 to 8.39 of the Amended Guidance issued under Section 182 of the Licensing Act 2003 March 2015.

Mr Carsten Raun, London Oktoberfest Ltd, was present and 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 Oktoberfest, Palmer Park, Wokingham Road, be granted as follows because the Sub-Committee was satisfied that the licensing objectives wouldn't be undermined by granting the application:

Live Music

Thursday and Friday	1700 hours until 2230 hours
Saturday	1230 hours until 2230 hours
Sunday	1230 hours until 1800 hours

Recorded Music

Thursday and Friday	1700 hours until 2300 hours
Saturday	1230 hours until 2300 hours
Sunday	1230 hours until 1830 hours

Sale of Alcohol (on the premises only)

Thursday and Friday	1700 hours until 2300 hours
Saturday	1230 hours until 2300 hours
Sunday	1230 hours until 1830 hours

- (2) That the following conditions be attached to the licence:

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- (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 a nationally approved proof of age card showing the 'Pass' hologram (or any other similarly nationally recognised scheme) are to be accepted as identification;
- (b) Where a requirement for SIA door supervisors is identified the Premises Licence Holder shall keep and maintain a register of door supervisors. The register will show the following details:
 - (i) the name, home address and registration number of all door supervisors working at the premises;
 - (ii) SIA registration number;
 - (iii) date and time that the door supervisor commenced duty, countersigned by the Designated Premises Supervisor or Duty Manager;
 - (iv) any incident of crime and disorder, or concerning children, must be recorded giving names of the door supervisors involved;
 - (v) date and time the door supervisor finished work, countersigned by the Designated Premises Supervisor or the Duty Manager;
 - (vi) the door supervisor register must be kept at the licensed premises and be available for inspection by Thames Valley Police or an authorised officer from Reading Borough Council and shall be retained for a period of six months from the date of the event;
- (c) Alcoholic beverages provided and sold at the premises shall not be permitted to be taken off the premises. Door staff or staff nominated by the event organiser shall prevent alcohol being brought onto the site and leaving the site;
- (d) 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 ensure that customers disperse quietly;
- (e) All cashiers who are selling alcohol shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register shall contain:
 - 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;

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This book/register shall be available for inspection when requested by an authorised officer of Reading Borough Council or Thames Valley Police;

- (f) 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 made available for inspection when requested by a Police Officer or an authorised officer of Reading Borough Council at any time during the event;
- (g) All incidents that are recorded in the incident register shall be signed off by the Designated Premises Supervisor or nominated representative. A daily review of the incident register shall also be carried out by the Designated Premises Supervisor;
- (h) The Premises Licence Holder shall ensure that any staff employed by them and involved in the sale of alcohol undergo training upon induction regarding the Challenge 25 proof of age checking policy. This shall include, but not be limited to, dealing with the refusal of sales, proxy purchasing and identifying intoxicated persons who attempt to purchase alcohol. All training sessions are to be documented in English. Records of training shall be made available to an authorised officer of Thames Valley Police and Reading Borough Council upon request;
- (i) An active dispersal policy shall be devised, documented and implemented on the premises. This dispersal policy shall include, but not be limited to, staff members being available to disperse customers from the premises and immediate vicinity and to advise customers to respect the needs of local residents and leave quietly. A suitable amount of staff shall be available to ensure customers are dispersed from the site and immediate vicinity and shall be available until the last customer has left the premises. This dispersal policy shall be in written form and be made available for inspection to authorised officers of Reading Borough Council and Thames valley Police;
- (j) The event will be run in accordance with the submitted Event Management Plan, as submitted by the applicant to Reading Borough Council, and shall form part of the premises licence conditions for the event;
- (k) The Premises Licence Holder shall provide a UK address for the Designated Premises Supervisor before the Premises Licence comes into force;
- (l) The control limits set at the mixer position shall be adequate to ensure that the music noise level shall not at any noise sensitive premises exceed the background noise level (average hourly L90) by more than 15dB(A) over a 15 minute period throughout the event;
- (m) Noise monitoring shall be conducted at reasonable and regular intervals and at least once per hour during periods of regulated

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entertainment by a designated sound manager using a noise meter to ensure compliance with condition (l) above. The monitoring locations shall be selected to be representative of the residential properties most likely to be affected by noise;

- (n) A written log shall be kept of measured noise levels, complaints received, and any actions taken to control the noise and this log shall be made available to an authorised officer of Reading Borough Council on request;
- (o) The designated sound manager shall be capable of exercising control over all of the music and amplified speech sound levels;
- (p) The designated sound manager shall be on site for the duration of the festival;
- (q) During operating hours, the Premises Licence Holder or a nominated representative shall be available to receive and respond to nuisance-related complaints;
- (r) In advance of the event, the event shall be notified to local residents via a letter drop which shall include a contact name and telephone number via which complaints about noise can be made on the days of the event. During operating hours, the Premises Licence Holder or a nominated representative shall be available to receive and respond to nuisance-related complaints.

(The meeting started at 5.00pm and finished at 6.48pm)