

## LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 7 FEBRUARY 2017

**Present:** Councillors Woodward (Chair) and Livingston.

### 21. MINUTES

The Minutes of the meeting of Licensing Applications Sub-Committee 2 held on 12 January 2017 were confirmed as a correct record and signed by the Chair.

### 22. APPLICATION FOR GRANT OF A PREMISES LICENCE - SPRINKLES GELATO, LONDON ROAD, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by AM Estates Limited for the grant of a Premises Licence in respect of Sprinkles Gelato, 120 London Road, Reading.

The application was requesting a premises licence which would permit the following licensable activities:

#### Recorded Music

Monday to Sunday                      0800 hours until 0000 hours

#### Late Night Refreshment

Monday to Sunday                      2300 hours until 0000 hours

#### Hours Open to the Public

Monday to Sunday                      0800 hours until 0000 hours

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

A representation against the application had been received from a resident and was attached to the report at Appendix RF-2.

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.

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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 1.5, 2.14 and 8.33 to 8.39 of the Amended Guidance issued under Section 182 of the Licensing Act 2003 March 2015.

Mr Rashidul Islam, solicitor, and Mr Mohammed Ilyas, both of Sprinkles Gelato, were 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 section 11.4 and 11.4.1 of the Council's Statement of Licensing Policy, the application in respect of Sprinkles Gelato, London Road, be granted because the Sub-Committee did not consider that granting the application would have an adverse effect on the licensing objectives, in particular the prevention of public nuisance, as follows:

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- (2) That the following conditions be attached to the licence:
  - (a) 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 23.00hrs staff shall be available to ensure that customers disperse quietly;
  - (b) No music or speech shall be relayed via external speakers, other than for events with the prior approval of the licensing authority;
  - (c) Staff, contractors and associated persons must be given adequate training to prevent them causing unnecessary noise when they leave the premises and prominent, clear notices displayed at all points where staff leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly;
  - (d) During operating hours, the licensee or a nominated representative shall be available to receive and respond to nuisance-related

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complaints. A contact number shall be readily available to residents upon request;

- (e) 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;
- (f) The Premise Licence Holder shall ensure the premises has a digitally recorded CCTV system and that the cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. Data recordings shall be made available without undue delay and no later than 24 hours from initial request to an authorised officer of Reading Borough Council or Thames Valley Police, together with facilities for viewing upon request. Recorded images shall be of such a quality as to be able to identify the recorded person.

(The meeting started at 5.00pm and finished at 5.45pm)