

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 5 SEPTEMBER 2017

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

9. APPLICATION FOR THE SUMMARY REVIEW OF A PREMISES LICENCE AND REVIEW OF THE DECISION TO IMPOSE INTERIM STEPS - EVA'S

The Head of Planning, Development and Regulatory Services submitted a report on an application by Thames Valley Police for the summary review of a Premises Licence in respect of Eva's, 20 Hosier Street, Reading, RG1 7JL.

The report stated that a summary review of the Premises Licence had been submitted by Thames Valley Police because the premises had been and continued to be associated with serious disorder. There had been two recent incidents of note. The first had occurred on 30 July 2017 where a large number of police officers had been called to the premises to deal with disorder and one person had been stabbed/slashed across the stomach within the venue and one person had sustained a head injury. A second incident had occurred on 5 August 2017, which had also required a large police presence and the attendance of specialist units to contain sporadic outbreaks of disorder associated with the premises and the event that had been held there. Thames Valley Police had submitted a Certificate under Section 53A(1)(b) of the Licensing Act 2003, which stated that the summary review was necessary to uphold the licensing objectives of the prevention of crime and disorder and the protection of the public. The review application also detailed issued with the premises throughout 2017 included issues around compliance with conditions, high drug readings, the poor management of the premises, the nature of events undertaken at the premises and the steps taken by Responsible Authorities in trying to work with the premises to tackle these issues. PC Simon Wheeler confirmed at the meeting that Thames Valley Police sought the revocation of the premises licence and for the interim step of the suspension of the premises licence to remain in force.

A copy of the review application and appendices were attached to the report at Appendix 1. Additional information submitted by Thames Valley Police on 17 August 2017 was attached to the report at Appendix 1A.

The Sub-Committee viewed CCTV footage from 30 July 2017 and Police body camera footage from 5 August 2017.

The representations received against the imposition of the interim steps submitted by the Premise Licence Holder, which included a letter received on 11 August 2017 and further documentation received on 14 August 2017, was attached to the report at Appendix 2.

A representation in relation to the substantive review hearing had been received from Reading Borough Council Licensing, which was attached to the report at Appendix 3.

The report stated that the Premises Licence Holder was Bar Mango Limited and the Designated Premises Supervisor was Ms Vanessa Palmer. The existing Premises Licence, a copy of which was attached to the report at Appendix 4, permitted the following:

Exhibitions of Films, Indoor Sporting Events, Performance of Live Music, Playing of Recorded Music, Performance of Dance, Anything similar to Live Music, Recorded Music & Performance of Dance

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Monday to Sunday 1100 hours until 0300 hours

Provision of Late night Refreshment

Monday to Sunday 2300 hours until 0300 hours

Hours for the Sale by Retail of Alcohol

Monday to Saturday 1100 hours until 0300 hours

Sunday 1200 hours until 0300 hours

Hours the Premises is Open to the Public

Monday to Sunday 1100 hours until 0330 hours

The report stated that at the meeting of the Licensing Applications Sub-Committee 1 on 10 August 2017 it had been determined that interim steps were necessary and the premises licence had been immediately suspended. An appeal against the decision to impose interim steps had been considered at the meeting of the Licensing Applications Sub-Committee 1 on 15 August 2017 when it had been decided to keep the suspension of the premises licence in place.

At the meeting the Sub-Committee considered a written request from the Premises Licence Holder's legal representative, who was not present, for the hearing to be adjourned to be heard with the review on 19 September 2017 of which the licensing authority is the applicant. The legal representative further requested that in the meantime the Sub-Committee should retain the interim step of the suspension of the Premises Licence pending the review hearing of 19 September 2017. The Sub-Committee declined the request and proceeded with the review hearing.

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.

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(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 stated in considering the interim steps on receipt of a summary review, the following steps could be considered:

- The modification of the conditions of the premises licence;
- The exclusion of the sale of alcohol as a licensable activity;
- The removal of the Designated Premises Supervisor;
- The suspension of the premises licence.

If interim steps had been imposed the Sub-Committee must determine whether these interim steps should remain in force on the date of the substantive review hearing.

The report set out paragraphs 1.5, 2.1, 12.2, 12.5, 12.6, 12.13 to 12.15, 12.17 to 12.21, 12.30, 2.16, 2.22, 2.23, 2.27, 2.29, 2.32, 9.12 and 9.13, 11.2, 11.10, 11.17, 11.18 and 11.24 to 11.28 of the amended guidance issued under Section 182 of the Licensing Act 2003 (April 2017). The report also set out paragraph 10.5.1, 11.11.2, 11.11.3, 12.1.1, 12.1.2 and 12.1.7 of the Council's Statement of Licensing Policy.

Mr Peter Norbury, the owner of the premises was present at the meeting and addressed the Sub-Committee and responded to questions.

PC Simon Wheeler and Chief Inspector James Upton, Deputy LPA Commander, Thames Valley Police, were present and addressed the Sub-Committee on the representations and responded to questions. Richard French, Licensing Officer, Reading Borough Council was present and addressed the Sub-Committee on the Licensing Authority representation and responded to questions.

Resolved -

That, having reviewed the Premises Licence in respect of Eva's and having had regard to the four licensing objectives (in particular the prevention of crime and disorder, the protection of children from harm and public safety), the oral and written representations made, the Secretary of State's guidance (in particular paragraphs 9.12, 11.1, 11.17, 11.18, 11.20, 11.22 and 11.28) and the Council's Statement of Licensing Policy (in particular paragraph 10.5.1), the Sub-Committee concluded that it was appropriate for the promotion of the licensing objectives for the interim step of the suspension of the premises licence to remain in force and it was appropriate and proportionate for the Premises Licence to be revoked for the following reasons:

- (i) the multiple breaches of conditions on the premise licence, including that the town centre radio had not been operational and the failure to maintain the door book;
- (ii) the incidents of allowing someone banned by pubwatch to enter the premises;
- (iii) the premises running events which involved under 18s and older customers to mix with no clear segregation for the under 18s;

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- (iv) that advice given to the Premises Licence Holder at the performance meeting on 9 May 2017 had been ignored;
- (v) the delay in providing CCTV footage of an incident on 6 May 2017 to Thames Valley Police;
- (vi) that the premises had carried out licensable activities without a Designated Premises Supervisor;
- (vii) that Class A drugs had been found in staff only areas of the premises and that the Premises Licence Holder had not been able to account for drugs that had been seized by door staff at the premises;
- (viii) the evidence of smoking on the premises, which was a smoke free premises under the Health Act 2006;
- (ix) the incidents of serious crime and disorder on 30 July 2017 and 5 August 2017;
- (x) that the premises had previously been subject to two review hearings;
- (xi) the Sub-Committee had no confidence in the current management.

(The meeting started at 5.00pm and finished at 9.23pm)