

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 12 SEPTEMBER 2017

Present: Councillors Woodward (Chair), D Edwards and Livingston.

10. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 1 held on 10 August and 15 August 2017 were confirmed as correct records and signed by the Chair.

11. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - PURPLE TURTLE

The Head of Planning, Development and Regulatory Services submitted a report on an application by Purple Turtle (Holdings) Limited for the grant of the Premises Licence in respect of Purple Turtle, 9 Gun Street, Reading, RG1 2JR.

The report stated that there was currently a Premises Licence in force and the following licensable activities were permitted:

Regulated Entertainment (Plays / Films / Indoor Sport / Live Music / Recorded Music / Performance of Dance)

Monday to Saturday	1100 hours until 0400 hours
Sunday	1200 hours until 0300 hours

Hours for the Provision of Late Night Refreshment

Monday to Sunday	2300 hours until 2330 hours
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Hours for the Sale of Alcohol

Monday to Saturday	1100 hours until 0400 hours
Sunday	1200 hours until 0300 hours

Hours the Premises are Open of the Public

Monday to Saturday	1100 hours until 0430 hours
Sunday	1200 hours until 0330 hours

A copy of the Premises Licence was attached to the report at Appendix RF3.

The application was seeking the grant of a new Premises Licence to allow the following:

Regulated Entertainment (Plays / Films / Indoor Sport / Live Music / Recorded Music / Performance of Dance)

Monday, Friday and Saturday	1100 hours until 0330 hours
Tuesday to Thursday	1100 hours until 0300 hours
Sunday	1200 hours until 0300 hours

Provision of Late Night Refreshment (Indoors)

Monday, Friday and Saturday	2300 hours until 0330 hours
Tuesday to Thursday	2300 hours until 0300 hours
Sunday	2300 hours until 0300 hours

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

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 12 SEPTEMBER 2017

Monday, Friday and Saturday	1100 hours until 0330 hours
Tuesday to Thursday	1100 hours until 0300 hours
Sunday	1200 hours until 0300 hours

Hours the Premises are Open of the Public

Monday, Friday and Saturday	1100 hours until 0400 hours
Tuesday to Thursday	1100 hours until 0330 hours
Sunday	1100 hours until 0330 hours

A copy of the application form was attached to the report at Appendix RF1.

Representations against the application had been received from Thames Valley Police, which was attached to the report at Appendix RF2B, and Reading Borough Council Licensing Team, which was attached to the report at Appendix RF2A.

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 8.1.3, 8.1.4, 8.1.9, 8.1.11, 8.5.1 and 8.6.8 of the Council's Statement of Licensing Policy. Regarding the application of the Cumulative Impact Policy (CIP), 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 set out paragraphs 8.38 to 8.46, 9.12 and 9.13 of the amended guidance issued under Section 182 of the Licensing Act 2003 April 2017.

Mr Mike King, and PC Simon Wheeler, Thames Valley Police, who had submitted a representation, were present at the meeting and addressed the Sub-Committee on the application. Mr Peter Narancic, Reading Borough Council Licensing, who had submitted a representation, was present at the meeting and addressed the Sub-Committee on the application.

Mr Danny Fraifeld, Mr Greg Mudén, and Mr Stuart McNaught, were present at the meeting and addressed the Sub-Committee. They were represented by Ms Sue Dowling from Blandy & Blandy who addressed the Sub-Committee.

Resolved -

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 12 SEPTEMBER 2017

- (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 8.38, 8.39, 8.40, 8.41, 8.44, 8.46, 9.12, 14.20, 14.30, 14.46 and 14.39) and paragraphs 8.1.3, 8.1.4, 8.1.9, 8.1.11, 8.5.1, 8.6.8 of the Council's Statement of Licensing Policy in respect of cumulative impact, the Sub Committee was satisfied that the presumption against granting the application had been rebutted because it believed that the applicant's agreement to surrender the existing licence and accept more comprehensive conditions will assist the promotion of the licensing objectives more thoroughly, in particular the reduction of hours and the acceptance of an earlier time for the use of Clubscan and customer search, to the extent of the following being granted:

Regulated Entertainment (Plays / Films / Indoor Sports / Live Music / Recorded Music / Performance of Dance)

Monday, Friday and Saturday	1100 hours until 0330 hours
Tuesday to Thursday	1100 hours until 0300 hours
Sunday	1200 hours until 0300 hours

Provision of Late Night Refreshment (Indoors)

Monday, Friday and Saturday	2300 hours until 0330 hours
Tuesday to Thursday	2300 hours until 0300 hours
Sunday	2300 hours until 0300 hours

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

Monday, Friday and Saturday	1100 hours until 0330 hours
Tuesday to Thursday	1100 hours until 0300 hours
Sunday	1200 hours until 0300 hours

- (2) That the premises be open to the public as follows:

Monday, Friday and Saturday	1100 hours until 0400 hours
Tuesday to Thursday	1100 hours until 0330 hours
Sunday	1100 hours until 0330 hours

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

CCTV

- (1) A CCTV system shall be installed, in accordance with current or amended Home Office Code of Practice for Digital CCTV Systems. The system shall be maintained and operated correctly to the satisfaction of Thames Valley Police, (TVP) ensuring all licensed areas of the premises (except toilet facilities) are monitored, including all entry and exit points enabling frontal identification of every person entering and in any light condition.
- (2) All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept and available for a minimum of 31 days with time and date stamping and except for mechanical breakdown beyond the control of the proprietor shall be

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 12 SEPTEMBER 2017

made available upon request to the authorised officers of TVP and Reading Borough Council (RBC). Any breakdown or system failure will be notified to TVP immediately and remedied as soon as practicable. Any request from TVP or RBC for a recording to be made for evidential purposes must be carried out immediately;

- (3) Recordings shall be made available to an authorised officer of TVP or an authorised officer of RBC together with facilities for viewing with immediate access by a person qualified to operate the system;
- (4) A sign advising customers that CCTV is in use shall be positioned in a prominent position. A fully trained person who can operate the system shall be available at all times when the premises is open to the public;

Door Staff and Personal Licence Holders

- (5) To aid the promotion of the Licensing Objectives, the Premises Licence Holder will ensure that:
 - (a) at least one Personal Licence Holder is on duty on each level (the ground floor and/or the basement), in which a bar is operational; and
 - (b) the following minimum number of SIA licensed security staff will be on duty at the Premises as per the table below:

Day of Week	Minimum when basement bar in use	From 21:00	From 22:00/23:30/24:00 Increasing to	Minimum security staff at closure:
Sun into Mondays	-	2	6	6
Mon/Tues		2	6	6
Tues/Wed		2	5	5
Wed/Thurs		2	5	5
Thurs/Friday		2	6	6
Friday/Sat		2	9	9
Sat/Sun		2	9	9

- (6) A register of Door Staff shall be kept. The register will show the following details:
 - (a) Full SIA registration number.

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 12 SEPTEMBER 2017

- (b) Date and time that the Door Supervisor commenced duty, countersigned by the Designated Premises Supervisor or Duty Manager.
 - (c) Date and time that the Door Supervisor finished work, countersigned by the Designated Premises Supervisor or Duty Manager.
 - (d) Any occurrence or incident of interest involving crime & disorder or public safety must be recorded giving names of the Door Supervisor involved.
 - (e) A record of the number of patrons on site shall be made half hourly in the door register
- (7) The Door Supervisor register shall be kept at the premises and be available for inspection by an authorised officer of TVP, or an authorised officer from RBC and shall be retained for a period of 1 year;
 - (8) Door Staff shall be clearly identifiable at all times whilst on duty and display Hi-Visibility personalised armbands containing their SIA badge;
 - (9) Door Staff shall receive industry recognised Vulnerability training. This training shall formally take place once every 6 months and signed records of this training shall be maintained. These records shall be kept for a minimum of 1year and shall be made available to any authorised Officer of TVP or an authorised Officer of RBC;

ADMISSION POLICIES

Search Policy

- (10) The Premises Licence Holder shall implement a written search policy (following discussion with TVP), to minimise the risk of illegal weapons and drugs being brought onto the premises, including search, detection, confiscation, storage and disposal of drugs procedures. The search policy shall provide, as a minimum:
 - (a) For 100% bag search of all customers attempting to enter the premises, from 22:00;
 - (b) For random searches of any customer when considered appropriate by PLH's Security personnel or PLH Management based on risk assessment of the night in question;
 - (c) For the operation of intelligence lead searches of any customer as required.
- (11) Notices shall be displayed advising the public that the right to conduct an outer body search is reserved as a condition of entry, and that the TVP shall be informed if anyone is found in possession of illegal drugs or offensive weapons;

Challenge 25 and Clubscan

- (12) At all times that the premises is operating under this licence, the Premises Licence Holder shall ensure that its staff operate a Challenge 25 Policy (to minimise the risk of alcohol being sold to underage customers). This Policy shall (as a minimum provide) that before entry (or alternatively before any sale of alcohol), any person who appears to be under the age of 25 will be required to produce photo ID in the form of a passport; driving licence, UK Military ID card; PASS (or similar) card to prove that he/she is over the age of 18, before being permitted;
- (13) Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent places in the premises so that they can be seen internally and externally;
- (14) Children shall not be permitted in the premises after 19.00;
- (15) ID SCAN shall be available as a condition of entry and specifically the PLH's staff shall:
 - (a) operate 100% ID Scanning for all customers from 22:00 Friday & Saturday; and
 - (b) from when its security personnel start shift, daily operate an ID scan of all customers reasonably thought to be under 25; and
 - (c) shall ID scan any potential customer of any age at any time in large groups or intelligence lead;

"Customer" for the purposes of this condition shall include any patron; non-regular Staff, promoters and performers entering the premises. This condition shall not apply to headline performers and regular staff members whose identity is already known to PLH staff;
- (16) The ID Scan Device shall record the names and dates of birth of all persons entering the premises and retain the image and details of the ID. These records shall be kept for a minimum of thirty one days and shall be made available to any authorised Officer of TVP or an authorised Officer of RBC;
- (17) Records shall be made available to an authorised officer of TVP or an authorised officer of RBC together with facilities for viewing with immediate access by a person qualified to operate the system;
- (18) Any breakdown or system failure will be notified to TVP immediately and remedied as soon as practicable;

Measures to minimise the risk of entry of intoxicated customers

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 12 SEPTEMBER 2017

- (19) The PLH shall have a breathalyser unit available for Security staff to use at their discretion as an aid to determine the intoxication of customers trying to gain entry;

Drugs Initiative

- (20) The Premises Licence Holder shall implement an active policy, agreed with Thames Valley Police, (TVP) to prevent illegal weapons and drugs being brought onto the premises, including search, detection, confiscation, storage and disposal of drugs procedures;
- (21) The venue shall also actively partake in drugs initiatives run by TVP (including, but not exclusively, drug itemiser, passive drug dogs and spiked drinks campaigns);

Town-safe Radio

- (22) The Premises Licence Holder shall participate in the Local Town Radio Scheme when the premises are opened for licensable activities after 2100hrs Monday to Sunday inclusive;

Staff Training

- (23) The Premises Licence Holder shall ensure that all staff employed in the sale of alcohol shall be trained in their responsibilities and a record of their training shall be maintained. These records shall be made available to any authorised Officer of TVP or an authorised Officer of RBC. This training shall formally take place once every 6 months and signed records of this training shall be maintained;

Incident Book

- (24) An incident book shall be used to record details of incidents that occur in and around the venue. The incident book shall truly reflect what has occurred and shall be specific in detail. If incidents involve members of staff, including Door Staff their names shall be entered onto the log book. All incidents shall be signed off either by the Designated Premises Supervisor (DPS) or the nominated individual when the DPS is not on site;
- (25) All visits by an enforcement authority, all refusals of service, shall be recorded. The incident book shall be retained for a period of six months and shall be made available on request to any authorised Officers of TVP or authorised Officers of RBC;

Drinks

- (26) The Premises Licence Holder shall ensure that a system of preventing drinks being taken from the building by customers other than to the beer garden or any other enclosed area which is adopted and maintained. The Premises Licence holder shall prevent customers from leaving the premise with any alcoholic or non-alcoholic drinks from the Premises in open containers (e.g. glasses, opened bottles, & cans);

Operation of the Premises

Hours of operation and Entry restrictions

- (27) The terminal hour for cessation of alcohol on Fridays, Saturdays & Mondays shall be 03.30, with closure at 04.00. On Sundays, Tuesdays, Wednesdays & Thursdays the terminal hour will be 03.00 with closure at 03.30;
- (28) Save for LWE Card-holders (who can gain entry subject to condition 28), the PLH shall ensure that no new customers shall be permitted entry to the premises after 01.30 on Saturday and Sunday mornings. Re-admission to existing customers to retrieve personal belongings and those who have gone outside to use the smoking area is permitted, subject to a search by the Door Staff prior to being let in;
- (29) For a "late worker" (being a person who works (full-time; part-time; on an ad hoc or shift basis) beyond midnight) to gain access to the premises between 01:30 and 03:00 Saturday or Sunday mornings, he/she shall have to show to the DPS or Duty Manager a valid 'Late Worker Entry' card ("LWE card"). Further:
 - (a) To obtain a LWE card, he/she shall (in advance of his/her first late night entry) attend at the Premises and shall provide the DPS (or his nominated Deputy) with:
 - (i) a passport photo showing their clear image
 - (ii) Form of ID with photo (e.g. passport or driving licence) stating his/her home address;
 - (iii) Documentary evidence to show that he/she is a "late worker" (for example a recent payslip showing hours of work; contract of employment; offer letter; shift pattern on email) – with details of the employer(s) for whom he/she works;
 - (iv) A completed LWE Card application form (providing the information at Appendix A);
 - (b) Provided that the DPS/his nominated deputy has a genuine belief based on the documentation provided that the individual qualifies as a late worker, he may issue him/her with a sealed, numbered LWE card (with photo included) for late night entry for a period of one year from date of issue. The LWE card shall provide that:
 - i. It must be shown to the DPS; Duty Manager or Head of Security before Late Entry will be permitted, along with formal ID;

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 12 SEPTEMBER 2017

- ii. The DPS/ Duty Manager will record his/her late night entry in the LWE Record;
 - iii. The date of expiry;
 - iv. That the Management of the Purple Turtle can withdraw the LWE Card at any time;
 - v. That entry is not guaranteed;
 - vi. The LWE Card is not transferable and if misused will be revoked;
 - vii. That on transfer of the Premises Licence to any Third Party (other than to an associated company of Purple Turtle Holdings Ltd) the LWE card will cease to be effective;
- (c) That the Premises Licence Holder/DPS will keep a daily LWE Record of any late worker entry (available for inspection to authorised officers of Reading Borough Council and TVP on reasonable request) recording:
- i. The name of the LWE Card Holder;
 - ii. The formal ID against which the LWE Card Holder was checked;
 - iii. The LWE Card number;
 - iv. The date and time of entry;

Music

- (30) All recorded music shall be reduced to a background level thirty minutes prior to the time the premises is required to be closed to the public;

Capacity

- (31) The maximum capacity of the venue is 748 inclusive of members of staff; security and any persons providing Regulated Entertainment (and crew);

Dispersal policy

- (32) A written closure and dispersal policy, agreed with TVP, for controlling the closing of the premises and the departure of customers at the conclusion of the licensed activities shall be put in place and shall be actively operated. This policy shall be made

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 12 SEPTEMBER 2017

available to any authorised Officer of TVP or an authorised Officer of RBC;

- (33) Whilst dealing with the dispersal of patrons the door staff shall wear full high visibility vests;
- (34) The Premises Licence holder shall ensure notices are predominantly displayed at all exit points to advise customers that the area surrounding the premises is an Alcohol Restriction zone;
- (35) Two of the three PLH Duty Managers shall assist with queue management between 00:01 and 01:30 on Saturday and Sunday morning;
- (36) Music and alcohol sales in the Cellar Bar shall finish 30 minutes prior to the main bar (ground floor), on Saturday & Sunday mornings, to encourage a gentle 'wind-down' and gradual dispersal of customers;
- (37) PLH Security staff* shall leave the premises on closure via the front door exit, for a last assessment of Gun Street and the direct surrounding area. Any patrons in the immediate locality and known to have been in the premises that evening will be asked politely to make their way home/move away from the area, so as to not disturb residents nearby and to minimise the risk of any crime and/or disorder;

Noise

- (38) The licensee shall ensure that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which in either case gives rise to undue disturbance to local residents;
- (39) All external doors and windows must be kept closed, other than for access and egress, when events involving amplified music or speech are taking place;
- (40) The placing of refuse – such as bottles – into receptacles outside the premises shall only take place between the hours of 08.00hrs and 21.00hrs;
- (41) Periodic observation of the noise level and the likelihood that it will cause disturbance, shall be undertaken 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. The logbook must set out: time and date of observation; observer; observation of noise level i.e. either A: satisfactory 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 the situation;

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 12 SEPTEMBER 2017

- (42) During operating hours, the DPS 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.

Definitions

PLH means:

Premises Licence Holder or its management including the DPS or his nominated deputy.

PLH Security Staff means:

any security staff employed by the PLH or employed by a third party company, providing services to the PLH

Appendix A

Application for a Late Worker Entry Card

<u>Personal Details of Applicant</u>	Name of Applicant	Date of Birth	Home Address:	Formal photo ID shown confirming identity/Address: Passport Driving Licence Other - Specify <i>Retain copy</i>
<u>Late Work Details</u>	Employing Organisation (1)	Place of Work	Do you work until midnight - daily; monthly; or on a casual basis?	Evidence provided to support late night working pattern e.g. Contract of employment; Offer letter; Pay slip; Letter/email from organisation at (1); Other: Specify <i>Retain copy</i>
<u>Late Worker Card Details</u>	Number of Card	Date of issue	Date of expiry	Photo
<u>Late Worker Card Details (copy for applicant)</u>	Number of card	Date of issue	Date of expiry	Photo

(The meeting started at 5.00pm and finished at 21.50pm)