

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 8 DECEMBER 2015

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

19. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 1 held on 27 October, 3 November and 10 November 2015 were confirmed as correct records and signed by the Chair.

20. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - TREEHOUSE, FRIAR STREET, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by Thames Valley Police for the review of a Premises Licence in respect of The Treehouse, 108 Friar Street, Reading, RG1 1EP.

The report stated that a review of the Premises Licence had been requested by Thames Valley Police under the licensing objectives of prevention of crime and disorder, public safety, protection of children from harm and public nuisance.

The review application sought a revocation of the licence in relation to The Treehouse because of the unacceptable number of incidents of crime and disorder that had occurred at the premises since it had opened to the public earlier in 2015. These incidents were a considerable concern regarding public safety, the protection of children from harm and prevention of crime and disorder which supported the evidence submitted by Thames Valley Police that the objectives had been undermined by both the nature of the venue and the Designated Premise Supervisor and Premises Licence Holder.

The report explained that serious incidents had included a series of violent disorders and concerns over high drug usage in the venue by patrons as well as potentially by staff. More recently Thames Valley Police had received information that suggested that the Premise License Holders regularly overruled the Designated Premises Supervisor and door supervisors by instructing them to allow in friends and associates of the owners to the 'VIP/Karaoke' rooms on the first floor. The report stated that some of these people regularly appeared under the age of 18, and having disallowed staff from checking their identification, they could then have access once inside to all areas and the possibility to purchase alcohol.

The report also stated that Thames Valley Police believed that the problems being faced at this venue had been exacerbated by the poor management of the Designated Premises Supervisor and Premises Licence Holder (owner), along with the continued employment of promoters that encouraged irresponsible drinking and a crowd demographic that had a potential for drug usage and violence, and whom had been anecdotally described as a 'Cocaine and Caviar' audience.

The report stated that the combination of the issues outlined in the report and a number of licence condition breaches unearthed during performance meetings over the previous few months had led Thames Valley Police to take this final serious step to review the licence.

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 8 DECEMBER 2015

A copy of the review application was attached to the report at Appendix I. This gave further details of the grounds for the application. A representation in regard to the review application had been received from Reading Borough Council Licensing Team and was attached to the report at Appendix II. A plan showing the location of the premises (in black) and surrounding streets was attached to the report at Appendix III.

The report stated that shortly after the Review papers were served, the Council had received applications to transfer the Premises Licence and for a change of Designated Premises Supervisor. The current Premises Licence Holder was Treehouse Bar Limited (previously Mrs Nan Zhang) and that the Designated Premises Supervisor was Mr Simon Bayfield (previously Mr James Spencer).

The existing Premises Licence, a copy of which was attached to the report at Appendix IV, permitted the following:

Licensable Activities authorised by the Licence

Performance of Plays - indoor
Exhibition of Films - Indoor
Indoor Sporting Events
Performance of Live Music - Indoor
Playing of Recorded Music - Indoor
Performance of Dance - Indoor
Anything similar to Live Music, Recorded Music and Performance of Dance - Indoor
Late Night Refreshment - Indoor & Outdoor
Sale of Alcohol by Retail - On & Off the Premises

Hours for Licensable Activities (except Late Night Refreshment)

Monday to Sunday 1100 hours until 0300 hours

Hours for the Provision of Late Night Refreshment

Monday to Sunday 2300 hours until 0300 hours

For all Licensable Activities

Christmas Eve and Sundays preceding Bank Holiday Mondays until 0300 hours the following day.

British Summer time deemed not to have started until the commencement of the following days trading session.

New Year's Eve - from the start of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Hours the Premises is Open to the Public

Monday to Sunday 1100 hours until 0400 hours

British Summer time deemed not to have started until the commencement of the following days trading session.

New Year's Eve - from the start of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Opening hours from 0600 hours during the Wednesday through to the following Monday during the Reading Festival held in August each year.

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 8 DECEMBER 2015

The previous Premises Licence had been circulated prior to the meeting. This allowed the same licensable activities and permitted hours, but showed Mrs Nan Zhang as the Premises Licence Holder and Mr James Spencer as the Designated Premises Supervisor.

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 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.

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 report also set out paragraph 9.13 of the Secretary of State's Guidance which 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

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 8 DECEMBER 2015

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.

In addition the report included paragraph 10.5 of the Council's Licensing Policy Statement, Review of Premises Licence, which stated that any premises subject to a premises licence or club premises certificate might have that licence or certificate reviewed by the Licensing Authority on application by a responsible authority or interested parties. The Licensing Act 2003 provided strict guidelines as to the timescale and procedures to be adhered to and the Authority would deal with every review application on that basis.

The following documents had been circulated after the report had been published:

- Statement of Mrs N Zhang (previous Premises Licence Holder);
- Statement of Mr S Bayfield (new Designated Premises Supervisor);
- Mr S Bayfield's Curriculum Vitae;
- Treehouse Drugs Awareness document;
- Treehouse Licensing and Challenge 25 document;
- Assignment Instructions for Security at Treehouse;
- Copy of cover letter for Treehouse Assignment Instructions;
- Copy of letter from Trinal Genius Limited with regard to CCTV.

Ms Nancy Zhang, previous Premise Licence Holder and shareholder of the current Premise Licence Holder, Treehouse Limited and Mr Yongsong Zhao, Director of Treehouse Limited, were present at the meeting and addressed the Sub-Committee, and were represented by Mr Graeme Cushion, Poppleston Allen Licensing Solicitors, who addressed the Sub-Committee on behalf of the Premises Licence Holder.

Mr Stephen Nyazika, from Gateway Security and Mr Simon Bayfield, Designated Premises Supervisor, were present at the meeting and addressed the Sub-Committee

Inspector Keith Stacey, DI Rob Murray, Sergeant Rob Pitman, PC Simon Wheeler and Mr Mike King, Thames Valley Police, were present at the meeting and addressed the Sub-Committee. Richard French, Reading Borough Council's Licensing Team, was present at the meeting and addressed the Sub-Committee on the application.

Resolved -

That, having reviewed the Premises Licence in respect of Treehouse, Friar Street, Reading and having had regard to the four licensing objectives and the oral and written representations made, the Secretary of State's guidance (in particular paragraphs 9.12, 9.13, 11.1, 11.17, 11.18, 11.20 and 11.28) and paragraph 10.5 of the Council's Statement of Licensing Policy, the Sub-Committee concluded that it was appropriate and proportionate to revoke the Premises Licence for the following reasons:

- (i) The numerous breaches of conditions;

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 8 DECEMBER 2015

- (ii) The undermining of the Licensing Objectives, despite visits by Thames Valley Police and Reading Borough Council's Licensing Team on 3 June and 31 July 2015 and subsequent letters of advice;
- (iii) The fact that the previous Premises Licence Holder and family were still in financial control of the business, as admitted in the statement of Mrs N Zhang, and the unwillingness of the same to exercise appropriate responsibility in the operation of the premises;
- (iv) The fact that although Mrs N Zhang had stated that soon after the opening of the premises it was clear that the then Designated Premises Supervisor was 'out of his depth', he was only dismissed in October 2015. Similarly Mrs Zhang took as long a period to remove the security firm 4D after she had identified problems, which was longer than the one month's notice required;
- (v) The presence on the premises of an underage boy;
- (vi) The continued use of the same irresponsible promoters;
- (vii) The fact that members of the public had sustained injuries from a broken bottle whilst within the venue;
- (viii) Evidence of class A drug taking within the premises and the resistance to the use of passive drug dogs on the premises;
- (ix) Evidence of numerous violent incidents on or immediately outside the premises and incidents close by but linked to the premises, as demonstrated in the CCTV footage of incidents of 26 July and 4 October 2015, as shown at the Sub-Committee hearing.

(The meeting started at 5.00pm and finished at 8.25pm)