

LICENSING ACT 2003 HEARING TUESDAY 19TH JULY 2016 @ 1800HRS
(6PM)

APPLICATION FOR THE GRANT OF A PREMISES LICENCE

1. Premises:
Oktoberfest Palmer Park Wokingham Road Reading

2. Applicant:
London Oktoberfest Ltd B1 Business Centre, Suite 206 Davyfield Blackburn BB1 2QY

3. <u>Premises Licence:</u>
There is currently no premises licence in force at the premises for this specific event.

4. Proposed licensable activities and hours:
The application is for the grant of a premises licence from 15 th September 2016 until 18 th September 2016 for the following activities: Live/Recorded Music Thursday & Friday from 1700hrs until 2230hrs Saturday from 1230hrs until 2230hrs Sunday from 1230hrs until 1800hrs Sale of Alcohol (on the premises only) Thursday & Friday from 1700hrs until 2300hrs Saturday from 1230hrs until 2300hrs Sunday from 1230hrs until 1800hrs All persons to be off the premises by 2330hrs

5. Temporary Event Notices
In considering any application the Licensing Authority should be aware of the possible use of Temporary Event Notices to extend entertainment activities or hours of operation. A premises may extend the hours or scope of their operation by the use of Temporary Event Notices. Up to 15 events per year can be held under this provision at a particular premises. These events may last for up to 168 hours provided less than 500 people are accommodated and provided the total number of days used for these events does not exceed 21 per year.

6. Date of receipt of application: 26th May 2016

A copy of the application form and Event Management Plan is attached at Appendix RF-1

7. Date of closure of period for representations:

23rd June 2016

8. Representations received:

During the 28 day consultation process for the application, representations were received from the Licensing Authority and the Council's Noise and Nuisance teams. These representations contained a raft of proposed conditions which were all agreed by the applicant. The representations were then subsequently withdrawn. (Attached as Appendix RF-2(a)(b))

5 representations were received by residents who live within the vicinity of the proposed event:

1. Letter dated 30th May from Mr and Mrs Harney
2. Email dated 20th June from Mr Peter Kayes
3. Email dated 22nd June from Ms Hilary Kemp
4. Email dated 23rd June from Mr Richard Genney
5. Email dated 23rd June from Mrs Julie Genney

These are attached at Appendix RF-3 (a-e)

A location plan is included within the application

9. Licensing Objectives and Reading Borough Council's Licensing Policy Statement

In considering representations received the Licensing Authority has a duty to carry out its functions with a view to promoting the four licensing objectives, which are as follows:

- the prevention of crime and disorder;
- public safety
- the prevention of public nuisance
- the protection of children from harm

Any conditions that are placed on a premises licence should be appropriate and proportionate with a view to promoting the licensing objectives. The Licensing Authority can amend, alter or refuse an application should it be deemed appropriate for the promotion of the licensing objectives.

The Council's licensing policy also places an onus on applicant's who wish to open past 11pm to demonstrate how they will mitigate the issues of crime and disorder and potential public nuisance:

Amended Guidance issued under section 182 of the Licensing Act 2003
March 2015

Steps to promote the licensing objectives:

8.33 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.34 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.35 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.36 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all

factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.37 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics websites;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

8.38 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

8.39 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

The Licensing Act 2003 under Section 18 (6) also states that any relevant representation should be considered in the context of:

(a) 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 is 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 Council's Licensing Policy Statement:

11.4 Licensed Premises in Residential Areas

11.4.1 In general the Authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter conditions are likely to be imposed with regard to noise control in the case of premises that are situated in largely residential areas. In general, public houses located in and catering for residential areas wishing to open beyond 11pm will need to demonstrate clearly that public nuisance will not result from later operation.