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

9. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 2 held on 2 June 2016 and Licensing Applications Sub-Committee 1 held on 15 June 2016 were confirmed as correct records and signed by the Chair.

10. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - THREE GUINEAS, STATION APPROACH, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by Fuller, Smith & Turner PLC for the variation of the Premises Licence in respect of Three Guineas, Station Approach, Reading, RG1 1LY.

The Premises Licence indicated that the following licensable activities were permitted:

Hours for the Exhibition of Films, Performance of Live Music, Playing of Recorded Music, Performance of Dance, Anything Similar to Live Music, Recorded Music & Performance of Dance

Monday to Saturday 0900 hours until 2330 hours Sunday 1000 hours until 2330 hours

Hours for the Provision of Late Night Refreshment

Monday to Sunday 2300 hours until 2330 hours

Hours for the Sale by Retail of Alcohol

Monday to Saturday 0900 hours until 2330 hours Sunday 1000 hours until 2330 hours

Hours the Premises are Open of the Public

Monday to Sunday 0700 hours until 0000 hours

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

The original application was seeking to vary the Premises Licence to allow licensable activities for regulated entertainment, provision of late night refreshment and sale of alcohol until 0200 hours every day of the week and for the start time of all activities to be 0900 hours Monday to Saturday and 1000 hours on Sunday and for the premises to be open to the public from 0600 hours to 0230 hours Monday to Saturday and 0600 hours until 0200 hours on Sunday. The applicant had since amended the application to request the following:

Hours for the Provision of Late Night Refreshment

Monday to Sunday 2300 hours until 0030 hours

Hours for the Sale by Retail of Alcohol

Monday to Saturday 0900 hours until 0000 hours Sunday 1000 hours until 0000 hours

Hours the Premises are Open of the Public

Monday to Sunday 0600 hours until 0030 hours

The application also sought to vary the layout of the premises in accordance with the supplied plans; the changes included the refurbishment of the ground floor and outside areas and to develop the new basement area with entrance lobby and bar server. The application also requested that, as a consequence of the proposed variation, some conditions were removed from the licence, some conditions to be amended and for two conditions to be added to the licence.

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

Representations against the application had been received from Thames Valley Police, which was attached to the report at Appendix III, British Transport Police, which was attached to the report at Appendix IV, Reading Borough Council Licensing Team, which was attached to the report at Appendix V, Reading Borough Council Environmental Protection (Noise) Team, which was attached to the report at Appendix VI and Councillor Tony Page, Abbey Ward Councillor, which was attached to the report at Appendix VIII. A plan showing the location of the premises (identified in black) and surrounding area was attached at Appendix VIII.

The applicant had agreed conditions with the Environmental Protections (Noise) Team subject to "undue disturbance" being substituted by "public nuisance" in the condition which is headed "Noise Emanation", and "on the ground floor" be added at the end of the condition headed "Doors And Windows Closed During Amplified Speech/Music".

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 8.1.1, 8.1.2, 8.1.9, 8.5.1 to 8.5.3 and 8.6.1, 8.6.4, 8.6.5 and 8.6.8 of the Council's Statement of Licensing Policy (October 2013). Paragraphs 8.5.1, 8.5.2 and 8.5.3, regarding the application of the Cumulative Impact Policy (CIP), stated that 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 8.33, 8.34, 8.39, 9.12 and 9.13 of the amended guidance issued under Section 182 of the Licensing Act 2003, 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 other licensing objectives if they had evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations 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.

Sergeant Rob Pitman and Mr Mike King, Thames Valley Police, who had submitted a representation, were present at the meeting and addressed the Sub-Committee on the application. Inspector John Angell, British Transport Police, who had submitted a representation, was present at the meeting and addressed the Sub-Committee on the application. Mr Richard French, Reading Borough Council Licensing, who had submitted a representation, was present at the meeting and addressed the Sub-Committee on the application.

Mr Ian Torpey, Fuller's Operations Manager, Mr Andrew Durn, Project Manager, and Mr Nick Cameron, former manager of the Parcel Yard, were present at the meeting and were represented by Mr James Anderson from Poppleston Allen. All four addressed the Sub-Committee on the application.

Resolved -

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 8.33, 8.34, 8.39, 9.12 and 9.13 and the Council's Statement of Licensing Policy in respect of cumulative impact, in particular paragraphs 8.1.1, 8.1.2, 8.1.9, 8.5.1 to 8.5.3, 8.6.1, 8.6.4, 8.6.5 and 8.6.8, the Sub-Committee was satisfied that the presumption against granting the application to vary the licence in respect of the Three Guineas, Station Approach, had been rebutted because the Sub-Committee was satisfied that the existing conditions were sufficient to prevent the licensing objectives being undermined as a result of the variation. The application was therefore granted to the following extent:

(1) The hours be amended as follows:

Hours for the Provision of Late Night Refreshment

Monday to Sunday 2300 hours until 0030 hours

Hours for the Sale by Retail of Alcohol

Monday to Saturday 0900 hours until 0000 hours Sunday 1000 hours until 0000 hours

Hours the Premises are Open of the Public

Monday to Sunday

0600 hours until 0030 hours

- (2) That the layout of the premises in accordance with plans supplied by the applicant be changed to permit:
 - i. Refurbishment of the ground floor and outside areas;
 - ii. Development of a new basement area with entrance lobby and bar servery;
- (3) 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 area quietly. After 2300 hours staff shall be available to ensure that customers disperse quietly;
 - (b) The Licensee shall ensure that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to public nuisance to local residents;
 - (c) 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 on the ground floor;
 - (d) An adequate number of waste receptacles for use by patrons shall be provided in positions agreed with the licensing authority and it shall be the responsibility of the Premise Licence Holder to empty and dispose of the collected refuse at a frequency to be agreed with the licensing authority;
 - (e) An entry, closure and dispersal policy, as agreed with Thames Valley Police and the Licensing Authority, for controlling the opening and closing of the premises and the departure of customers at the conclusion of licensable activities must be put in place and must be actively operated. The Designated Premises Supervisor or duly nominated representative shall ensure that active dispersal is carried out so as not to cause undue disturbance to local residents.

(The meeting started at 9.30am and finished at 1.20pm)