

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 12 JANUARY 2017

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

18. MINUTES

The Minutes of the meeting of Licensing Applications Sub-Committee 1 held on 1 November 2016 and Licensing Applications Sub-Committee 2 held on 8 December 2016 were confirmed as correct records and signed by the Chair.

19. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - SHINFIELD TANDOORI

The Head of Planning, Development and Regulatory Services submitted a report on an application by Mr Deepak Gurung for the grant of a Premises Licence in respect of Shinfield Tandoori, 234C Shinfield Road, Reading.

The report stated that the application was to grant a Premises Licence to permit the following licensable activities:

Hours for the Supply of Alcohol (off premises)

Sunday to Wednesday	1700 hours until 0000 hours
Thursday to Saturday	1700 hours until 0200 hours

Late Night Refreshment (indoors)

Sunday to Wednesday	2300 hours until 0000 hours
Thursday to Saturday	2300 hours until 0200 hours

Hours the Premises are open to the Public

Sunday to Wednesday	1700 hours until 0000 hours
Thursday to Saturday	1700 hours until 0200 hours

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

A representation against the application had been received from Reading Borough Council Licensing Team and was attached to the report at Appendix II. Representations had also been received from Reading Borough Council's Noise and Nuisance Team and Reading Borough Council's Planning Team but following an agreement with the applicant to reduce the hours of operation both representations were withdrawn. A copy of the applicant's letter dated 15 December 2016 amending the application was attached to the report at Appendix III. The applicant had proposed licensable activities cease at 2300 hours Sunday to Thursday and 0000 hours Friday and Saturday. A plan showing the location of the premises (identified in black) and surrounding area was attached at Appendix IV.

The applicant had submitted additional information before the hearing which set out proposed conditions. At the hearing the applicant amended the application for late night refreshment to be indoors and outdoors and not just indoors as stated on the application form.

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:

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 12 JANUARY 2017

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The report also stated that paragraph 11.7.1 of the Council's Statement of Licensing Policy, regarding Late Night Refreshment, stated that concerns existed around problems of noise and nuisance, crime and disorder and anti-social behaviour related to late night opening. Therefore, operators of late night refreshment premises wishing to open beyond 11pm, would need to demonstrate clearly that nuisance, crime, disorder or antisocial behaviour would not result from their later operation.

The report also stated that the Licensing Act 2003 Section 18 (6) stated that any relevant representation should be considered in the context of 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 was 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 report also set out paragraphs 3.19 and 8.33 to 8.39 of the Amended Guidance issued under Section 182 of the Licensing Act 2003 March 2015.

Richard French, Licensing Officer Reading Borough Council, was present at the meeting and addressed the Sub-Committee on his representation regarding the application.

The applicant, Mr Deepak Gurung, was present and was represented by Mr Kuldeep Sethi, solicitor, both of whom addressed the Sub-Committee on the application and responded to questions.

Resolved -

- (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 the Council's Statement of Licensing Policy the application in respect of Shinfield Tandoori be granted as follows:

Hours for the Supply of Alcohol (off premises)

Sunday to Friday	1700 hours until 2300 hours
Saturday	1700 hours until 0000 hours

Late Night Refreshment

Saturday	2300 hours until 0000 hours
----------	-----------------------------

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

Sunday to Friday	1700 hours until 2300 hours
Saturday	1700 hours until 0000 hours

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

SUPPLY OF ALCOHOL

1. No supply of alcohol may be made under the premises licence;

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 12 JANUARY 2017

- (a) at a time where there is no designated premises supervisor in respect of the premises licence; or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be authorised by a person who holds a personal licence.

SUPPLY OF TAP WATER

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

AGE VERIFICATION POLICY

1. the premises licence holder or club premises certificate holder shall ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol;
2. the designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy;
3. the policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) A holographic mark, or
 - (b) An ultraviolet feature.

MINIMUM PERMITTED PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purpose of the condition set out in paragraph (1) -
 - (a) "duty" is to be construed in accordance with the alcoholic liquor duties act 1979(1)
 - (b) "permitted price" is the price found by applying the formula -
$$P = d + (d+v)$$
where-
 - (i) P is the permitted price,

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 12 JANUARY 2017

- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(2).
- 3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
- (4) That the following conditions, in addition to the mandatory conditions, be attached to the licence:
 - (a) Alcohol shall only be sold in conjunction with a food order. The sale of alcohol shall be refused if no food is ordered in conjunction with the requested sale of alcohol;
 - (b) The minimum order of food for the sale of alcohol shall be £5;
 - (c) The sale of alcohol shall be restricted to Wine and Asian Beer, as stated by the applicant at the hearing;

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 12 JANUARY 2017

- (d) The Premises Licence holder shall ensure that the premises has a digitally recorded CCTV system and that the cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. Data recordings shall be made available without undue delay and within 24 hours from initial request to an authorised officer of Reading Borough Council or a Thames Valley Police, together with facilities for viewing upon request. Recorded images shall be of such a quality as to be able to identify the recorded person;
- (e) Clearly legible and suitable notices shall be displayed to advise customers that CCTV is in operation at the premises;
- (f) The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid British passport or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) are to be accepted as identification;
- (g) Notices advertising the Challenge 25 policy shall be displayed in prominent positions on the premises;
- (h) All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/ register. The book/ register can be electronic or hard copy and shall contain:
 - Details of the time and date the refusal was made;
 - The identity of the staff member refusing the sale;
 - Details of the alcohol the person attempted to purchase.This book/ register will be available for inspection by a police officer or other authorised officer on request;
- (i) The Designated Premises Supervisor and the Premises Licence Holder (where an individual) shall be trained on the most recent BIIAB course (to be advised by the Licensing Department), or any similarly recognised nationally approved accreditation curriculum, within a three month period;
- (j) Persons authorised to sell alcohol shall be trained to BIIAB Level 1 Award in Responsible Alcohol Retailing, or any other similarly recognised nationally approved accreditation curriculum. Records of the training and reminders given shall be kept;
- (k) All new members of staff must undertake initial training on age restricted sales before they are permitted to sell alcohol and registered within 28 days of employment to attend the BIIAB Level 1 Award in Responsible Alcohol Retailing or any other similarly recognised nationally approved accreditation curriculum;

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 12 JANUARY 2017

- (l) All staff shall be refresher trained on the law relating to underage sales every three months on how to question and refuse sales if necessary, utilising the Challenge 25 policy. Records of the training and reminders given shall be retained;
- (m) All packaging and utensils for use by customers shall be made of biodegradable or recyclable materials.

(The meeting started at 9.34am and finished at 11.30am)