

Present: Councillors Livingston (Chair) and Vickers.

**20. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - READIPOP FESTIVAL, CHRISTCHURCH MEADOWS, CAVERSHAM, READING**

The Head of Planning, Development and Regulatory Services submitted a report on an application by Reading Borough Council Environmental Protection and Nuisance Team for a review of the premises licence in respect of Readipop Festival, Christchurch Meadow, Caversham, Reading.

The report stated that the Reading Borough Council Environmental and Nuisance Team had submitted the review of the Premises Licence, outlining ten complaints that had been received from residents regarding noise from music being played at the event as well as noise from the fairground. The report also stated that a number of conditions contained on the premises licence were also breached and that there was a general lack of understanding of how to comply with these conditions.

The application sought for conditions on the premises licence to be amended and for new conditions to be applied and further, pursuant to section 177A Licensing Act 2003 the disapplication of conditions relating to noise attached to the premises licence.

A copy of the review application was attached to the report at Appendix RF-1.

The report stated that three representations had been received from local residents, which were attached to the report at Appendix RF-2a, RF-2b and RF-2c.

A plan showing the location of the premises and surrounding streets was attached to the report at Appendix RF-3.

Further to the report, the Event Application Form and a response to the review from the Premises Licence Holder had been circulated.

The report stated that the Premises Licence Holder was Readipop Limited and the Designated Premises Supervisor was Mr Mark Copley. The current Premises Licence, a copy of which was attached to the report at Appendix RF-4, permitted the following:

Hours for the Performance of Plays, Exhibition of Films, Indoor Sports, Performance of Live Music, Playing of Recorded Music, Performance of Dance, Sale of Alcohol and

Friday and Saturday	1100 hours until 2300 hours
Sunday	1100 hours until 2100 hours

Hours the Premises is Open to the Public

Friday and Saturday	1000 hours until 2330 hours
Sunday	1000 hours until 2130 hours

The premises licence was limited to one event per year which was to be notified to the Licensing Authority 28 days before the event started.

The premises still benefited from the exemption to play live music between 0800 hours and 2300 hours as per the provisions in the Live Music Act 2012 and the exemption for noise conditions stated at Section 177A of the Licensing Act 2003.

The report stated that in determining 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 Licensing Authority must also have regard to the representations received, the Licensing Authority's statement of licensing policy and any relevant section of the statutory guidance to licensing authorities. Further, in determining the application the Licensing Authority could take such of the following steps as it considered appropriate and proportionate for the promotion of the licensing objectives:

- Take no further action
- To 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 2.14 of the Secretary of State's Guidance, Section 182 of the Licensing Act 2003 (March 2015), which stated that the Act enabled licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It was therefore important that, in considering the promotion of the licensing objective of preventing public nuisance, licensing authorities and responsible authorities focused on the effect of the licensable activities at the specific premises on persons living and working in the area around the premises which might be disproportionate and unreasonable.

The report also set out paragraphs 1.5, 1.10, 11.18, 11.20, 15.36, 15.55, 15.56 of the Secretary of State's Guidance, Section 182 of the Licensing Act 2003 (March 2015) and paragraphs 10.5.1, 11.11.2 and 11.11.3 of the Council's Statement of Licensing Policy.

Mr Gavin Lombos, Readipop was present at the meeting and addressed the Sub-Committee and was represented by Mr William Donne, Licensing Consultant, who also addressed the Sub-Committee.

Rebecca Moon and Catherine Lewis, Reading Borough Council Environmental Protection and Nuisance Team, were present at the meeting and addressed the Sub-Committee on the application.

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Mr Alan Godfrey, Mrs Lin Godfrey and Mr James McMaster, local residents who had each submitted a valid representation, were present at the meeting and addressed the Sub-Committee.

### Resolved -

That having reviewed the Premises Licence in respect of Readipop Festival, and having had regard to the licensing objectives and the oral and written representations made, the Secretary of State's guidance, in particular paragraphs 1.5, 2.14, 11.10, 11.18, 11.20, 15.36, 15.55 and 15.56, and the Council's Statement of Licensing Policy, in particular paragraphs 10.5.1, 11.11.2 and 11.11.3, the Sub-Committee concluded that it would be appropriate and proportionate for the premises licence to remain in force but for new conditions to be added and for some current conditions to be amended.

That the following current conditions be amended and attached to the licence as follows:

- (a) Current condition 1 be amended to - The control limits set at the mixer position shall be adequate to ensure that the music noise level shall not at any noise sensitive premises exceed 65 dBA over a 15 minute period throughout the duration of the licensable activities involving music. If there are more than 3 such licensable activities during the year, a lower limit of 62 dBA shall be in place;
- (b) Current condition 8 be amended to - In advance of licensable activities involving music, such activities shall be notified to local residents via written notice which shall include a contact name and telephone number via which complaints about noise can be made on the day of the event. During operating hours, the licensee or nominated representative shall be available to receive and respond to nuisance related complaints. The contents of the notice and the area to be covered shall be agreed with the Reading Borough Council Environmental Protection and Nuisance Team prior to the notice being delivered to residents.

That the following new conditions be attached to the licence as follows:

- (c) Prior to each year's licensable activities involving music, the licensee shall carry out a noise nuisance risk assessment as part of the selection of acts and music genres. This risk assessment shall take into account the low frequency content of the music and other factors likely to cause annoyance, the timing, the duration and the programming of each act. The risk assessment shall be submitted to Reading Borough Council's Environmental Protection and Nuisance Team for approval at least four weeks prior to the start of the licensable activities involving music, which shall not take place without the approval being in place;
- (d) No activity involving funfair rides shall be permitted within the western side of the Christchurch meadows area;
- (e) The funfair shall only operate during the permitted hours of the licence;

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- (f) The festival shall employ a noise management consultant suitably qualified to a standard recognised by the Institute of Acoustics to monitor and report on noise levels and liaise with Reading Borough Council as required in the preparation and during the performance of the licensable activities involving music;

That Section 177A of the Licensing Act 2003 did not apply to conditions 1 to 10 on the current premises licence or to the amended and newly imposed conditions;

The Sub-Committee's reasons were due to the number of complaints received from residents regarding noise nuisance during 2016 and the assurances from the Premises Licence Holder that there would be no more drum and bass music and that the funfair would not take place except within the licensed area and would be limited to children's' rides.

(The meeting started at 9.30am and finished at 12.48pm)

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Present: Councillors Woodward (Chair) and Livingston.

### 21. MINUTES

The Minutes of the meeting of Licensing Applications Sub-Committee 2 held on 12 January 2017 were confirmed as a correct record and signed by the Chair.

### 22. APPLICATION FOR GRANT OF A PREMISES LICENCE - SPRINKLES GELATO, LONDON ROAD, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by AM Estates Limited for the grant of a Premises Licence in respect of Sprinkles Gelato, 120 London Road, Reading.

The application was requesting a premises licence which would permit the following licensable activities:

#### Recorded Music

Monday to Sunday 0800 hours until 0000 hours

#### Late Night Refreshment

Monday to Sunday 2300 hours until 0000 hours

#### Hours Open to the Public

Monday to Sunday 0800 hours until 0000 hours

A copy of the application form was attached to the report at Appendix RF-1.

A representation against the application had been received from a resident and was attached to the report at Appendix RF-2.

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 also stated that paragraph 11.4.1 of the Council's Statement of Licensing Policy, regarding licensing hours for Licensed Premises in Residential Areas, stated that in general the Authority would deal with the issue of licensing hours on the individual merits of each application, but that when issuing a licence, stricter conditions were likely to be imposed with regard to noise control in the case of premises that were situated in largely residential areas. In general, public houses located in and catering for residential areas wishing to open beyond 11pm would need to demonstrate clearly that public nuisance would not result from 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

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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 1.5, 2.14 and 8.33 to 8.39 of the Amended Guidance issued under Section 182 of the Licensing Act 2003 March 2015.

Mr Rashidul Islam, solicitor, and Mr Mohammed Ilyas, both of Sprinkles Gelato, were present and addressed the Sub-Committee on the application.

### 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 and the section 11.4 and 11.4.1 of the Council's Statement of Licensing Policy, the application in respect of Sprinkles Gelato, London Road, be granted because the Sub-Committee did not consider that granting the application would have an adverse effect on the licensing objectives, in particular the prevention of public nuisance, as follows:

#### Recorded Music

Monday to Sunday                      0800 hours until 0000 hours

#### Late Night Refreshment

Monday to Sunday                      2300 hours until 0000 hours

#### Hours Open to the Public

Monday to Sunday                      0800 hours until 0000 hours

- (2) 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 and area quietly. After 23.00hrs staff shall be available to ensure that customers disperse quietly;
  - (b) No music or speech shall be relayed via external speakers, other than for events with the prior approval of the licensing authority;
  - (c) Staff, contractors and associated persons must be given adequate training to prevent them causing unnecessary noise when they leave the premises and prominent, clear notices displayed at all points where staff leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly;
  - (d) During operating hours, the licensee 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;
  - (e) An incident book/register shall be maintained to record all incidents of crime and disorder occurring at the premises. Details of occasions

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when the police are called to the premises shall be recorded. This book/register shall be made available for inspection when requested by a Police Officer or an authorised officer of Reading Borough Council at any time during the event;

- (f) The Premise Licence Holder shall ensure 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 no later than 24 hours from initial request to an authorised officer of Reading Borough Council or 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.

(The meeting started at 5.00pm and finished at 5.45pm)