

## LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 10 AUGUST 2017

Present: Councillors Woodward (Chair) and Livingston.

### 5. APPLICATION FOR THE SUMMARY REVIEW OF A PREMISES LICENCE (INTERIM STEPS HEARING) - EVA'S

The Head of Planning, Development and Regulatory Services submitted a report on an application by Police Constable Simon Wheeler on behalf of the Chief Officer of Police for Thames Valley Police, for the summary review of the Premises Licence under section 53A of the Licensing Act 2003 in respect of Eva's, 20 Hosier Street, Reading.

The report stated that a summary review of the Premises Licence had been submitted by Thames Valley Police because the premises had been and continued to be associated with serious disorder. There had been two recent incidents of note. The first had occurred on 30 July 2017 where a large number of police officers had been called to the premises to deal with disorder and one person had been stabbed/slashed across the stomach within the venue and one person had sustained a head injury. A second incident had occurred on 5 August 2017, which had also required a large police presence and the attendance of specialist units to contain sporadic outbreaks of disorder associated with the premises and the event that had been held there. Thames Valley Police had submitted a Certificate under Section 53A(1)(b) of the Licensing Act 2003, which stated that the summary review was necessary to uphold the licensing objectives of the prevention of crime and disorder and the protection of the public.

A copy of the summary review application and appendices were attached to the report at Appendix RF-1.

The Sub-Committee viewed CCTV footage from 30 July 2017 and Police body camera footage from 5 August 2017.

The report stated that the Premises Licence Holder was Bar Mango Limited and the Designated Premises Supervisor was Ms Vanessa Palmer. The existing Premises Licence, a copy of which was attached to the report at Appendix RF-2, permitted the following:

Exhibitions of Films, Indoor Sporting Events, Performance of Live Music, Playing of Recorded Music, Performance of Dance, Anything similar to Live Music, Recorded Music & Performance of Dance

Monday to Sunday            1100 hours until 0300 hours

Provision of Late night Refreshment

Monday to Sunday            2300 hours until 0300 hours

Hours for the Sale by Retail of Alcohol

Monday to Saturday        1100 hours until 0300 hours  
Sunday                        1200 hours until 0300 hours

Hours the Premises is Open to the Public

Monday to Sunday            1000 hours until 0330 hours

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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 in considering the interim steps on receipt of a summary review, the following steps could be considered:

- The modification of the conditions of the premises licence;
- The exclusion of the sale of alcohol as a licensable activity;
- The removal of the Designated Premises Supervisor;
- The suspension of the premises licence.

Any interim steps would take effect immediately and stay in force until determination of the review. The review hearing must be held within 28 days of the application.

The report also set out paragraphs 1.5, 2.1, 12.2, 12.5, 12.6, 12.13 to 12.15, 9.12, 11.2, 11.10, 11.18 and 11.24 to 11.28 of the amended guidance issued under Section 182 of the Licensing Act 2003 April 2017. The report also set out paragraph 10.5.1 of the Council's Statement of Licensing Policy.

PC Simon Wheeler, Thames Valley Police, was present and addressed the Sub-Committee on the application and responded to questions.

The Sub-Committee made the decision to only hear representations from Thames Valley Police and all other parties were excluded.

### Resolved -

That, having had regard to the licensing objectives, the oral and written representations made, the Secretary of State's guidance and the Council's Statement of Licensing Policy, the Sub-Committee concluded that it was necessary to suspend the Premises Licence in respect of Eva's, 20 Hosier Street, until determination of the application for review, on the grounds that if the decision to suspend the licence was not taken then there was a likelihood of an occurrence of a similar nature to the previous incidents of serious crime and disorder. The Sub-Committee noted that the two incidents of serious crime and disorder on 30 July 2017 and 5 August 2017 had taken place within a week of each other.

The Sub-Committee considered whether any of the other interim steps were appropriate but decided they were not for the following reasons:

- (a) The Sub-Committee had no confidence that modified conditions would be adhered to by the Premises Licence Holder as conditions had been modified in the past and had not been complied with;

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- (b) The Sub-Committee did not have evidence that alcohol was a contributing factor in the two incidents therefore the exclusion of the sale of alcohol was not considered appropriate;
- (c) The Sub-Committee did not have any evidence that the removal of the Designated Premises Supervisor would have an effect.

The Sub-Committee concluded that the suspension of the Premises Licence was the only option to ensure the licensing objectives were upheld.

(The meeting started at 5.12pm and finished at 7.10pm)

Present: Councillors Woodward (Chair), Dennis and D Edwards.

## 6. APPEAL AGAINST THE IMPOSITION OF INTERIM STEPS - EVA'S

Further to Minute 5 of the meeting held on 10 August 2017, the Head of Planning, Development and Regulatory Services submitted a report on the representations that had been made against the imposition of the interim steps that had been imposed by the Sub-Committee on 10 August 2017 in respect of Eva's, 20 Hosier Street, Reading.

The report stated that a summary review of the Premises Licence had been submitted by Thames Valley Police because the premises had been and continued to be associated with serious disorder. There had been two recent incidents of note. The first had occurred on 30 July 2017 where a large number of police officers had been called to the premises to deal with disorder and one person had been stabbed/slashed across the stomach within the venue and one person had sustained a head injury. A second incident had occurred on 5 August 2017, which had also required a large police presence and the attendance of specialist units to contain sporadic outbreaks of disorder associated with the premises and the event that had been held there. Thames Valley Police had submitted a Certificate under Section 53A(1)(b) of the Licensing Act 2003, which stated that the summary review was necessary to uphold the licensing objectives of the prevention of crime and disorder and the protection of the public.

A copy of the summary review application and appendices were attached to the report at Appendix I. A copy of the Minutes of the meeting of Licensing Applications Sub-Committee 1 on 10 August 2017 was attached to the report at Appendix II.

The representations received against the imposition of the interim steps submitted by the Premise Licence Holder, which included a letter received on 11 August 2017 and further documentation received on 14 August 2017, was attached to the report at Appendix III.

The Sub-Committee viewed CCTV footage from 30 July 2017 and Police body camera footage from 5 August 2017.

The report stated that the Premises Licence Holder was Bar Mango Limited and the Designated Premises Supervisor was Ms Vanessa Palmer. A copy of the current Premises Licence was attached to the report at Appendix IV.

The report stated that in considering the representation, 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 in considering interim steps on receipt of a summary review, the following steps could be considered:

- The modification of the conditions of the premises licence;
- The exclusion of the sale of alcohol as a licensable activity;

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- The removal of the Designated Premises Supervisor;
- The suspension of the premises licence.

The interim steps that had been imposed on 10 August 2017 had taken effect immediately.

The report also set out paragraphs 1.5, 2.1, 12.2, 12.5, 12.6, 12.13 to 12.15, 12.17 to 12.21, 9.12, 11.2, 11.10, 11.18 and 11.24 to 11.28 of the amended guidance issued under Section 182 of the Licensing Act 2003 April 2017. The report also set out paragraph 10.5.1 of the Council's Statement of Licensing Policy.

Mr Jon Payne, Licensing Lawyers, representing the Premise Licence Holder, was present and addressed the Sub-Committee on the representation that had been made and responded to questions. Mr Peter Norbury, the owner of the premises was also present and responded to questions. A representative of Security Nation was also present at the meeting and responded to questions.

PC Simon Wheeler and Chief Inspector Emma Borroughs, Deputy LPA Commander, Thames Valley Police, were present and addressed the Sub-Committee on the representations and responded to questions.

### Resolved -

That, having heard the representations against the interim steps imposed by the Sub-Committee on 10 August 2017 and the Premise Licence Holder's suggested new measures that would ensure the incidents of 30 July and 5 August did not reoccur, which included using a new security firm to address the dispersal of the crowds, fencing outside the venue, alternative plastic glasses, and not holding promoted events the Sub-Committee was not convinced that these measures would be effective and concluded that the interim steps were appropriate and decided not to withdraw the interim steps, therefore the suspension of the Premise Licence would remain in place.

## 7. MINUTES

The Minutes of the meeting of Licensing Applications Sub-Committee 2 held on 6 July 2017 were confirmed as a correct record and signed by the Chair.

## 8. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - SHELL NORCOT ROAD SERVICE STATION

Head of Planning, Development and Regulatory Services submitted a report on an application by Shell UK Oil Products Limited for the grant of a Premises Licence in respect of Shell Norcot Road Service Station, 856 Oxford Road, Reading.

The report stated that there was no premises licence currently in force on the premises. The application was to grant a Premises Licence to permit:

### Sale of Alcohol (off the premises)

Monday to Sunday

0000 hours until 0000 hours

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### Late Night Refreshment

Monday to Sunday 2300 hours until 0500 hours

### Hours the Premises are open to the Public

Monday to Sunday 0000 hours until 0000 hours

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

Representations against the application had been received from Reading Borough Council Licensing, which was attached to the report at Appendix RF-1, Thames Valley Police, which was attached to the report at Appendix RF-2, Public Health, which was attached to the report at Appendix RF-3, Reading Borough Council Environmental Protection & Nuisance, which was attached to the report at Appendix RF-4, Councillor Tom Steele which was attached to the report at Appendix RF-5 and Councillor Jo Lovelock, which was attached to the report at Appendix RF-6.

It was reported at the meeting that the applicant was now only seeking the sale of alcohol from 0500 hours until 2300 hours each day.

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 paragraph 11.3.1 of the Council's Statement of Licensing Policy, regarding the hours of sales in off licences, which stated that shops, stores and supermarkets would generally be permitted to sell alcohol for consumption off the premises during the normal hours they intended to be open for shopping purposes. However, in the case of individual shops that were known to be a focus of disorder and disturbance, then subject to relevant representations being received, a limit on licensing hours may be appropriate.

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 set out paragraphs 1.5, 8.38 to 8.46, 9.12, 9.13, 9.21 to 9.23 and 2.16 of the amended guidance issued under Section 182 of the Licensing Act 2003 April 2017.

Mr Peter Narancic, Reading Borough Council Licensing, Ian Savill, Reading Borough Council Public Health, and Mr Mike King, Thames Valley Police, who had each submitted a



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- (d) Posters advertising the premises' Challenge 25 age verification policy shall be displayed in prominent positions on the premises;
- (e) All cashiers shall be trained to record refusals of sales of alcohol in a refusals book or electronic register. The book/register 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 shall be available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police. A weekly review of the refusals book/register shall also be carried out and signed off by the Designated Premises Supervisor or their nominated representative;
- (f) Staff employed to sell alcohol shall undergo training upon induction in utilising the Challenge 25 proof of age checking policy. This shall include, but not limited to, dealing with refusal of sales, proxy purchasing and identifying attempts by intoxicated persons to purchase alcohol. Such training sessions are to be completed before the employee is permitted to sell alcohol, documented and refreshed every six months. Records of training shall be kept for a minimum of two years and be made available to an authorised officer of Thames Valley Police and Reading Borough Council;
- (g) An incident register/log shall be used, maintained and kept on the premises to record any incident of crime and disorder or instances when the police have had to attend the premises. The register shall be made available for inspection to authorised officers of Reading Borough Council and Thames Valley Police upon request;
- (h) No cans of super strength beer and cider above 6.5% ABV shall be sold on the premises at any time except for products identified as craft beers;
- (i) No single cans of beer or cider shall be sold at any time;
- (j) Sprints (with the exception of spirit mixers and pre-mixed spirit drinks) shall be located behind the counter;
- (k) 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 2300 hours, staff shall be available to ensure that customers disperse quietly;
- (l) Customers shall be served only from the night hatch between 2300 hours and 0500 hours and the main doors shall be locked.

(The meeting started at 5.00pm and finished at 8.50pm)