

To: Councillor Woodward (Chair);  
Councillors Dennis, D Edwards,  
Livingston, McDonald and Skeats.

Direct: ☎ 0118 937 2368  
email: [amy.bryan@reading.gov.uk](mailto:amy.bryan@reading.gov.uk)

29 September 2017

Your contact is: Amy Bryan - Committee Services

NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 3 - 10 OCTOBER 2017

A meeting of Licensing Applications Sub-Committee 3 will be held on Tuesday 10 October 2017 at 6.30pm in the Council Chamber, Civic Offices, Bridge Street, Reading. The agenda for the meeting is set out below.

**AGENDA**

	WARDS AFFECTED	PAGE NO
1. DECLARATIONS OF INTEREST		-
Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration.		
2. QUESTIONS		-
To receive any questions from Councillors and members of the public.		
3. APPLICATION FOR THE GRANT OF A SEXUAL ENTERTAINMENT VENUE LICENCE - KOALA, 108 FRIAR STREET, READING	ABBEEY	1
To consider an application by Treehouse Bar Limited for the grant of a Sexual Entertainment Venue Licence in respect of Koala, 108 Friar Street, Reading.		

*CIVIC OFFICES EMERGENCY EVACUATION: If an alarm sounds, leave by the nearest fire exit quickly and calmly and assemble on the corner of Bridge Street and Fobney Street. You will be advised when it is safe to re-enter the building.*



READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES

TO:	LICENSING APPLICATIONS SUB-COMMITTEE 3		
DATE:	10 OCTOBER 2017	AGENDA ITEM:	3
TITLE:	APPLICATION FOR THE GRANT OF A SEXUAL ENTERTAINMENT VENUE LICENCE - KOALA, 108 FRIAR STREET, READING, RG1 1EP		
LEAD COUNCILLOR:	COUNCILLOR HACKER	PORTFOLIO:	CULTURE, SPORT AND CONSUMER SERVICES
SERVICE:	PLANNING DEVELOPMENT & REGULATORY SERVICES	WARDS:	ABBEY
LEAD OFFICER:	PETER NARANCIC	TEL:	0118 937 3762
JOB TITLE:	SENIOR LICENSING AND ENFORCEMENT OFFICER	E-MAIL:	licensing@reading.gov.uk

1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To allow you to consider an application for the grant of a Sexual Entertainment Venue Licence made by Treehouse Bar Ltd on 1<sup>st</sup> August 2017. The operating hours stated within the application are 2100hrs until 0300hrs the following day - 7 days a week. The application should be considered in line with the representations received; the Council's SEV policy and any matters that the committee may deem as relevant as well as in accordance with Schedule 3 of the Local Government Miscellaneous Provisions Act 1982.

2. RECOMMENDATION

- 2.1 That you consider the application as detailed in the report in line with the representations received; the Council's licensing policy in respect of SEV's and any other relevant matters. The application should be considered in accordance with the relevant legislation which, in this instance, is Schedule 3 of the Local Government Miscellaneous Provisions Act 1982.
- 2.2 That when determining this application, a full statement of reasons is given explaining the decision and that any decision taken has due regard to the Public Sector Equality Duty as specified within Section 149 of the Equality Act 2010.

### 3. POLICY CONTEXT

- 3.1 Reading Borough Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, which came into effect on the 1 April 1983. This permitted the Council to regulate the number, location, operating terms and conditions for sex establishments (sex shops & sex cinemas).
- 3.2 Reading Borough Council has also adopted the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which came into force on the 1 September 2010. This permits the Council to regulate the number, location, operating terms and conditions for Sexual Entertainment Venues. This resolution was passed at the Full Council meeting of 29<sup>th</sup> June 2010 and is attached at Appendix PN-1 of this report.
- 3.3 On the 27 October 2010, Reading Borough Council approved the policy, terms, fees and conditions for Sexual Entertainment Venues. A copy of the Sexual Entertainment Venue Policy is attached as Appendix PN-2 to this report.
- 3.4 The Local Authorities (Functions and responsibilities)(England) Regulations 2000 does not confer power to an Authority's Executive to licence Sex Shops and Sex Establishments under Section 2 and schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. As set out in Section 3 of Part 3 of the Council's constitution, the Council has delegated this function to the Licensing Applications Committee, and that Committee has in turn delegated it to the Head of Planning, Development and Regulatory Services. The Council has empowered the licensing sub-committee to determine such matters as stated in its terms of reference.

### 4. BACKGROUND

- 4.1 Section 27 of the Policing and Crime Act 2009 amended Schedule 3 to the Local Government (Miscellaneous Provisions) 1982 to allow the Licensing Authority to licence "Sexual Entertainment Venues", where "relevant entertainment" is provided before a live audience, for the financial gain of the organiser or the entertainer. "Relevant entertainment" is defined as "any live performance or any live display of nudity" provided solely or principally for the purpose of stimulating any member of the audience.
- 4.2 Prior to the introduction of this new legislation, the only control over sexual entertainment venues was the requirement to obtain a Premises Licence under the Licensing Act 2003, in the same way that a pub or nightclub must be licensed to sell alcohol and provide entertainment. No special provisions were made in the 2003 Act for Sexual Entertainment Venues.
- 4.3 The new legislative controls available to the Licensing Authority strengthen the role that local communities can play in deciding whether a Sexual Entertainment Venue is inappropriate for the locality.
- 4.4 The legislation brings the licensing of Sexual Entertainment Venues in line with other "Sex Establishments" such as "Sex Shops" and "Sex Cinemas" and recognises that local people have legitimate concerns about where such premises are located.

## 5. THE PROPOSAL

- 5.1 Treehouse Bar Limited have applied for the grant of a Sexual Entertainment Venue Licence to permit lap dancing at 108 Friar Street, Reading. The hours applied for are: Monday to Sunday 2100hrs until 0300hrs. The premises currently have a licence pursuant to the Licensing Act 2003 which permits regulated entertainment and the sale of alcohol from 1100hrs until 0300hrs with a closing time of 0400hrs.
- 5.2 A copy of the application form, operating policies and site plan are attached as Appendix PN-3. A copy of the premises licence pursuant to the Licensing Act 2003 is attached at Appendix PN-4
- 5.3 Consultations have been carried out on the application and a number of representations have been received from:
- |  |                 |
|--|-----------------|
| (i) Reading Borough Council Licensing Team | - Appendix PN-5 |
| (ii) Thames Valley Police                  | - Appendix PN-6 |
| (iii) A resident of Reading                | - Appendix PN-7 |

NB: Paragraph 10 (17) of Schedule 3 of the LGMPA 1982 states that the authority shall not - without the consent of the objector - reveal his/her name to the applicant.

### 5.4 Options available to the Committee

- (i) That the Licensing Committee approves the application with the Councils standard terms and conditions - Appendix PN-8
- (ii) That the Licensing Committee approve the application and may vary the applications operating times and impose additional terms and conditions.
- (iii) That the Licensing Committee refuse the application (see paragraph 8 Legal Implications)

## 6. CONTRIBUTION TO STRATEGIC AIMS

### 6.1. Community Safety Implications

6.1.1 The Local Government (Miscellaneous provisions) Act 1982 permits the Authority to control the location of premises that require a Sex Establishment Licence and impose terms, and conditions. When considering applications, the Authority can take into consideration matters such as:

- (i) The suitability of the applicant;
- (ii) The location of the proposed premises;
- (iii) The number and character of premises in a locality;
- (iv) The layout of the proposed premises;
- (v) Any other matter that it deems relevant.

## 6.2 Sustainability

- 6.2.1 Persons may apply for Sexual Entertainment Venue Licences as such premises do serve a section of the community. However, it is vital that mechanisms are available to allow control of such venues, in order to protect the public; maintain the use of the amenities in the locality and to sustain and promote business in the vicinity.

## 7. COMMUNITY ENGAGEMENT AND INFORMATION

- 7.1 Community engagement in respect of licensing matters occurs on an ongoing basis through the Neighbourhood Actions Groups, Notice in a local paper, Notice on the premises, Antisocial Behaviour Action Groups and the Reading Borough Council website.

## 8. LEGAL IMPLICATIONS

- 8.1 Local Authorities have the ability to control the licensing of Sexual Entertainment by adopting Schedule 3 to Local Government (Miscellaneous Provisions) Act 1982. Reading Borough Council has adopted Schedule 3 and has been licensing Sex Shops for some considerable time.
- 8.2 Paragraph 8 of Schedule 3 to the Act provides that a Local Authority may grant or renew a licence for a Sexual Entertainment Venue on such terms and conditions and subject to such restrictions as may be specified.
- 8.3 Paragraph 13 of Schedule 3 to the Act enables a Local Authority to attach standard conditions to a licence for sexual entertainment venues.
- 8.4 Paragraph 12 of Schedule 3 to the Act states a licence shall not be granted-
- (a) to a person who is under 18.
  - (b) a person who is for the time disqualified under paragraph 17(3).
  - (c) to a person, other than a body corporate who is not resident in the united Kingdom six months prior to the date of application.
  - (d) to a body corporate, which is not incorporated in a European Economic area state?
  - (e) to a person who has, within the period of 12 months preceding the date of application been refused a licence which has not been reversed by way of an appeal.
- 8.5 Paragraph 12 (3) of Schedule 3 to the Act states that a local authority may refuse a Licence.
- (a) The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.
  - (b) If the licence were to be granted the business to which it relates would be managed or carried on for the benefit of a person other than the applicant, such a person would be refused if they made the application themselves
  - (c) The number of establishments in the relevant locality is equal to or exceeds the number to which the authority considers appropriate.
  - (d) That the grant of the licence would be inappropriate due to
    - (i) the character of the relevant locality;

- (ii) the use to which any premises in the vicinity are put;
  - (iii) the layout, character or condition of the premises in respect of which the application is made
- (4) Nil may be an appropriate number for the purposes of sub paragraph (3)(c)
- (5) “ the relevant locality” means -
- (i) in relation to premises, the locality where they are situated and,
  - (ii) in relation to a vehicle, vessel or stall , any locality where it is desired to use it as a sex establishment

NB: As per paragraph 27 (3) of Schedule 3 of the LGMPA 1982, an applicant whose application is refused under either ground specified in paragraph 12 (3) (c) or (d) does not have the right of appeal.

## 9. FINANCIAL IMPLICATIONS

- 9.1 The costs associated with application process will be covered by the application fee and annual fee.
- 9.2 Any appeal against a refusal to grant or any imposed conditions could result in the council having to bear the legal costs to defend its action.

## 10. EQUALITY IMPACT ASSESSMENT

- 10.1 Under the Equality Act 2010 (section 149), a public authority must, in the exercise of its functions, have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - Advance quality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Resolved:

That the joint coalition agreement, *Our Approach to Local Government in Reading*, be endorsed.

17. TREE STRATEGY

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

18. REGULATION OF SEXUAL ENTERTAINMENT VENUES

The Director of Environment, Culture and Sport submitted a report highlighting changes to the Local Government (Miscellaneous Provisions Act 1982, which if adopted by the local authority, required Sexual Entertainment Venues to be licensed.

The following motion was moved by Councillor Swaine and seconded by Councillor Skeats and CARRIED:



COUNCIL MEETING MINUTES - 29 JUNE 2010

Resolved:

- (1) That the amendment to Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of The Policing and Crime Act 2009 to be adopted on the 1 September 2010, thereby requiring all Sexual Entertainment Venues to be licensed;
- (2) That the power to determine applications for Sexual Entertainment Licences, policy, fees, terms and conditions made under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended, be delegated to the Licensing Applications Committee and Licensing Applications Sub-Committee 3.

19. PROVISIONAL END OF YEAR FINANCIAL ACCOUNTS AND TREASURY OUTTURN REPORT

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## SEX ESTABLISHMENT POLICY FOR SEXUAL ENTERTAINMENT VENUES

### READING BOROUGH COUNCIL

#### 1. INTRODUCTION

- 1.1 Reading is the County Town of Berkshire. It is currently the third most diverse and one of the most cosmopolitan and dynamic communities in the South East. It lies at the heart of the Thames Valley, and is widely regarded as the ‘Silicon Valley’ of the UK. Over the last 10 years, Reading has also benefited from being one of the fastest growing and sustained economies in the country. Whilst the recent economic downturn had an impact, the effect was to a lesser degree than in some areas of the country. It is still home to 13 of the world’s top 30 global brands, with the likes of Prudential, Microsoft and Oracle all based locally.
- 1.2 Whilst the borough of Reading covers some 4030 hectares and is also home to around 145,000 residents, the wider urban area has a population of around 275,000 with an even broader retail ‘catchment area’ of over 1.2m. This is a significant aspect of the Reading of today: a sub-regional capital attracting large numbers of workers, shoppers and visitors from a wide area, adding to its vitality and success. Over 13% of the population is made up from minority ethnic communities.
- 1.3 Reading has a University, which during term time, further increase the residential population by around 17,500 and a College of Further Education which increases the population during term time by a further 8,500, many of whom again contribute to Reading’s economy.
- 1.4 The ongoing regeneration of the town centre and the arrival of The Oracle shopping centre, originally lifted Reading into the top ten retail destinations in the UK, and it has maintained this position until very recently. However, it is currently rated at 16 on most recent research.
- 1.5 One of the reasons that town centres like Reading are attractive to the public, is that they are areas offering an attractive, safe and vehicle-free environment with a wide variety of retail, food leisure and services on offer. The public are drawn to such areas because they know that they will have a pleasant and satisfying social experience that goes beyond just commercial activity. This is borne out by the quality and quantity of the businesses that pay significant amounts of non-domestic rates and a Business Improvement District levy to maintain and where possible improve that standard.
- 1.6 The Oracle is a large privately owned shopping complex to the south of the area. Because it is private, the quality of the pedestrian and

leisure experience can be said to be the most appealing in the town centre. When it originally opened, there were a number of large nightclub venues. However, recent years has seen a shift in the type of venue available, with a greater influence towards family entertainment, restaurants and specialised markets.

- 1.7 Whilst Reading is the largest and the County town in Berkshire, there are many other towns of substantial size, including from the east to west, Slough, Windsor, Maidenhead, Bracknell, Wokingham and Newbury, many residents of which regularly visit Reading for retail and social activities.
- 1.8 Reading's vision for the shaping of its future has been carefully considered by seeking views from its residents, local businesses and all its partners, in order to ensure a thriving and balanced environment with a sustainable economy. Social premises should be varied so as to provide diversity and choice. They should be attractive and accessible to all.
- 1.9 The intention of the local authority is to create a well-balanced mix of alcohol and entertainment venues, thereby catering for the widest possible cultural and ethnic diversity.

## 2 THE PRESENT

- 2.1 The Local Government (Miscellaneous Provisions Act 1982 ("the Act")) introduced a licensing scheme to control sex establishments, that is to say, sex shops and sex cinemas.
- 2.2 Section 27 of the Policing and crime Act 2009 amends Schedule 3 to the Local Government (Miscellaneous Provisions) 1982. It introduces the new concept of "Sexual Entertainment Venue" and allows the Licensing Authority to licence such venues, where "relevant entertainment" is provided;
  - (a) before a live audience; and
  - (b) for the financial gain of the organiser or the entertainer.
- 2.3 Relevant entertainment means, "any live performance or any live display of nudity", provided solely or principally for the purpose of stimulating any member of the audience.
- 2.4 Reading Borough Council has adopted the Act, and at present, there are two sex shops in the borough. One is located on Southampton Street, and one is located on Oxford Road. At present there are no licensed Sexual Entertainment Venues; however there is one premise that operates as a lap dancing club, which is located in the town centre on St Mary Butts. This premise will require a Sex Establishment Licence under the change made to the Local Government (Miscellaneous Provisions) Act 1982 in 2010.

- 2.5 A number of establishments that hold events, which involve full or partial nudity less frequently than once a month, may not require a Sex Establishment licence or may be except from the requirements to obtain a Sex Establishment Licence. Applicants are advised to contact the local authority for details.
- 2.6 The Act imposes a duty on a local authority to refuse a licence by reference to, amongst other things, the criminal convictions of applicants. It also empowers a local authority to refuse to grant or renew a licence by reference to the number of Sex Establishments, which the local authority considers appropriate for the locality of the premises, subject of the application and the character of the locality.
- 2.7 This document outlines a policy, which will guide the Council when considering applications for licences, bearing in mind the spirit and intent of the Act and case law decided since it was passed. The Council shall not follow this policy inflexibly but shall take all relevant factors into consideration in determining an application. Each case shall be decided on its merits.

### **3. APPLICANTS**

Individuals, limited companies and firms may apply for licences.

### **4. DURATION OF LICENCES**

Licences are generally issued on an annual basis but can be issued for a shorter term if deemed appropriate.

### **5. CRIME AND DISORDER**

Under the Crime and Disorder Act 1998, local authorities must have regard to the likely effect of the exercise of their functions, and do all that they can to prevent, crime and disorder in their area. This policy will have regard to the likely impact of such licences on related crime and disorder in the borough.

### **6. HUMAN RIGHTS**

The Human Rights Act 1998, incorporates the European Convention on Human Rights, and makes it unlawful for a local authority to act in a way which is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights: -

- (i) Article 6, in relation to the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time, by an independent and impartial tribunal established by law;
- (ii) Article 8, in that everyone has the right to respect for his home and private life, including, for example, the right to a “good night sleep”;

- (iii) Article 1 of the first protocol, that every person is entitled to the peaceful enjoyment of his or her possessions. It should be noted that the Courts have held that a licence is a person's possession.

## **7. DISABILITY DISCRIMINATION**

7.1 The Disability Discrimination Act 1995, introduced measures to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property. For service providers, such as licensees: -

- (i) with effect from December 1996, it has been unlawful to treat disabled people less favourably than other people for a reason related to their disability;
- (ii) with effect from October 1999, they have had to make reasonable adjustments for disabled people, such as providing extra help to make changes to the way they provide their services;
- (iii) with effect from 2004, they have had to make reasonable adjustments to the physical features of the premises to overcome physical barriers to access.

7.2 This policy will have regard to the likely impact of licensing of sex establishment on disability discrimination particularly when considering the operation and management of the premises.

## **8. IMPACT**

8.1 In considering applications for the grant of new licences or variation of conditions, the Council will assess the likelihood of a grant causing adverse impacts, particularly on local residents. The Council will take the following general matters into account: -

- (i) type of activity;
- (ii) duration of proposed licence;
- (iii) proposed hours of operation;
- (iv) layout and condition of the premises;
- (v) the use to which premises in the vicinity are put;
- (vi) the character of the locality in which the premises are situated.

8.2 In considering all applications for the grant of new licences or applications for variation of conditions the Council will take into account the potential impacts of the licensed activity on:-

- (i) crime and disorder;
- (ii) cumulative impact of licensed premises in the area, including hours of operation;

- (iii) the character of the locality in which the premises is situated;
- (iv) public Safety;
- (v) prevention of Public Nuisance.

8.3 Where an application is made to renew a licence for the same activity, hours of operation and conditions as previously licensed the Council shall give due weight to the fact that the licence was granted in the previous year and for a number of years before that as appropriate. However, the Council will take into account: -

- (i) levels of recorded crime and disorder in area;
- (ii) evidence of past demonstrable adverse impacts from the activity on the safety and amenity of local residents;
- (iii) whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts.

## 9. LOCATION

9.1 Licences will only be granted in predominately commercial areas and the Council is mindful of its power to determine that no sex establishment should be located in a particular locality. In accordance with case law, the Council shall decide a locality as a matter of fact to be determined by the particular circumstances of each case and not by drawing boundaries on a map. The table below is not exhaustive and we would consider representations from applicants as to why our view should be changed about a particular locality.

locality	Number of Sex Entertainment Venues (SEV)	Reason
Reading Town Centre (Appendix I)	Two	Varied Night time economy, Entertainment area, SEV would be appropriate in this area.
Caversham (North of the river Thames)	None	The whole area is mainly residential, with limited commercial or retail areas
Portman Road industrial Estate	One	Very Limited residential properties mainly small industrial units.
Wensley Road, Southcote Road	None	These areas are residential, with limited commercial or retail areas
Whitley Wood residential areas	None	The whole area is residential, with limited commercial or retail areas
Craddock Road and Acre Road Industrial areas	One	Very Limited residential properties mainly mixed

		industrial.
South East Reading (e.g. Orts Road, Kendrick Road and Palmer Park area)	None	The whole area is residential, with limited commercial or retail areas
Tilehurst Area (e.g. Tilehurst road, Oxford Road, Norcut Road School road)	None	The whole area is residential, with limited commercial or retail areas

## 10. FITNESS OF APPLICANT POLICIES

An applicant must be a fit and proper person to hold a licence. In determining suitability for a new licence or a transfer the Council will in most cases take into account:-

- (i) previous knowledge and experience of the applicant;
- (ii) any evidence of the operation of any existing or previous licence held by the applicant, including any licence held in any other borough;
- (iii) and any report about the applicant and management of the premises received from statutory objectors.

## 11. SUITABILITY POLICY

All licensees are required to ensure that the premises: -

- (i) comply with all health and safety law;
- (ii) are not a source of nuisance to residents in the vicinity.

## 12. PROPOSED OPERATION AND MANAGEMENT POLICIES

12.1 The Council requires all licensees to ensure that they and their employees comply with all relevant licence conditions and health and safety regulations.

12.2 In terms of management of licensed premises, the Council strongly encourages where possible and appropriate, will require that licensees: -

- (i) work with statutory agencies such as the Police, and the Council in order to create and maintain a safe environment; both within licensed premises and in the environs around them;
- (ii) particularly those whose premises are located in areas with the highest levels of recorded crime, develop crime prevention strategies in consultation with the Police and the Council.

12.3 In terms of the management of licensed premises, the Council strongly encourages and where possible and appropriate will require all licensees to develop strategies and procedures to increase access for disabled people to the premises.

- 12.4 In terms of the employment of staff in licensed premises, the Council requires that all relevant staff be appropriately trained in areas such as health and safety, first aid, and fire precautions.

**13. PUBLIC CONSULTATION**

The Council will normally consult local residents in relations to applications for grant, renewal or variation of the terms or conditions of a licence. The nature and extent of consultation will depend on the history of a particular premises and the perceived likelihood of problems occurring and objections being received.

**14. LEGAL CONSULTATIONS**

Applicants are required to give public notice of the application by publishing an advertisement in a local newspaper circulating in the area where the premises are situated and to display a similar notice on or near the premises for 21 days beginning with the date of the application.

**15. CONSULTATION WITH STATUTORY AGENCIES AND OTHER ORGANISATION**

In most cases the Council will consult with all relevant services within the Council and the Fire Authority to ensure that all relevant information is available when considering an application.  
(Planning see item 1)

**16. CONSULTATION WITH WARD COUNCILLORS**

Relevant Ward Councillors will be notified in writing of all applications for grant, renewals and transfer of licences and the variation of conditions within their Ward, and also those on or near the Ward boundary.

- 16.1 In considering any application for the grant, renewal or transfer of a licence the Council is also obliged to have regard to any observations submitted by the Chief Constable of police and any objections received from members of the public in response to public advertisement of the application.

**17. OTHER POLICIES**

The Council may identify and apply other requirements from time to time, subject to consultation and proper notice.

**18 PLANNING**

- 18.1 The Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to



avoid duplication and inefficiency. However, the Authority will normally expect applicants to demonstrate that, *their proposed use of the premises is lawful in planning terms*, including complying with any conditions that may be imposed upon a planning consent, prior to applications under this Act being submitted. Nevertheless, the Council recognises that it is legally permissible for applications for licences to be made before any relevant planning permission has been sought or granted by the planning authority.

18.2 As outlined at paragraph 13.67 of the Consolidated Guidance issued under Section 182 of the Licensing Act 2003 (March 2010 version), there are also circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant **MUST** observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

18.3 Where a licence application is to be determined by the Licensing Applications Sub Committee, the Sub Committee in such cases will normally impose a condition to the effect that the licence will **not** become effective, until the relevant planning consent has been obtained.

18.4 Reading Borough Council is preparing its Local Development Framework. To date, it has adopted two documents and is working on a further document. The planning policy framework also currently relies on a number of saved policies from the Reading Borough Local Plan that was adopted in 1998.

18.5 The Local Development Framework consists of a number of documents, which are reviewed and modified to take account of ever changing demands. Currently these are:

- (a) Core Strategy (adopted Jan 2008) - sets out the spatial vision and strategic objectives, a spatial strategy and core policies related to the implementation of the strategy. (See web link below).

<http://www.reading.gov.uk/environmentandplanning/planning/localplanningpolicy/localdevelopmentframework/General.asp?id=SX9452-A782EBD9>

- (b) Reading Central Area Action Plan (Adopted Jan 2009) - policies and proposals for the central area of Reading. (See web link below).

<http://www.reading.gov.uk/environmentandplanning/planning/localplanningpolicy/localdevelopmentframework/General.asp?id=SX9452-A782E4B3>

- (c) (c) Sites and Detailed Policies Document - a pre-submission

draft was published for consultation during February 2010. It is likely that further consultation will be undertaken early in 2011 and the programme envisages adoption of the document towards the end of 2011/early 2012. This document includes specific site allocations for the Borough outside the Central Area and detailed policies to be used for determining planning applications. (See web link below).

<http://www.reading.gov.uk/environmentandplanning/planning/localplanningpolicy/localdevelopmentframework/General.asp?id=SX9542-A7849023>

**18.6** Until the Sites and Detailed Policies Document is adopted, various policies in the Reading Borough Local Plan have been saved and will remain part of the development plan. (See web link below). These include the following policies that are relevant to licensed premises:

- RET 3A: District and Major Local Shopping Centres (LP)
- RET 3B: Other Local Shopping Centres (LP)
- RET 5: Retail and Catering Users in Residential Areas (LP)
- RET 7: Petrol Filling Stations and Other Vehicle Related Uses (LP)

<http://www.reading.gov.uk/environmentplanning/planning/localplanningpolicy/General.asp?id=SX9453-A782A894>

**18.7** These main Local Development Documents (LDD's) are used in conjunction with national planning policy statements. Also, at the local level, there are a number of site-specific developments, briefs and supplementary planning and guidance documents, which are relevant to various parts of the Borough.

**18.8** The LDD's will seek to strengthen existing district and local centres. Whilst no definitive extensions to these centres have been agreed from a planning perspective, licensed premises in these areas will play an important role as part of this objective and within the role of the 24-hour economy in Reading. Planning permission for A3 (or similar) uses are therefore likely to be restricted within these areas rather than within other predominantly residential areas.

**18.9** The Reading Central Area Action Plan identifies in more detail issues relating to licensed premises, the 24-hour economy and the general organisation of retailing within the town centre.

**18.10** The key issues surrounding the determination of planning permission for A3 type uses are likely to remain as follows:

- (a) Impact on residential amenity through noise, odour, disturbance, litter, etc.

- (b) Impact on the viability of the Town Centre, defined district and local centres including the need to maintain reasonable levels of retail (A1) uses.
- (c) Potential S106 contributions towards CCTV and City Safe.
- (d) Each planning application will continue to be considered on its own merits.

Local Government (Miscellaneous Provisions) Act 1982

**APPLICATION FOR A GRANT/RENEWAL/TRANSFER/VARIATION \*  
OF A LICENCE FOR SEX ESTABLISHMENT**

as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982

To: Licensing Team, Reading Borough Council, Civic Centre, Bridge Street, Reading, RG1 2LU  
I/We\*, the undersigned, apply for the above licence as per details set out below:-

1. If application is made on behalf of an individual, please state:

Full name .....  
Permanent address .....  
Age ..... Date of birth..... Place of birth .....

2. If application is made on behalf on a corporate or incorporated body, please state:

Full name of body ..Treehouse Bar Ltd.(Company No...09227067).....  
Address of principal office .....108 Friar Street, Reading RG1 1EP.....

Give full names and private addresses of all directors or other persons responsible for management of the establishment;

Name Mrs Qi He (Director).....

Age ..... Date of birth..... Place of birth .....

Address .....

Name Simon Anthony Edward Brayfield (Current DPS and Manager).....

Age ..... Date of birth..... Place of birth .....

Address .....

Name .....

Age ..... Date of birth..... Place of birth .....

Address .....

Name .....

Age ..... Date of birth..... Place of birth .....

Address .....

Name .....

Age ..... Date of birth..... Place of birth .....

Address .....

3. Have you any convictions recorded against you, or if a body corporate or unincorporated body, that body or any of its directors or other persons responsible for its management? If so, please state: No.

(If a renewal, since you last applied for a licence)

Date of conviction	Offence	Sentence (including suspended sentence)
--------------------	---------	---

— — —

- (a) All convictions must be disclosed.
- (b) Spent convictions, as defined overleaf, should not be included.

4. Have you been resident in the United Kingdom throughout a period of six months immediately preceding the date of this application? Yes / ~~No~~ \*
5. If the application is made on behalf of a body corporate, is that body incorporated in the United Kingdom? Yes / ~~No~~ \*
6. Full address of premises desired to be used as a sex establishment Kinky Koala (to trade as Black Diamond), 108 Friar Street, Reading RG1 1EP  
 If this application relates to a vehicle/stall, give description and state, where it is to be used as a sex establishment  
 .N/A.....
7. During which hours do you wish to trade? 21:00 to 03:00 hours the following morning (\*)
8. On which days do you wish to trade? Monday to Sunday inclusive
9. Are the premises to be used as a sex shop? ~~Yes~~ / No \*  
 Are the premises to be used as a sex cinema? ~~Yes~~ / No \*  
 Are the premises to be used as a sex encounter establishment? Yes / ~~No~~ \*
10. Are you (or, if a corporate or unincorporate body, that body) disqualified from holding a licence for a sex establishment?  
 Have you ever been refused a licence for a sex establishment? ~~Yes~~ / No \*  
 If yes, please give details .....
11. ~~We~~ \* declare that ~~We~~ \* have checked the information given on this application form and to the best of my/our knowledge and belief it is correct.
12. ~~We~~ \* attach herewith ~~my~~/our \* cheque for £2,500..... being payment of the application fee.  
 Date 1st August 2017..... Signature Popples M. Allen Solicitor for and on behalf of the applicant

Notes:

- (1) A copy of any application for a licence must be sent to the Chief Officer of Police for the area, not later than seven days after the date of the application.
- (2) Any person who, in connection with this application, makes a false statement which he knows to be false in any material respect or which he does not believe to be true, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £10,000.

\*Delete as appropriate.

\* with an additional hour on the morning of British Summertime). Premises to close at 04:00 hours as per the current premises licence.

# **BLACK DIAMOND**

**108 FRIAR STREET  
READING RG1 1EP**

## **OPERATING POLICIES**

## DANCER CONDUCT

1. Dancers may never give out any personal information, including telephone numbers, or contact details away from the Club. Dancers may provide a customer with the days and the shifts they or other dancers work at the club.
2. Dancers may never accept telephone numbers, address or any other contact information from any customer, except in the form of a business card. Before leaving the premises, dancers must permanently surrender such cards to a member of management (without copying any information).
3. Dancers are never to be in the company of a customer except in designated dance areas.
4. Dancers must never perform a nude table dance except in the designated dance area.

During the performance:

- a. Customers must be seated in an upright position against the back of the booth with their hands by their sides before a dancer can commence a table dance. Customers must remain so seated during the entire dance.
  - b. Dancers may only touch a customer above the customer's chest with only the dancer's hands.
  - c. Dancers must not sit on or straddle the customer.
  - d. Dancers must retain one shod foot on the floor at all times and not place their feet on the booth seat.
  - e. Dancers may not use language of an inappropriate, suggestive or sexually graphic nature at any time.
  - f. Dancers shall immediately dress at the conclusion of the performance before leaving the designated area.
5. Customers are not permitted to dance at any time. Customers must remain appropriately clothed at all times. Neither customer or dancer may remove any of the customers clothing during a performance.
  6. If a customer attempts to touch, or speak to a dancer inappropriately, the dancer must immediately stop the performance and explain the relevant rules. If necessary, ask for assistance from and cooperate with a floor supervisor, who will take appropriate action, which may include escorting the customer out of the Club.
  7. Dancers are never to engage an act of **prostitution** (the receiving of gratuities or payments for any form of sexual favour or offer as such).
  8. Dancers may not accept a customer's offer of payment in return for sexual favours (**solicitation**).
  9. Dancers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the dancer has no intention of carrying out the act.
  10. Dancers are never to intentionally meet any customers outside of the club.
  11. Dancers are never to agree to meet a customer outside the club.
  12. Dancers must never engage in any unlawful activity within the club.

13. Dancers may never leave the premises during a shift, except in the case of an emergency and then only with the express permission of the duty manager. In that event, dancers must sign out before leaving the premises. If a dancer leaves early, for any reason, the dancer will not be re-admitted during that shift.
14. Dancers will either leave at the end of a shift in a nominated taxi, or a member of security will escort them to their car or off the premises.
15. At the end of the shift, dancers must not leave the premises until they have been cleared to leave by the manager.
16. Dancers may only consume alcohol in moderation.
17. Dancers must never consume, possess or be under the influence of any unlawful drug or substance, unless it is personally prescribed medication by a registered GP.
18. Dancers are never to invite or knowingly permit dancer's spouse, boyfriend, girlfriend nor anyone else with whom dancers are romantically involved to enter the Club.
19. Dancers are required from time to time to participate in promotional activities and offers as designated by the Club manager:
20. Dancers are required from time to time to participate in stage and podium performances as designated by Club staff
21. For the purposes of safety and standards, the Club may employ the use of closed circuit cameras and radio communications throughout the premises.
22. Any dancer found to be in violation of any of these rules, without exception, will be subject to the disciplinary procedure.

### GENERAL HOUSE RULES

1. For smokers you must be seen to wash your hands afterwards and freshen up. When you go out to smoke you must wear a knee length coat outside. All dancers must inform the DJ before going out to smoke.
2. You must enter and exit via the changing rooms for all stage shows.
3. Themed nights will change each month and sufficient notice will be given prior to these nights. Please read all posters in the changing room, as all dancers must take part in these events.
4. All dancers must try to work a minimum of 3 shifts per week and this will include one weekend night. You must book your shifts a week in advance. You cannot just turn up to work; if you do you will be charged a specified additional house fee on arrival. 24 hours' notice needs to be given when cancelling a shift. If no notice has been given, you will be charged double the house fee when you next work.
5. All holiday must be confirmed with Management in advance before booking.
6. Dancers must sign in before entering the changing room; and pay house fee on arrival. House fees will change throughout the year but sufficient notice will be given prior to the change.
7. No mobile phones on the floor, no chewing gum. If you are caught you will be fined £50.
8. All dancers must declare any money on them prior to the start of a shift to management. Any money found in dancers possession not accounted for will be confiscated.
9. Dancers must also obey at all times the additional house rules. These are subject to change at any time and post in designated area.



## GUIDELINES FOR SAFE OPERATION

1. No Person under 18 shall be permitted and a Challenge 25 policy will be in force only accepting government approved photo ID.
2. No person under 18 will be permitted to work at the premises.
3. No solicitation or prostitution is permitted in the premises.
4. The premises will be subject to the presence of a Duty Management including staff and door supervisors at all times during operation. This includes the regular inspections of public toilet areas.
5. All windows and openings will be blocked from public view from the external areas of the premises
6. The SE Licence will be clearly on display available for inspection at all times during operations.
7. CCTV will be installed and in operation during the hours of operations as agreed with local Police. Prominent signs will remind customers of the use of CCTV
8. Performers may not stand in the lobby area nor may it be permitted for them to be visible in any way from the public highway.
9. The duty manager will be named on a sign for each shift.
10. All dancers will be subject to the code of conduct (as detailed in separate section). This will include details of a disciplinary procedure to deal with breaches in the code of conduct.
11. All managers, staff and security staff must sign to acknowledge understanding of the 'Code of Conduct for Dancers'. Any breaches should be reported to the Duty Manager immediately.
12. Duty Manager will check documents regarding proof of age and eligibility to work in the UK and retain photocopies in employment files signing and dating each copy, Employment files to include full facial photograph of all dancers, proof of ID e.g. Passport or driving licence, proof of residence and eligibility to work in the UK.
13. Employment files to be retained for 6 months after the employment ends and to be made available to Police and relevant authorities upon demand.
14. The Duty Manager shall not permit any dancer to perform if they are clearly under the influence of alcohol or drugs.
15. The license holder must retain an incident log at the premises to record any of the following:
  - a. Ejections from the premises.
  - b. Breaches of Dance Code of Conduct
  - c. Inappropriate customer behaviour
  - d. Incidents of Crime and Disorder
  - e. Any complaint made by public, customer or dancer
  - f. Any disciplinary action taken against dancers this log must include the date;

details of staff involved and operational shift when SE licence is in use which will be displayed in the reception area to assist police or council officers inspecting the premises.

16. The duty manager will ensure that the premises operates in accordance with any specific conditions outlined by the SE licence.
17. Management, security and staff will be asked to sign a declaration statement that they fully understand the dancers and customers codes of conduct and they will actively promote them by informing management of any breaches that they see.
18. The duty manager will ensure that the appropriate levels of SIA approved door supervisors are present (for the purpose of monitoring the premises).
19. The duty manager and SIA door staff will actively monitor the licensed area to ensure conditions of the SE licence are upheld and the Dancer and Customer codes of conduct are complied with.
20. Signs in the entry area will display the customer code of conduct on entering the premises and all patrons will be informed of the code.
21. Any customer found to be breaching the code of conduct may be safely ejected from the premises and recorded in an incident register.
22. As a part of the inspection process, all dancers shall be asked to sign a code of conduct which they will be held responsible to adhere to. Any breaches of the code will result in disciplinary procedures.
23. The dancer's code of conduct will be displayed in the entrance area and customers arriving will be directed to review it.
24. The license holder will on a monthly basis inspect the incident log to ensure the quality of the record, and that any action required has been carried out.
25. The incident log must be available at all times for Police or the local authority to inspect.
26. The Duty Manager will ensure that all performers/dancers complete the register of attendance for each shift. This register must be available for inspection by the police and the local authority.
27. Management, Staff and Dancers and Security will be trained and made aware of all conditions set out within the SEV licence.

## CUSTOMER CODE OF CONDUCT

1. Customers should be aware that CCTV is in force throughout the premises during operational hours. This may be reviewed by police and the local authority at any time in line with our statutory obligations.
2. Management reserves the right of admission to the venue.
3. Customers may not touch dancers during a performance.
4. Customers may not make lewd or offensive remarks to dancers.
5. Customers may not harass or intimidate dancers.
6. Customers may not ask dancers to perform any sexual favour.
7. No photography or videoing to be permitted on the premises this includes the use of mobile phones this is restricted to the lobby area only.
8. Any customer failing to adhere to the above will be ejected from the premises

## OPERATIONAL STATEMENT

1. The venue will typically open around 9pm.
2. Dancers will arrive early to avoid contact with customers outside the venue.
3. A member of management will greet the dancers and mark them on the attendance sheet.
4. Dancers will get changed into their work clothes.
5. Door supervisors will greet and judge patrons to see if they are suitable to enter the premises.
6. It is anticipated that the venue will not have more than approximately 65 patrons Thursday - Saturday and 20-30 Sunday - Wednesday.
7. The target clientele will be gentlemen and ladies of 25+.
8. Patrons will be explained the general rules of the club.
9. Patrons entering the venue will pay an entrance fee between £15 - £20. Patrons will meet a waitress on entrance and will be escorted to a table.
10. Patrons will be discouraged from ordering drinks .at the bar.
11. Dancers will approach patrons, drink, converse and sell private dances starting at £20 for a 3 minute dance and can go up to £400/£500 for an hour.
12. Dances will take place in one of the private booths, VIP suites or public dance areas.
13. There will be a continuous stage show throughout the night. Dancers will take it in turns to dance on the stage.
14. The venue will typically shut at 4am.
15. Door staff will usher patrons out of the venue and into cabs.

## WELFARE POLICY

1. When first starting all dancers will receive an induction to the club which will include:
  - A full tour of the building.
  - Awareness of fire exits and procedure.
  - Dance policy, stage and podium requirements explained.
  - Code of conduct fully explained.
  - How and when they are paid.
  - When they can take breaks.
  - Who their point of contact is, should they have any personal or work related problems.
2. Member of management will always be available each shift to listen to any personal or work related problems dancers may have
3. Management will take immediate action should a dancer raise concern over inappropriate behaviour by a customer. This could include a warning of the customer being removed from the premises.
4. Full dressingroom facilities with lockers will be made available.
5. Dancers will be allowed soft drinks free of charge.
6. Door supervision and management ensure the customer code of conduct is adhered and the dancer's safety and welfare is paramount.
7. A first Aider will always be on site during trading hours.

## SECURITY

- Gateway Security Services (UK) Ltd T/a Gateway Security Services will be providing the security at Black Diamond, Reading.
- The company has extensive experience supplying door supervisors within the licensed leisure industry.
- The company is fully insured to the sum of £10m pounds.
- Other accreditations and memberships held by Gateway Security Services
- Gateway Security Services always work closely with the local authorities and relevant authorities. They have experience providing security to lap dancing venues having worked with a venue in Guildford. The management have in excess of 30 years' experience in the security industry.

## EJECTION POLICIES

### Cooperative Patrons

Most non-violent ejections are due to unsuitable behaviour or intoxication. In these circumstances, door supervisors will ask the patrons politely to leave the venue.

They will escort the customers without using any force to the nearest fire exit. Door supervisors will immediately record any ejections in the incident log.

### Non-cooperative Patrons

If a customer refuses to leave the venue, a door supervisor may use reasonable and necessary force; this will be the last resort. 'Reasonable and necessary' equals the amount of force needed to overcome resistance according to a person's physical condition, build and perceived threat.

Approved restraint holds may be used to eject the customer out of the nearest fire exist. The door supervisors will come back into the venue and immediately record the incident in the log book.

### Drug and Violence Policy

Black Diamond will operate a zero tolerance on all drugs and violence related offences.

Those committing serious drug and violent offences will receive a life time ban from the club.

A full drugs policy will be written up in accordance to the inclusive and preventative policies Reading Police have in place.

### Search Policy

Random searches will be conducted on patrons entering the premises

All bags will be searched.

Random searches will be carried out on dancers and staff.

# BLACK DIAMOND

## Champagnes

Champagne Non-Vintage Moet  
et Chandon Brut £75  
Veuve Clicquot Brut £85  
Bollinger Special Cuvee £100

Vintage Champagne  
Bollinger Brut Grande Annee 2002£ 145  
Dom Perignon 2003 £225  
Louis Roederer Cristal 2004 £325

Champagne Rose  
Laurent Ferrier Rose £135  
Moet et Chandon (Rose Imperial) 2003 £155

Champagne Magnums  
Moet et Chandon Brut Imperial £140  
Bollinger Special Cuvee £190  
Moet et Chandon (Dry Imperial) 2002 £215

## Wines

### White

Folonari Pinot Grigio House  
Glass £6      Bottle £21  
Ventisquero Chardonnay  
Glass Glass £8      Bottle £28

### Red

2007 Merlot Reserve St. Jacques  
Glass £6.50      Bottle £25  
2009 Cabernet Sauvignon,  
Ventisquero Glass £8      Bottle £35

### Rose

Folonari Pinot Grigio Rose  
Glass £6.50      Bottle £25



# BLACK DIAMOND

## VODKA

Ketel One £125.00  
Grey Goose £140.00  
Absolut Level £145.00  
Ciroc £185.00  
Elit by Stolichnaya £190.00

## RUM

Appleton Estate VX £125 .00  
Havana Club 7yr £135.00  
Pampero Especial £135.00  
Bacardi 8yr £140.00  
Havana Club Special £145.00  
Ron Zacapa 23 Anos £275.00

## WHISKY

Chivas Regal 12yr £125.00  
Cragganmore 12 yr £140.00  
Talisker 10yr £145 .00  
Dalwhinnle 15 yr £145.00  
Auchentoshan Three wood £170.00  
Lagavulin 16yr £175.00  
Johnnie Walker Gold £225.00  
Macallan 18yr £260.00  
Dalmore 40yr £5025.00

## BOURBON

Buffalo Trace £125.00  
Makers Mark £135.00  
Wild Turkey £135.00  
Knobs Creek £150.00  
Woodford Reserve £145.00

# BLACK DIAMOND

## SCOTCH (price per 50ml)

---

Costal East Highlands  
Clynellsh 14 yr £11.00

Costal West Highlands  
Oban "The Distillers Edition" £14.00  
Oban 14yr £12.00

### Highlands

Glenmorangie 10 yr £8.50  
Glenmorangie 15 yr £9.50

### Islay

Cao ILA 12 yr £8.50  
Cao LA 18yr £16.50

### Lowlands

Glenkinchie "The Distillers Ed" £11.00  
Glenkinchie 12yr £9.00

### Skye

Talisker 10 yr £11.00  
Talisker 25yr £16.00

### Speyside

Balvenie 12yr £10.00  
Balvenie 21yr £24.00

### Blends

Johnnie Walker Gold Label £8.50  
Johnnie Walker Black Label £8.59

## CIGARS

---

Bolivar Tubos £9.00  
Bonitas £11.00  
Divinos £11.50

### Cohiba

Panatelas £13  
Siglo 1 £16  
Cohiba Club (pack of 10) £19.00

### Cuba

Divinos £11.50  
Tradicionales £12.50  
Generosos £16

### Monte Cristo

Joyitas £9.00  
No.5 £12.00  
No.4 £14.00

# BLACK DIAMOND

## Menu

- Chicken Caesar Salad £8.50  
Scottish Smoked Salmon with Baby Capers and a Dill Dressing £12.00  
King Prawn and Shrimp Cocktail served with Avocado and a Baby Salad £13.50  
Seared Medallion of fillet Steak served with a baby salad and a mustard dressing £14.50  
Half a Baby Lobster £17.50

## Fish

- Deep Fried North Atlantic Cod (Fish & Chips) served with mushy peas and chips £15.50  
Pan Fried Fillet of Wild Sea Bass served with lemon butter and baby capers £19.50  
16oz Dover Sole served grilled or with Meniere sauce £21.50

## Poultry

- Half a Roast Corn-Fed Chicken served with crispy Pancetta bacon and a herb gravy £13.50

## Meat

- Best Rack of English Lamb with red onion and mint chutney £17.50  
12oz 28 Day Dry Aged Scotch rib eye Steak £20.50  
12oz 28 Day Dry Aged Aberdeen Angus Chargrilled Sirloin Steak £21.50  
10oz Pan Fried Scotch Fillet Steak\* £25.00  
\*These Steaks are served with a grilled tomato and mushrooms, and a choice of a béarnaise, green-peppercorn or red wine and mushroom sauce.

## Vegetables

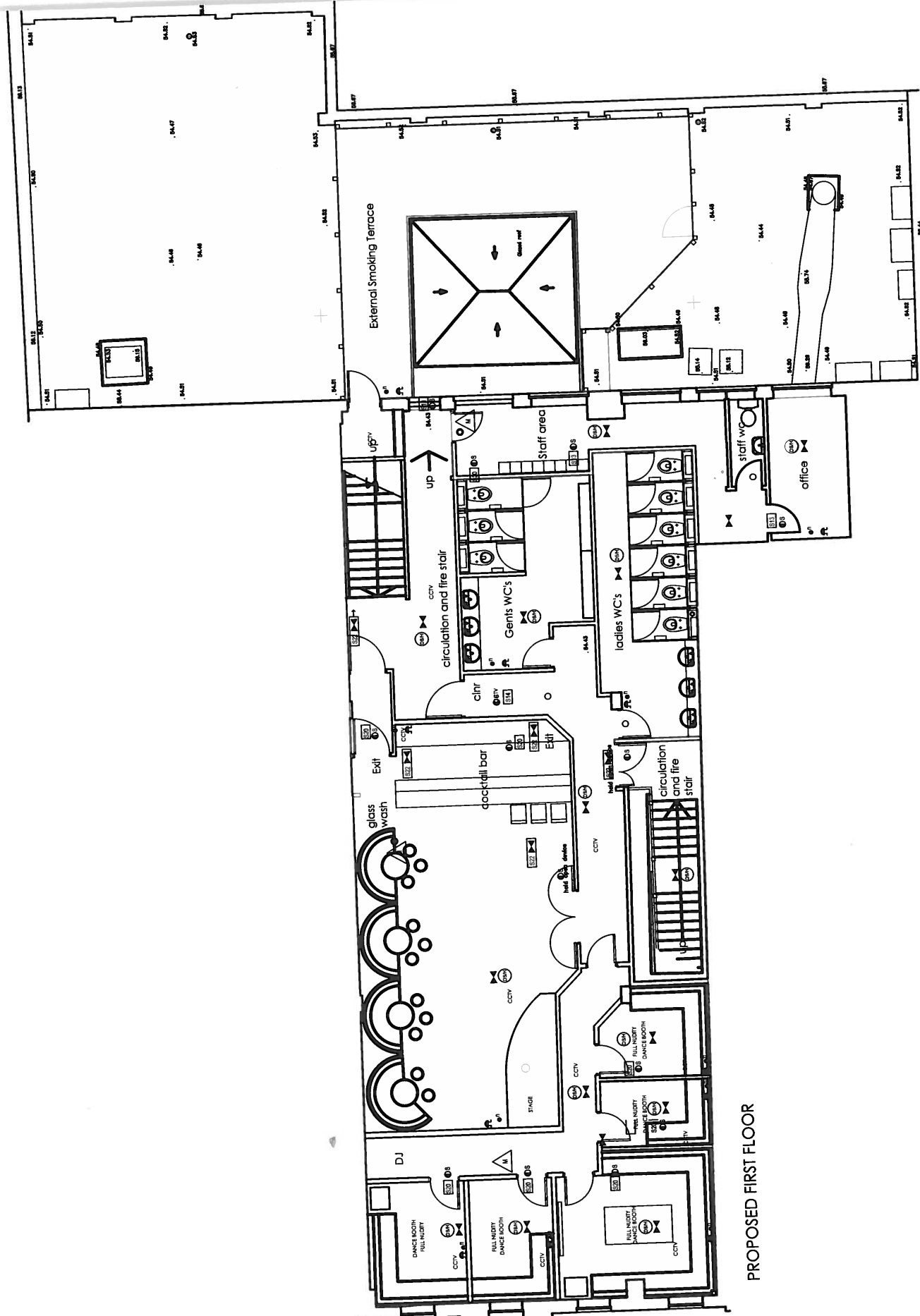
- Mixed or Green Salad £5.00 Creamed Potatoes £5.00 French Fries £5.00  
Sauté or Steamed New Potatoes £5.00  
Vegetables of the Day £6.00

## Desserts

- An Assortment of Ice Creams £6.00 Warm Chocolate Fudge Cake £6.00  
Belgium Waffles with Ice Cream and Maple Syrup £6.00  
Exotic Peeled Fruit £8  
Selection of English and Continental Cheese and Biscuits £7.00

## Chef's Dish of the Day

Please ask your Waitress for details of today's dish £d/p

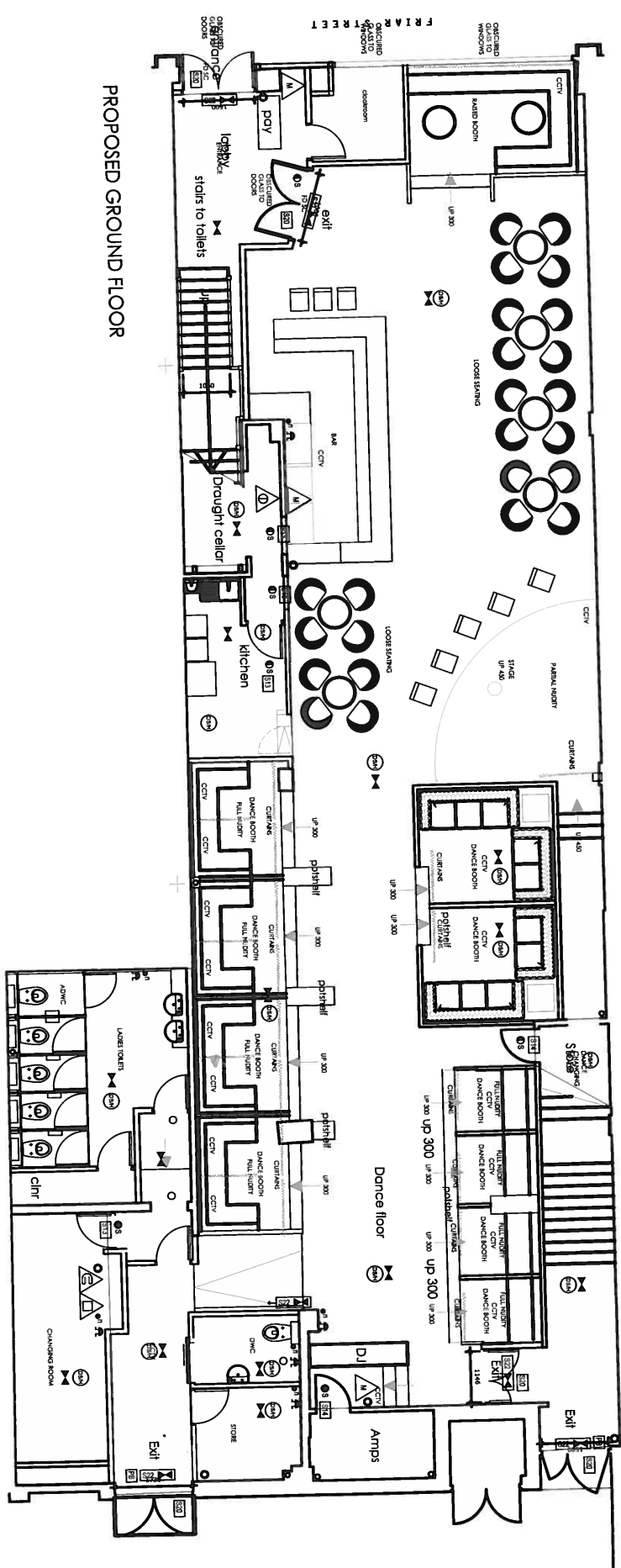


PROPOSED FIRST FLOOR

at Bunnings  
 apply to a  
 The  
 shown  
 to their effect  
 use by a code  
 from Down High

By  
 this office

PROPOSED GROUND FLOOR





**LICENSING ACT 2003 PREMISES LICENCE - PART A**

Reading Borough Council being the Licensing Authority under the above Act,  
 HEREBY GRANT a PREMISES LICENCE as detailed in this licence.

Premises Licence Number	LP9000407
-------------------------	-----------

**Premises Details**

<b>Trading name of Premises and Address</b>	
Koala 108 Friar Street Reading RG1 1EP	
<b>Telephone Number</b>	

<b>Where the Licence is time limited the dates the Licence is valid</b>
N/A

**Licensable Activities**

<b>Licensable Activities authorised by the Licence</b>
Performance of Plays - Indoor Exhibition of Films - Indoor Indoor Sporting Events Performance of Live Music - Indoor Playing of Recorded Music - Indoor Performance of Dance - Indoor Anything similar to Live Music, Recorded Music & Performance of Dance - Indoor Late Night Refreshment - Indoor & Outdoor Sale of Alcohol by Retail - On & Off the Premises

**Authorised Hours for Licensable Activities**

<b>The times the licence authorises the carrying out of licensable activities</b>	
<b>Hours for the Performance of Plays</b>	
Monday	from 1100hrs until 0300hrs
Tuesday	from 1100hrs until 0300hrs
Wednesday	from 1100hrs until 0300hrs
Thursday	from 1100hrs until 0300hrs
Friday	from 1100hrs until 0300hrs
Saturday	from 1100hrs until 0300hrs
Sunday	from 1100hrs until 0300hrs

Christmas Eve and Sundays preceding Bank Holiday Mondays until 0300hrs the following day.

British Summertime deemed not to have started until the commencement of the following days trading session.

New Years Eve - From the start of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

#### Hours for the Exhibition of Films

Monday	from 1100hrs until 0300hrs
Tuesday	from 1100hrs until 0300hrs
Wednesday	from 1100hrs until 0300hrs
Thursday	from 1100hrs until 0300hrs
Friday	from 1100hrs until 0300hrs
Saturday	from 1100hrs until 0300hrs
Sunday	from 1100hrs until 0300hrs

Christmas Eve and Sundays preceding Bank Holiday Mondays until 0300hrs the following day.

British Summertime deemed not to have started until the commencement of the following days trading session.

New Years Eve - From the start of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

#### Hours for Indoor Sports

Monday	from 1100hrs until 0300hrs
Tuesday	from 1100hrs until 0300hrs
Wednesday	from 1100hrs until 0300hrs
Thursday	from 1100hrs until 0300hrs
Friday	from 1100hrs until 0300hrs
Saturday	from 1100hrs until 0300hrs
Sunday	from 1100hrs until 0300hrs

Christmas Eve and Sundays preceding Bank Holiday Mondays until 0300hrs the following day.

British Summertime deemed not to have started until the commencement of the following days trading session.

New Years Eve - From the start of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

#### Hours for the Performance of Live Music

Monday	from 1100hrs until 0300hrs
Tuesday	from 1100hrs until 0300hrs
Wednesday	from 1100hrs until 0300hrs
Thursday	from 1100hrs until 0300hrs
Friday	from 1100hrs until 0300hrs
Saturday	from 1100hrs until 0300hrs
Sunday	from 1100hrs until 0300hrs

Christmas Eve and Sundays preceding Bank Holiday Mondays until 0300hrs the following day.

British Summertime deemed not to have started until the commencement of the following days trading session.

New Years Eve - From the start of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

#### Hours for the Playing of Recorded Music

Monday	from 1100hrs until 0300hrs
Tuesday	from 1100hrs until 0300hrs
Wednesday	from 1100hrs until 0300hrs
Thursday	from 1100hrs until 0300hrs
Friday	from 1100hrs until 0300hrs
Saturday	from 1100hrs until 0300hrs
Sunday	from 1100hrs until 0300hrs

Christmas Eve and Sundays preceding Bank Holiday Mondays until 0300hrs the following day.

British Summertime deemed not to have started until the commencement of the following days trading session.

New Years Eve - From the start of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

#### Hours for the Performance of Dance

Monday	from 1100hrs until 0300hrs
Tuesday	from 1100hrs until 0300hrs
Wednesday	from 1100hrs until 0300hrs
Thursday	from 1100hrs until 0300hrs
Friday	from 1100hrs until 0300hrs
Saturday	from 1100hrs until 0300hrs
Sunday	from 1100hrs until 0300hrs

Christmas Eve and Sundays preceding Bank Holiday Mondays until 0300hrs the following day.

British Summertime deemed not to have started until the commencement of the following days trading session.

New Years Eve - From the start of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

#### Hours for anything similar to Live Music, Recorded Music & Performance of Dance

Monday	from 1100hrs until 0300hrs
Tuesday	from 1100hrs until 0300hrs
Wednesday	from 1100hrs until 0300hrs
Thursday	from 1100hrs until 0300hrs
Friday	from 1100hrs until 0300hrs
Saturday	from 1100hrs until 0300hrs
Sunday	from 1100hrs until 0300hrs



Christmas Eve and Sundays preceding Bank Holiday Mondays until 0300hrs the following day.  
British Summertime deemed not to have started until the commencement of the following days trading session.  
New Years Eve - From the start of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

#### Hours for the Provision of Late Night Refreshment

Monday	from 2300hrs until 0300hrs
Tuesday	from 2300hrs until 0300hrs
Wednesday	from 2300hrs until 0300hrs
Thursday	from 2300hrs until 0300hrs
Friday	from 2300hrs until 0300hrs
Saturday	from 2300hrs until 0300hrs
Sunday	from 2300hrs until 0300hrs

Christmas Eve and Sundays preceding Bank Holiday Mondays until 0300hrs the following day.  
British Summertime deemed not to have started until the commencement of the following days trading session.  
New Years Eve - From the start of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

#### Hours for the Sale by Retail of Alcohol

Monday	from 1100hrs until 0300hrs
Tuesday	from 1100hrs until 0300hrs
Wednesday	from 1100hrs until 0300hrs
Thursday	from 1100hrs until 0300hrs
Friday	from 1100hrs until 0300hrs
Saturday	from 1100hrs until 0300hrs
Sunday	from 1100hrs until 0300hrs

Christmas Eve and Sundays preceding Bank Holiday Mondays until 0300hrs the following day.  
British Summertime deemed not to have started until the commencement of the following days trading session.  
New Years Eve - From the start of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

#### Opening Hours

##### Hours the Premises is Open to the Public

Monday	from 1100hrs until 0400hrs
Tuesday	from 1100hrs until 0400hrs
Wednesday	from 1100hrs until 0400hrs
Thursday	from 1100hrs until 0400hrs

Friday from 1100hrs until 0400hrs  
Saturday from 1100hrs until 0400hrs  
Sunday from 1100hrs until 0400hrs

British Summertime deemed not to have started until the commencement of the following days trading session.

New Years Eve - From the start of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

Opening hours from 0600hrs during the Wednesday through to the following Monday during the Reading Festival held in August each year.

### Alcohol

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Sale of Alcohol by Retail - On & Off the Premises

### Premises Licence Holder

Name, (registered) address of holder of premises licence

Name: Treehouse Bar Ltd  
Address: 108 Friar Street, Reading, RG1 1EP

### Additional Details

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Name: Mr Simon Anthony Edward Bayfield  
Address: 14 Peterborough Road, Guildford, Surrey, GU2 9SY

### Designated Premises Supervisor

Personal Licence number and issuing authority of personal licence held by the designated premises supervisor where the premises licence authorises the supply of alcohol

Personal Licence Number: 2005/00588/02SPEC  
Issuing Authority: Southampton City Council

This Licence shall continue in force from 08/05/2017 unless previously suspended or revoked.

Dated: 08 May 2017

Head of Environment & Neighbourhood Services



## Annex 1

### Mandatory Conditions

#### Supply of Alcohol

To be applied where a premises licence authorises the supply of alcohol

- 1 No supply of alcohol may be made under the premises licence:-
  - a) at a time when 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 made under the premises licence must be made or authorised by a person who holds a personal licence.

#### Film Exhibitions

To be applied only where a premises licence or club premises certificate authorises the exhibitions of films

- 1 The admission of children to any exhibition of any film must be restricted in accordance with section 20 of Part 3 of the Licensing Act 2003.
- 2 In the case of films which have been classified by the British Board of Film Classification admission of children to films must be restricted in accordance with that classification.
- 3 In the case of films which have not been classified by the British Board of Film Classification, admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.

#### Door Supervisors

To be applied where a premises licence or club premises certificate includes a condition that any person must be at the premises to carry out a security activity. [Except premises with a premises licence authorising only plays or films or premises used exclusively by a club].

- 1 Each individual present at the licensed premises to carry out a security activity must be licensed by the Security Industry Authority.

Responsible Drink Promotions (commencement date 01/10/2014)

- 1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- 2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Supply of Tap Water (commencement date 01/10/2014)

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

Age Verification Policy (commencement 01/10/2014)

1. The premises licence holder or club premises certificate holder must 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.

Drink Measurements (commencement date 01/10/2014)

1. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

**Minimum Permitted Pricing (commencement 28th May 2014)**

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 purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the rate 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

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the 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.

4. (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.



## Annex 2

### Conditions Consistent with the Operating Schedule

1. Customers shall be prevented from taking any alcoholic drinks, or other drinks, from the premises in open containers (eg. glasses and opened bottles).

2. A comprehensive CCTV system be installed that ensures all areas of the licensed premises are monitored, including all entry and exit points, and which enables frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings

outside this period shall be made available on 24 hours notice. A sign advising customers that they are on CCTV shall be positioned in a prominent position.

3. An entry, closure and dispersal policy, approved by Thames Valley Police, for controlling the opening and closing of the premises and the departure of customers at the conclusion of licensed activities must be put in place and must be actively operated.

4. The premises licence holder must ensure that the Designated Premises Supervisor holds membership of, and actively participates in the Local Pub Watch Scheme, including making use of apparatus supplied as part of the scheme.

5. An incident/refusal book shall be used to record details of incidents that occur in and around the venue and refusal of sale of alcohol. The incident book shall truly reflect what has occurred and shall be specific in detail. All incidents shall be signed off by either the Head Door Supervisor; the DPS or the nominated individual when DPS is not on site. The premises licence holder shall ensure a recorded weekly review of the incident/refusal book by the DPS shall be carried out.

#### Prevention of Crime & Disorder

1. The Designated Premises Supervisor shall conduct a Risk Assessment of every licensable activity held at the premises, between Sunday to Thursday inclusive, to establish if door staff are required. Door staff shall be employed on Friday and Saturday nights from a risk assessed starting time, in any case no later than 23:00 hrs, till the premises have been cleared of customers at closing time.

2. The Premises Licence holder shall ensure that all Door Supervisors whilst employed at the Premises shall wear 'High Visibility' arm bands to incorporate displaying their SIA badges.

3. The Premise Licence holder shall keep and maintain a register of door supervisors.

The register will show the following details:

a) the name, home address and registration number of all door supervisors working

at the premises.

b) SIA registration number.

c) date and time that the door supervisor commenced duty, countersigned by the Designated Premises Supervisor or Duty Manager.

d) Any incident of crime and disorder, or concerning children must be recorded giving names

of the door supervisors involved.

e) date and time the door supervisor finished work, countersigned by the Designated Premises Supervisor or Duty Manager.

f) The door supervisor register must be kept at the licensed premises and be available for inspection by Thames Valley Police or an authorised officer from Reading Borough Council and shall be retained for period of six months from the date of the event.



Classification: OFFICIAL

## Protection of Children from Harm

1. All persons authorised to sell alcohol shall be trained to the BIIAB Level 1 Award in Responsible Alcohol Retailing (ARAR) or any other similarly recognised nationally approved accreditation curriculum.

## Annex 3

### Conditions attached after a hearing by the Licensing Authority

N/A

## Annex 4

### Plans

As attached plan no.1612 L01 dated 03/07/2014



Name of Officer	Richard French						
Type of Application	Grant of Sexual Entertainment Venue Licence (Local Government Miscellaneous Provisions Act 1982)						
Name of Premises	Koala						
Address	108 Friar Street						
	Reading						
	RG1 1EP						
Licensable Activities	To operate 2100hrs until 0300hrs - 7 days a week						
Finish Times	<b>Mon</b>	<b>Tue</b>	<b>Wed</b>	<b>Thu</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
	0300	0300	0300	0300	0300	0300	0300
<b>Content of Application:</b>							
<p>The application seeks a licence to operate a Sexual Entertainment Venue under the Local Government Miscellaneous Provisions Act 1982 from 2100hrs until 0300hrs - 7 days a week.</p> <p>The premises already holds a licence under the Licensing Act 2003 to sell alcohol, provide regulated entertainment and late night refreshment until 3am. The premises is open to the public up until 4am.</p>							
<b>Licensing Officer's Comments:</b>							
<p>The Licensing team wish to object to the granting of an SEV (lap dancing) licence to the premises known as Koala at 108 Friar Street Reading.</p> <p>A Sexual Entertainment Venue is defined within Schedule 3 Section 2A of the Local Government Miscellaneous Provisions Act 1982 as '<i>any premises at which relevant entertainment is provided before a live audience for financial gain of the organiser or the entertainer</i>'. Relevant Entertainment is defined as '<i>any live performance or any live display of nudity which it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)</i>'. Lap dancing clubs would therefore be classed as a Sexual Entertainment Venue.</p> <p>Reading Borough Council adopted a Schedule 3 of the Local Government Miscellaneous Provisions Act 1982 at the full Council meeting held on 29<sup>th</sup> June 2010.</p> <p>The Licensing team wish to object to the application on the grounds that the grant</p>							

of the licence would be inappropriate having regard to the character of the relevant locality in which this venue proposes to operate as a Sexual Entertainment Venue and that the grant of the licence would be inappropriate having regard to the use to which any premises in the vicinity of the applicant's premises are put. This is consistent with paragraph's 12 (3)(d)(i) and 12 (3)(d)(ii) of Schedule 3 of the LGMPA 1982.

It is acknowledged that the LGMPA 1982 does not define the word 'locality'. However, the Council's SEV policy at paragraph 9.1 does state that '*the Council shall decide a locality as a matter of fact to be determined by the particular circumstances of each case*' and then states that 'Reading Town Centre' may be one locality. However, there is a wide discretion to refuse a licence in a specific area within a locality - even when it is stated that more licences could, in theory, be granted.

In this case, the premises at 108 Friar Street sits on a main arterial road of Reading's night time economy, a prominent shopping street, a major thoroughfare for foot traffic, buses and other public service vehicles and is directly opposite shops and student accommodation. Further, if the definition of locality is extended to 'Reading Town Centre' as per the SEV policy, then it would be inappropriate to have such a venue in a busy town that attracts vast amounts of shoppers during the day and a wide range of age groups to the town at night. The Council would also have to consider whether another SEV in such a prominent location would assist with the current efforts to regenerate the town centre as a whole and whether the aspiration to make the town centre welcoming for all would be best served by adding a venue that may make some uncomfortable and potentially make the town centre feel off limits to them.

The premises in the immediate vicinity of 108 Friar Street are predominantly shops - including one large supermarket and late night bars and restaurants. Friar Street is also a major through route for buses -some of which run 24 hours a day. Friar Street is also a major thoroughfare to shops in the street and elsewhere in the town and is used by all age groups. Friar Street also contains a busy church which is often used as a place of refuge and has an increasing amounts of student accommodation - one such block of accommodation being directly opposite the premises. Again, the word 'vicinity' is not defined within the LGMPA 1982 and could be construed so as to include the whole of Friar Street, Broad Street and arterial roads coming off of both, for example. Therefore the premises in the vicinity of 108 Friar Street would include the recently developed Reading Railway Station; Reading Town Hall and Museum; the Abbey Quarter and Forbury Gardens all of which are frequented throughout the day and night by families, young people, visitors to the town and local residents.

Case law also states that the Council may, within reason, take into account future developments within the vicinity of the premises. This would make the sighting of a SEV at 108 Friar Street inappropriate to the locality and inappropriate given the use of surrounding properties. Having spoken to colleagues in the planning, they

have informed me of the below sites that have been granted permission already:

Relevant Planning History in close proximity to 108 Friar Street:

52-55 Friar Street and 12 Greyfriars Road

162210 - Demolition of existing building and structures (Class A1) and erection of 3 new buildings ranging between 6 - 12 (and basement) storeys in height to provide 135 (1xstudio, 54x1, 73x2 & 7x3-bed) residential units (Class C3), a flexible Class A1-A5 use at ground floor level fronting onto Friar St, a flexible Class A1-5, B1(a) or D2 (gym only) use at ground floor level fronting onto Greyfriars Rd, with associated access, parking, servicing, landscaping and engineering works (amended description). Current application under consideration - there are a couple of outstanding issues which are delaying the application being progressed to planning applications committee at present. This is for private/affordable residential units (not student accommodation).

35-38 Friar Street

160232 - Change of use of 1st to 3rd floor (with ground floor entrance and plant room at basement) from Class B1(a)(offices) to C3 (dwelling houses) to comprise of 25 flats (15 studios, 6 x 1 bedroom and 4 x 2 bedrooms). Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Granted 04/04/16.

30-31 Friar Street

150829 - Change of use of 1st floor, 2nd floor (part), 3rd floor and 4th floor (part) from Class B1(a) (offices) to C3 (dwelling houses) to comprise 19 x studio flats and 6 x 1 bedroom flats. Prior Notification under Class O Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Granted 06/07/15.

Plot E & Telecom House Land Friar Street/ Garrard Street Station Hill RG1 1DX

151426 - Outline application with all matters reserved for mixed use redevelopment of Plot E of the Station Hill site and neighbouring Telecom House site (48 to 51 Friar Street & 4 to 20 Garrard Street) to comprise the demolition of existing buildings and erection of new buildings/ structures to provide residential units, a range of town centre uses including retail and related uses (Use Class A1 - A5), associated infrastructure, public realm works and ancillary development. Granted 26/07/16.

This outline permission includes up to a maximum of 336 residential units (not

student units).

The Friar Street area has become more residential in nature in recent years (e.g. the student accommodation at the junction of Friar Street and Greyfriars Road) and this is anticipated to continue / increase in the future, as evidenced by the planning permissions / applications above and planning policies in place within this location.

It should also be noted that the latest planning permission for the site was granted on 11<sup>th</sup> October 2013 which was a change of use from A3 restaurant use to A4 drinking establishment use. Condition 3 of that planning permission states:

The Class A4 drinking establishment use hereby permitted shall not be open to customers other than between the hours of 09.00 and 00.00 (Midnight) Mondays to Sundays. Reason: To maintain the character and amenities of the town centre. Policies: RBCS CS34; RCAAP RC8; SDPD DM4

Therefore there is no planning permission in place to open the current nightclub or any proposed SEV past midnight. It is puzzling why the applicant has not sought the relevant planning permissions given that they have been trading until 4am for the last few years.

When considering whether to grant an SEV licence, the Council must also consider it's obligations under Section 149 of the Equality Act 2010 which obliges the Council whilst discharging it's functions to eliminate discrimination, harassment and victimisation to advance equality of opportunity between the sexes. This could include whether there would be increased fear of women using the part of the town centre where an SEV is situated. The Council would therefore have to decide whether this could lead to discrimination and the exclusion of women from areas of the town centre. This duty of equality also extends to disabled persons in terms of access to the premises and religious belief from faith groups.

Further concerns with the application are:

1. The premises are within what the Council has already designated a 'Cumulative Impact Area' under the Licensing Act 2003. The Council would have to consider whether adding an additional licence to the town would negatively impact on the problems that already exist in the town with levels of crime and/or disorder still at unacceptable levels. Crime and disorder at the time the premises wishes to trade is particularly high.
2. Further clarity on how the premises will be run. For example, how the upstairs areas would be controlled and monitored due to the layout of the booths. Also, whether the venue would operate solely as an SEV or whether on alternative nights, for example, it would go back to operating as a night club.
3. Further clarity on the suitability of the applicant to run such a venue without impacting on the safety of the public and the safety of any employee who may be employed to undertake any function within an SEV environment.

The Licensing team would ask that the licensing committee refuse this application as the proposal would be inappropriate given the locality and inappropriate given the use of the other premises within the vicinity of the site. This is consistent with paragraph's 12 (3)(d)(i) and 12 (3)(d)(ii) of Schedule 3 of the LGMPA 1982.

The reasons to consider refusal are summed up as follows:

1. The premises are situated on a busy pedestrian thoroughfare which is used by children, families, residents and visitors during the day and night.
2. The premises are situated on a main arterial road that is used as a major thoroughfare for pedestrians, 24 hour bus routes and public service vehicles used by all ages and all genders. It is also a major transport hub for the buses and taxis that service the town's daytime and night time economy.
3. The premises are immediately opposite present and likely future residential developments including student and other private residential accommodation (and other family amenities) which would mean an increased use of the locality by young and possibly vulnerable students and adults as a route to and from their accommodation or residential address.
4. The premises are situated in a locality that includes churches; places of worship; the town hall and Reading Museum; learning centres and nurseries; the historic Abbey Quarter, Reading Railway Station and Forbury Gardens - all of which are frequented by all ages and attract visitors as well as residents to the town centre during the day and night.
5. The location of an SEV on a main street could lead to members of the public feeling unsafe and be potentially excluded from using the many shops and services within the town centre if a licence was granted,
6. The potentially unsuitable layout of the premises - particularly the upstairs - which could lead to public and employee safety concerns.

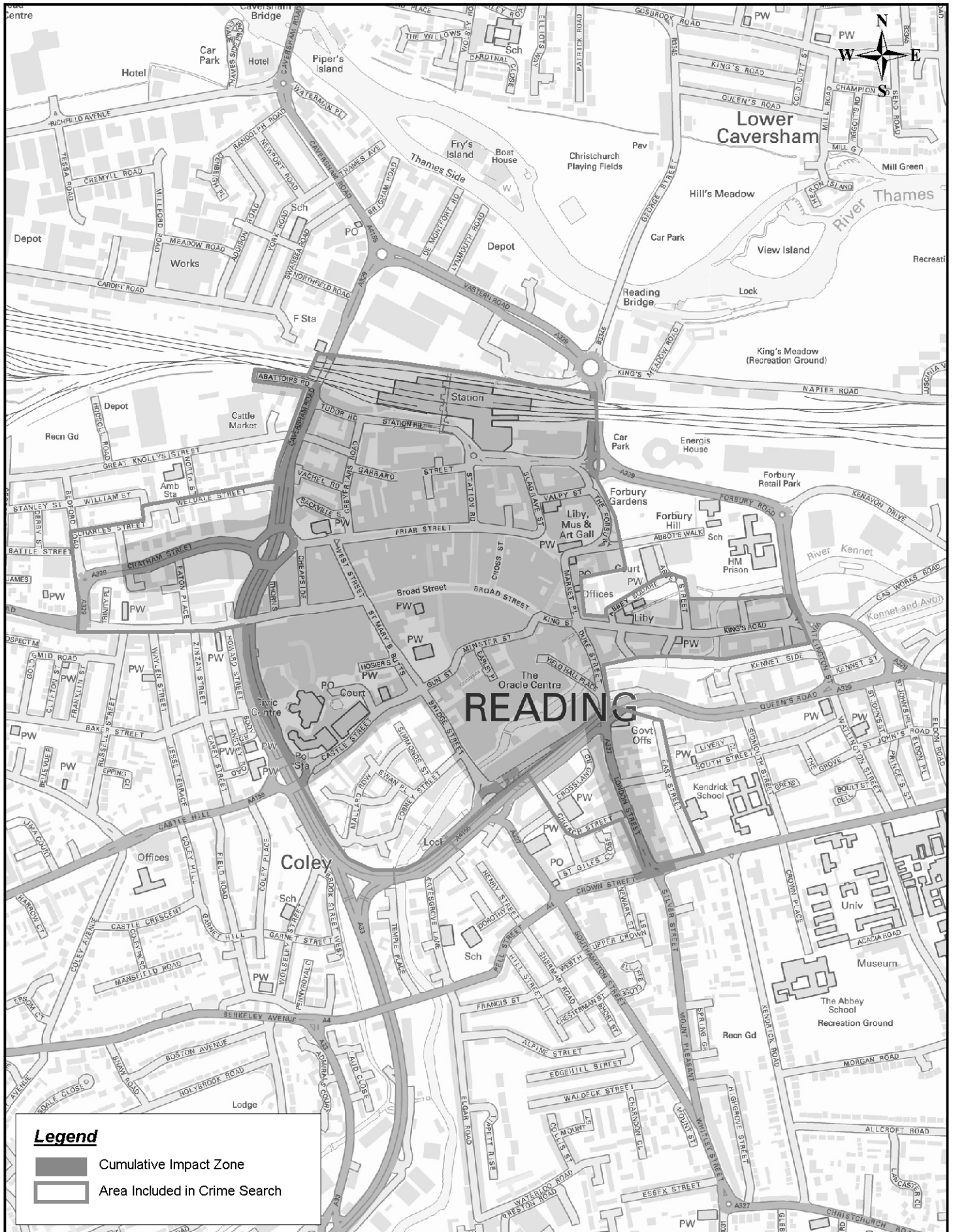
Attachments:

Appendix RF-1 - A Map of Reading Town Centre as defined by the Council's SEV Policy.

Appendix RF-2 - A Map from the Council's Cumulative Impact Policy contained within the Licensing Act 2003 showing crime levels.

<b>Date Received</b>	01/08/2017	<b>Date Due</b>	29/08/2017
----------------------	------------	-----------------	------------

<b>Date</b>	19	08	2017
-------------	----	----	------



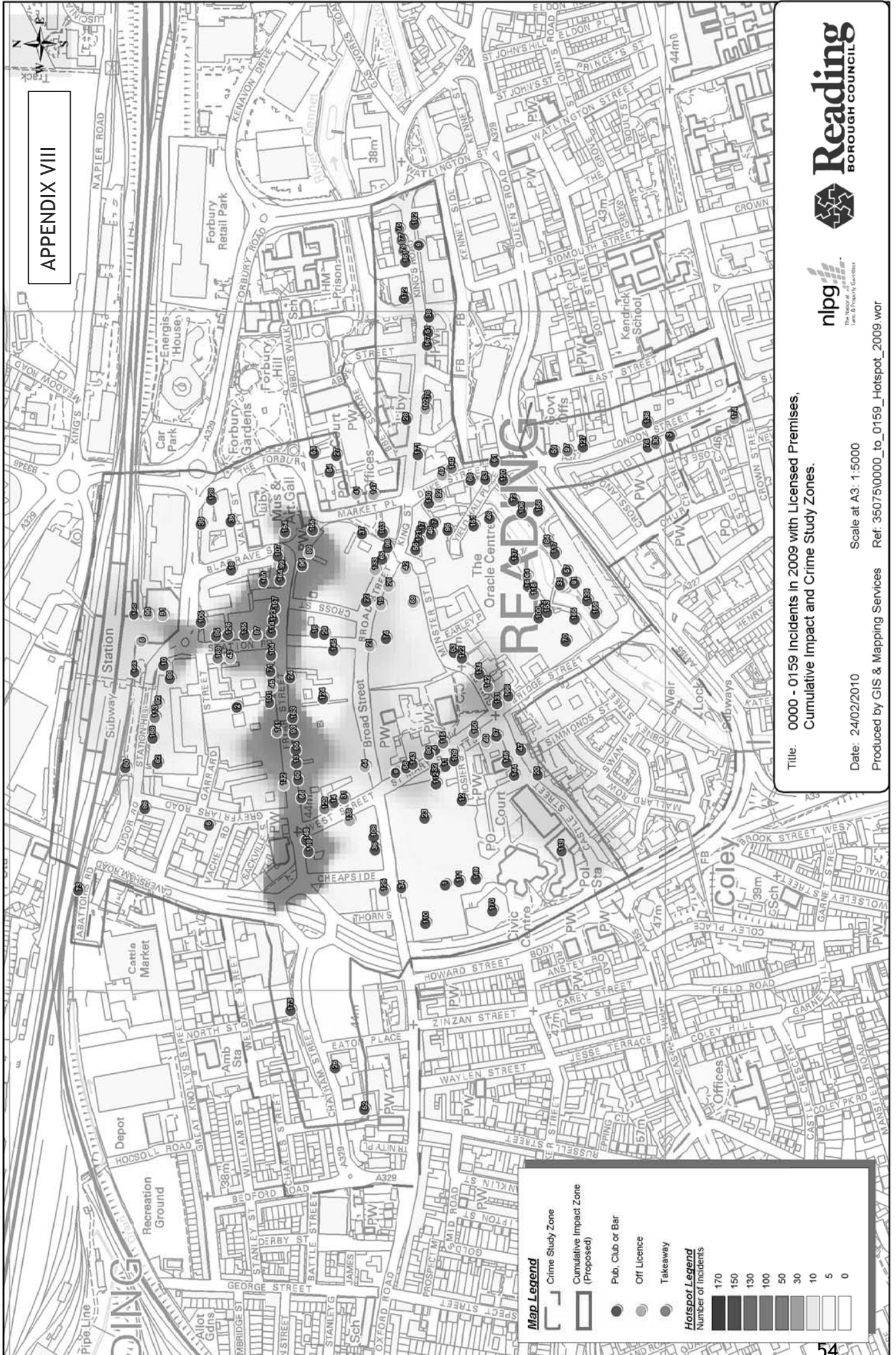
Title: Cumulative Impact Zone Alternative  
(64.42 Hectares)

Drg.No.:  
Produced by GIS & Mapping Services

Date: 15/02/2010      Scale at A4: 1:10000  
Ref: 35075\Cumulative Impact Zone 4.wor



APPENDIX VIII



Title: 0000 - 0159 Incidents in 2009 with Licensed Premises, Cumulative Impact and Crime Study Zones.

Date: 24/02/2010 Scale at A3: 1:5000

Produced by GIS & Mapping Services Ref: 350750000\_to\_0159\_Hotspot\_2009.wor



**Map Legend**

- Crime Study Zone
- Cumulative Impact Zone (Proposed)
- Pub, Club or Bar
- Off Licence
- Takeaway

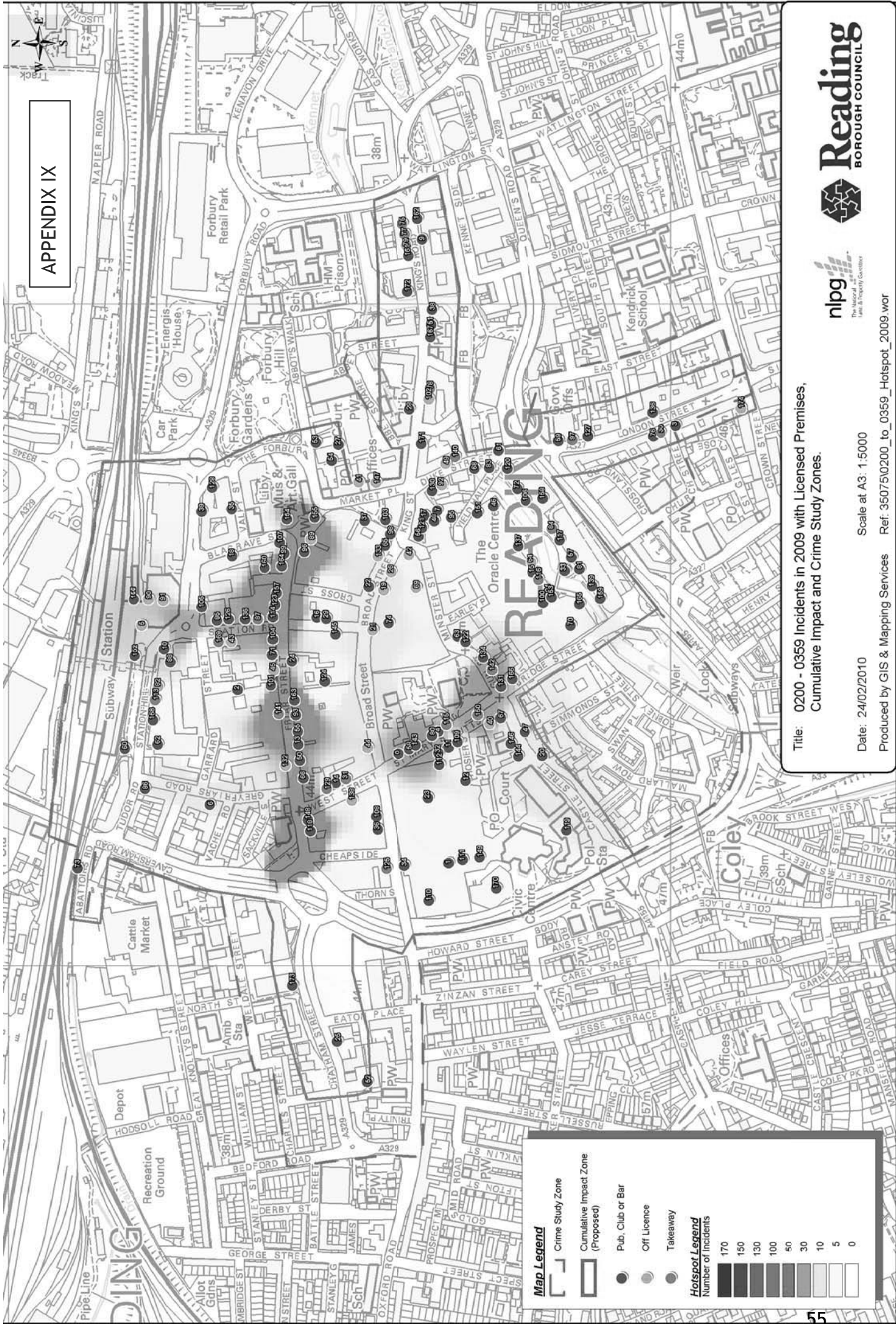
**Hotspot Legend**  
Number of Incidents

	170
	150
	130
	100
	50
	30
	10
	5
	0

This map is based upon Ordnance Survey material with the permissions of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings. Reading Borough Council. Account no. 100019672. 2009



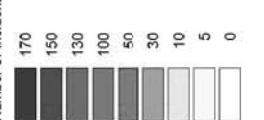
APPENDIX IX



**Map Legend**

- Crime Study Zone
- Cumulative Impact Zone (Proposed)
- Pub, Club or Bar
- Off Licence
- Takeaway

**Hotspot Legend**  
Number of Incidents



Title: 0200 - 0359 Incidents in 2009 with Licensed Premises, Cumulative Impact and Crime Study Zones.

Date: 24/02/2010 Scale at A3: 1:5000

Produced by GIS & Mapping Services Ref: 35075/0200 to 0359\_Hotspot\_2009.wor



Division/Station : Reading Licensing Dept

From : PC 5787 Simon Wheeler  
Authority

To : Reading Borough Council Licensing

Ref : Black Diamond Application, 108 Friar Street Date : 23 August 2017 Tel.No.

Subject :

**Thames Valley Police Observations**

To whom it may concern

Thames Valley Police wish to submit the following observations in relation to the application for a Sexual Entertainment Venue (SEV) licence.

We have given consideration to the application submitted for "Black Diamond" and taken into consideration both the proposed layout and the operating policy.

We would encourage the Licensing Sub-Committee to take into consideration the following points which we feel may have an impact on crime and disorder.

1. We have noted that there is a contradiction between the venue policy with regards to the consumption of alcohol by dancers. Within the "safe operation" section rule 14 alludes to dancers being disallowed from performance whilst under the influence of alcohol. However, rule 16 within the "dancer conduct" section states that they may consume alcohol in moderation. We would recommend that no consumption of alcohol by dancers takes place whilst they are engaged in paid employment on the premises. This will ensure that they are able to fully conduct themselves in the correct and professional manner in a way which we would not expect any other employee whilst working in the premises to be consuming any alcohol.
2. Rule 24 within the "safe operation" states that the incident log should be reviewed monthly, we recommend this takes place on a daily basis.
3. We would like to ensure that both male and female door supervisors are employed as it may be pertinent on occasion for a female door supervisor to be more effective when dealing with the potentially vulnerable female dancers.
4. In relation to the security of dancers within the private booths and concerns over the monitoring of activity within we would ask the following points are addressed at the hearing. Firstly how is the licensing authority policy relating to SEV ensured to be being followed ie distance of dancers from customers? Will for example there be a member of staff that continuously monitors all CCTV to ensure that compliance is adhered to, and If not how will this be monitored in real time as each booth has a door or curtain? Secondly if a dancer within the booth has an issue with a customer how will they be able to relay that information, for example will there be panic alarms at their disposal?
5. On the venue plan we note that the booths on the first floor have internally opening doors. We have a concern that if a dancer were to attempt to withdraw from a situation and a customer leant on the door she may not be able to escape. We would recommend that if doors are used they open externally to allow easier egress or are replaced by curtains etc.
6. Toilet facilities – we note that the staff toilet facilities are situated only on the first floor and consists of one toilet. Are dancers expected to use the public facilities on the ground floor and if so you may have concern as we do of the mixing of dancers and members of the public with joint access to these facilities.
7. Rule 1 within the general house rules states that any dancer leaving to smoke will inform the "DJ". We would recommend that as the person actively managing the welfare of the dancers that the Floor Supervisor may be more appropriate.
8. We recommend that dancers also receive training on the licensing objectives and with specific regard to the identification and signs of intoxication and drug usage which will enable them to make informed decisions to report incidents and customers to other staff and managers.
9. Finally we make note that the alcohol menu makes reference to several prices linked to the sale of large bottles of wine and spirits. We would expect the relevant checks and balances to

be put into place to ensure that irresponsible drinking does not take place and we would hope that the Licensing Sub-Committee will give due consideration to how the operation intend to manage this in order to uphold the licensing objectives.

Thames Valley Police provide these observations as an impartial reference point in relation to this application and for consideration.

In relation to the general operation of such venues we have but one other example currently trading within Reading in order to measure the impact of such premises on the licensing objectives, specifically crime and disorder.

Currently that premises provides minimal cause for Police intervention with four incidents requiring Police attendance occurring in the last two 30 months.

A caveat to this however is previously before an operator change within that premises there was cause for concern in relation to activities by the dancers. These were not conducive to the Licensing Authorities SEV policy in that dancers were sitting on and touching customers. Also some incidents were reported where intoxicated customers were encouraged to pay exorbitant fees for dancers whilst they were so drunk they could not make considered decisions.

Therefore, we recommend that although businesses of this nature when run professionally and in line with the SEV policy appear to cause few issues of crime and disorder, that in order to ensure this is the case the points we recommend above become very relevant to prevent incidents as mentioned.

PC 5787 Simon Wheeler

Dear Licensing Team

I would like to object to application for an SEXUAL ENTERTAINMNET VENUE license at 108 Friar Street, Reading, RG1 1EP

Although I am not in principal against these types of business's I feel that the location is totally inappropriate.

The property is very close to a nursery, place of worship, shops, student accommodation and people's homes.

Yours sincerely

---

Name:

Address:

Contact:

Conditions attached for the Grant of a Sexual Entertainment Venue Licence

1. Total nudity (the exposing of genitalia) shall only be permitted in the booth area and at no other place in the premises;
2. No sex act shall take place;
3. The booth area proposed for strip tease (involving complete nudity) shall:
  - i) Be in a position where the performance cannot be seen from the street;
  - ii) Be in a designated area of the premises with segregation from the audience;
  - iii) Be in a position where performers will have direct access to the dressing room without passing through or in close proximity to the audience;
4. Performers shall be aged not less than 18 years;
5. No dancer shall perform if they are intoxicated;
6. There shall be no physical contact between persons appearing on stage and the audience. The entertainment shall be given only by performers/entertainers and the audience shall not be permitted to participate;
7. No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982);
8. The area proposed for dancing (involving partial nudity), shall be in a position where the performance cannot be seen from the street;
9. Entertainers providing topless dancing to customers seated at tables shall at all times wear a G-string or similar piece of clothing that covers the appropriate part of the body and at no time will reveal any part of their genitalia or anus;
10. All dancers must immediately dress at the conclusion of each performance;
11. Whilst the dancers are performing there shall be a minimum distance of 50 centimetres between the dancer and the seated customers. That 50cm is to be measured from the front legs of the chair/sofa that the customer sits upon. A line should be marked on the floor, 50cm away, and the dancer must remain the other side of the line so that the distance is clearly defined. Notices to this effect shall clearly be displayed at each table and at the entrance to the premises.
12. The licensee, performer and any person concerned in the organisation or management of the entertainment shall not encourage, or permit encouragement of the audience to throw money;
13. There shall be no physical contact between customers and the dancers except for the placing of money or tokens into the hands of the dancer at the beginning or conclusion of the performance;

14. Should a customer attempt to touch a dancer, the dancer must withdraw and report the matter to her/his manager/supervisor. No obstacle such as seating shall be placed in such a way as to prevent unimpeded exit from the booth for the dancer;
15. The Licensee shall record details and deal with any report of contact, misconduct or provocation by a customer or dancer. A record of the actions taken shall be kept in an incident book;
16. No telephone number, address or information leading to any further meeting shall be passed from customer to dancer or vice versa;
17. No member of the public shall be admitted or allowed to remain in the dance area if they appear to be intoxicated;
18. All members of the public shall remain seated in the dance area other than when they arrive, depart, visit the toilet or go to the bar;
19. The premises must 'risk assess' the need for door staff, all door staff working on the premises shall be registered with the Security Industry Authority (SIA);
20.
  - (i) Wide-angle digital CCTV shall be installed to fully cover all areas including the booth area and corridor where dancing will take place. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 30 days with time and date stamping;
  - (ii) Recordings shall be made available to an authorised officer of the Council or a Police Officer;
  - (iii) Facilities for viewing recording shall be available on site to an authorised officer of the council or police;
  - (iv) No person shall take any recordings or photographs of the authorised entertainment. Notices to this effect shall be clearly displayed at each table;
21. A door supervisor or member of the management team shall be present in the corridor at all times when the booths are in use for licensable activities;
22. Only curtains shall be permitted to segregate the booths from the corridor;
23. Whilst the agreed activities are taking place, no person under the age of 18 shall be allowed on to that part of the premises;

24. A national recognised proof of age scheme shall be in force at all times the premises are open to the public. A clear notice shall be displayed at each entrance to the premises in a prominent position so that it can be easily read by persons entering the premises on the following terms:-

“No person under 18 years shall be admitted”.

(Should the premises operate a proof of age scheme with an older age, that age shall be in the notice).