

**LICENSING ACT 2003 HEARING 13 MARCH 2011 (17:00HOURS)**

**APPLICATION FOR THE VARIATION OF A PREMISES LICENCE**

**1. Premises:**

Barts Grill Ltd  
21 Wokingham Road  
Reading  
RG6 1LE

**2. Applicant:**

Mr Jamshed Miah  
Barts Grill Ltd  
21 Wokingham Road  
Reading  
RG6 1LE

**3. Premise Licence: permits**

The provision of late Night Refreshment

Monday to Saturday 2300hrs until 0030hours  
Sunday 2300hours until 2400hours

Hours for the sale of alcohol on the premises

Monday to Saturday 1000hrs until 2430hours  
Sunday 1200hours until 2330hours

Good Friday from 1200hours until 2230hours  
Christmas Day from 1200hours until 2330 hours  
New Years Eve from the end of permitted hours for that day to the start of the permitted hours the following day.

A Copy of the premise licence is attached at Appendix I

**4. Proposed variation of licensable activities and hours:**

The application is to vary the premises licence to permit;

Hours applied for:

live music, recorded music, late night refreshment and the sale of alcohol on and off the premises.

**Live music.**

Monday to Sunday 1000hours until 2400hours.

**Recorded music, Performance of Dance,**  
Monday to Sunday 1000hours until 2400hours

**Late Night Refreshment**

Monday to Sunday 2300hours until 0030hours

**Sale of alcohol on and off the premises**

Monday to Sunday 1000hours until 0030hours

**Hours the premises are open to the public**

Monday to Sunday 0800hours until 0030hours

## 5. Temporary Event Notices

In considering any application the Licensing Authority should be aware of the possible use of Temporary Event Notices to extend entertainment activities or hours of operation.

A premises having a Premises Licence may extend the hours or scope of their operation by the use of Temporary Event Notices. Up to 12 events per year can be held under this provision at a particular premises. These events may last for up to 96 hours provided less than 500 people are accommodated and provided the total number of days used for these events does not exceed 15 per year.

## 6. Date of receipt of application: 24 January 2012

A copy of the application form is attached as Appendix II.

## 7. Date of closure of period for representations: 21 February 2012

## 8. Representations received:

Representations have been received from local residents, see Appendix III, Environmental Protection (noise) see appendix IV. Also is a plan showing the location of the premises (identified in black) and surrounding area see Appendix V.

## 9. Licensing Objectives and Reading Borough Council's Licensing Policy Statement

In considering representations received the Licensing Authority has a duty to carry out its functions with a view to promoting the four licensing objectives, which are as follows:

- the prevention of crime and disorder;
- public safety
- the prevention of public nuisance
- the protection of children from harm

The Council's Licensing Policy Statement sets out on page 31, under the heading " Licensing Hours " the Authorities position regarding permitted hours;

### 9.4 Licensed Premises in Residential Areas

9.4.1 In general, the Authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter conditions are likely to be imposed with regard to noise control in the case of premises that are situated in largely residential areas. In general, public houses located in and catering for residential areas wishing to open beyond 11pm will need to demonstrate clearly that public nuisance will not result from later operation.

<p><b>Mandatory conditions</b></p> <p><b>Supply of alcohol (to be applied where a premises licence authorises the supply of alcohol)</b></p> <ol style="list-style-type: none"> <li>1. No supply of alcohol may be made under the premises licence; <ol style="list-style-type: none"> <li>(a) at a time where there is no designated premises supervisor in respect of the premises licence; or</li> <li>(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.</li> <li>(c) every supply of alcohol under the premise licence must be made authorised by a person who holds a personal licence</li> </ol> </li> </ol>
<p><b>Film Exhibitions (to be applied only where a premises licence authorises the exhibition of films)</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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. In the case of films that 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.</li> </ol>
<p><b>Door Supervisors (to be applied where a premises licence includes a condition that any person must be at the premises to carry out a security activity).</b></p> <p>Each individual present at the licensed premises to carry out a security activity must be licensed by the Security Industry Authority.</p>
<p><b>On licence premises only,</b></p> <p>For on Licence Premises Only:</p> <ol style="list-style-type: none"> <li>(a) The responsible person, within the meaning of Section 153 (4) of the Licensing Act 2003, shall take all reasonable steps to ensure that staff on relevant premises, within the meaning of Section 159 of the Licensing Act 2003, do not carry out, arrange or participate in any irresponsible promotions in relation to the premises;</li> <li>(b) 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:</li> </ol>

(i) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(a) 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, within the meaning of Section 153 (4) of the Licensing Act 2003, is authorised to sell or supply alcohol), or

(b) drink as much alcohol as possible (whether within a time limit or otherwise);

(ii) 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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Licensing Act 2003);

(iii) 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;

(iv) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(a) the outcome of a race, competition or other event or process, or

(b) the likelihood of anything occurring or not occurring;

(v) 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;

**Responsible drinking On and Off Sales:**

The responsible person, within the meaning of Section 153 (4) of the Licensing Act 2003, shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability);

#### **Supply of tap water**

**On licence premises only** The responsible person, within the meaning of Section 153 (4) of the Licensing Act 2003, shall ensure that free tap water is provided on request to customers where it is reasonably available.

#### **Proof of Age Scheme.**

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the supply of alcohol.

(2) The policy must require individuals who appear to the responsible person, within the meaning of Section 153 (4) of the Licensing Act 2003, shall ensure 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 a holographic mark.

#### **Drink Measures**

##### **On licence Premises only.**

The responsible person within the meaning of Section 153 (4) of the Licensing Act 2003, shall 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: half a pint
- ii) gin, rum, vodka or whiskey: 25ml or 35ml and
- iii) still wine in a glass: 125 ml and

b) customers are made aware of the availability of these measures

#### **Conditions consistent with the operating Schedule**

1. Children shall not be permitted on the premises after 2000hrs without a responsible adult.