

To: Councillors Woodward (Chair) and
Skeats

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5 December 2018

Your contact is: Amy Bryan - Committee Services

NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 2 - 13 DECEMBER 2018

A meeting of the Licensing Applications Sub-Committee 2 will be held on Thursday, 13 December 2018 at 9.30 am in the Council Chamber, Civic Offices, Bridge Street, Reading, RG1 2LU. The Agenda for the meeting is set out below.

<u>ACTION</u>	<u>WARDS AFFECTED</u>	<u>Page No</u>
1. DECLARATIONS OF INTEREST		
(a) Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration;		
(b) Councillors to declare whether they wish to speak on the grounds they:		
(i) Have submitted a relevant representation as an interested party; or		
(ii) Will be speaking on behalf of an interested party.		
2. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - SHINFIELD FILLING STATION, SHINFIELD ROAD, READING	CHURCH	3 - 46
To consider an application for the variation of the Premises Licence in respect of Shinfield Filling Station, 211 Shinfield Road, 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.

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LICENSING ACT 2003 HEARING THURSDAY 13th DECEMBER 2018 AT 0930HRS

APPLICATION FOR THE VARIATION OF A PREMISES LICENCE

1. Premises:																																											
Shinfield Filling Station 211 Shinfield Road Reading RG2 8HA																																											
2. Applicant:																																											
Motor Fuel Ltd																																											
3. <u>Premises Licence:</u>																																											
<p>There is currently a premises licence pursuant to the Licensing Act 2003 in force at the premises. The current licensable hours are:</p> <p>Hours for the Provision of Late Night Refreshment</p> <table style="width: 100%;"> <tr><td>Monday</td><td>from 2300hrs until 2400hrs</td></tr> <tr><td>Tuesday</td><td>from 2300hrs until 2400hrs</td></tr> <tr><td>Wednesday</td><td>from 2300hrs until 2400hrs</td></tr> <tr><td>Thursday</td><td>from 2300hrs until 2400hrs</td></tr> <tr><td>Friday</td><td>from 2300hrs until 2400hrs</td></tr> <tr><td>Saturday</td><td>from 2300hrs until 2400hrs</td></tr> <tr><td>Sunday</td><td>from 2300hrs until 2400hrs</td></tr> </table> <p>Hours for the Sale by Retail of Alcohol</p> <table style="width: 100%;"> <tr><td>Monday</td><td>from 0600hrs until 2400hrs</td></tr> <tr><td>Tuesday</td><td>from 0600hrs until 2400hrs</td></tr> <tr><td>Wednesday</td><td>from 0600hrs until 2400hrs</td></tr> <tr><td>Thursday</td><td>from 0600hrs until 2400hrs</td></tr> <tr><td>Friday</td><td>from 0600hrs until 2400hrs</td></tr> <tr><td>Saturday</td><td>from 0600hrs until 2400hrs</td></tr> <tr><td>Sunday</td><td>from 0600hrs until 2400hrs</td></tr> </table> <p>Hours the Premises is Open to the Public</p> <table style="width: 100%;"> <tr><td>Monday</td><td>from 0000hrs until 2400hrs</td></tr> <tr><td>Tuesday</td><td>from 0000hrs until 2400hrs</td></tr> <tr><td>Wednesday</td><td>from 0000hrs until 2400hrs</td></tr> <tr><td>Thursday</td><td>from 0000hrs until 2400hrs</td></tr> <tr><td>Friday</td><td>from 0000hrs until 2400hrs</td></tr> <tr><td>Saturday</td><td>from 0000hrs until 2400hrs</td></tr> <tr><td>Sunday</td><td>from 0000hrs until 2400hrs</td></tr> </table>		Monday	from 2300hrs until 2400hrs	Tuesday	from 2300hrs until 2400hrs	Wednesday	from 2300hrs until 2400hrs	Thursday	from 2300hrs until 2400hrs	Friday	from 2300hrs until 2400hrs	Saturday	from 2300hrs until 2400hrs	Sunday	from 2300hrs until 2400hrs	Monday	from 0600hrs until 2400hrs	Tuesday	from 0600hrs until 2400hrs	Wednesday	from 0600hrs until 2400hrs	Thursday	from 0600hrs until 2400hrs	Friday	from 0600hrs until 2400hrs	Saturday	from 0600hrs until 2400hrs	Sunday	from 0600hrs until 2400hrs	Monday	from 0000hrs until 2400hrs	Tuesday	from 0000hrs until 2400hrs	Wednesday	from 0000hrs until 2400hrs	Thursday	from 0000hrs until 2400hrs	Friday	from 0000hrs until 2400hrs	Saturday	from 0000hrs until 2400hrs	Sunday	from 0000hrs until 2400hrs
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A copy of this licence - numbered LP2002104 - is attached at appendix LIC-4

4. Proposed licensable activities and hours:

The application is for the variation of a premises licence for the following activities:

Hours for the Sale by Retail of Alcohol (off the premises)

Monday to Sunday from 0000hrs to 2400hrs

Provision of Late Night Refreshment

Monday to Sunday from 2300hrs until 0500hrs

The application also proposes a number of conditions in respect of the proposed activities and seeks to increase the size of the licensable area as indicated on the plan. The premises were found to have increased their licensable area when a licensing officer attended the premises this year.

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 may extend the hours or scope of their operation by the use of Temporary Event Notices. Up to 15 events per year can be held under this provision at a particular premises. These events may last for up to 168 hours provided less than 500 people are accommodated and provided the total number of days used for these events does not exceed 21 per year.

6. Date of receipt of application: 19th October 2018

A copy of the application form and plan are attached as Appendix LIC-1

7. Date of closure of period for representations:

16th November 2018

8. Representations received:

During the 28 day consultation process for the application, the following representations were received from:

Trading Standards (attached at appendix LIC-2)

RBC Environmental & Nuisance Team (attached at appendix LIC-3)

A copy of the premises planning permission in the form of an appeal to the Planning Inspectorate is attached within appendix LIC-3

9. Licensing Objectives

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:

objectives, which are as follows:

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

Any conditions that are placed on a premises licence should be appropriate and proportionate with a view to promoting the licensing objectives. The Licensing Authority can amend, alter or refuse an application should it be deemed appropriate for the promotion of the licensing objectives.

The Council's licensing policy also places an onus on applicant's who wish to open past 11pm to demonstrate how they will mitigate the issues of crime and disorder and potential public nuisance.

Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018)

Licensing Objectives and Aims:

- 1.5 (However) the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

They include:

protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;

Steps to promote the licensing objectives

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics websites;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

The role of responsible authorities

9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Licensing authorities acting as responsible authorities

9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.

Proposed conditions

10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

Public Nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

Integrating strategies

14.63 It is recommended that statements of licensing policy should provide clear indications of how the licensing authority will secure the proper integration of its licensing policy with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other plans introduced for the management of town centres and the night-time economy. Many of these strategies are not directly related to the promotion

of the licensing objectives, but, indirectly, impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important.

Licensing Act 2003

The Licensing Act 2003 under Section 35 also states that any relevant representation should be considered in the context of:

(a) the likely effect of the grant of the premises licence on the promotion of the licensing objectives.

Therefore in the context of the grant of a licence, it is reasonable for the Licensing Authority to base its decision on an application on what the likely effects of granting a licence would have on the promotion of the licensing objectives.

The Council's Statement of Licensing Policy (October 2018)

Licensing and Planning Integration

2.3 The planning authority have a number of policies that impact on Reading's night time economy. The Licensing authority recognises that licensing applications should not be a rerun of the planning application process. The planning authority remains the regime that is directed at development of land and the use of premises upon it. The licensing authority remains the regime that is directed at the licensable activities and responsible management of said premises upon that land.

2.4 Whilst there is a clear distinction and separation between the licensing authority and planning authority in terms of their remit, there are times when there are overlapping considerations. In order to secure proper integration across the Council's range of policies, the Licensing authority will expect applicants to demonstrate that their proposed use of a premises is lawful in planning terms, including complying with any conditions and timings that may be imposed upon a planning consent prior to any application being submitted under the Licensing Act.

2.5 Where the planning authority has granted planning consent to a specific time, the Licensing authority would expect any applicants under the Licensing Act to not exceed that time within any application.

2.6 Where the planning authority has granted a planning consent that contains conditions that may undermine the promotion of the licensing objectives (such as a restriction in the opening hours based on potential public nuisance issues), the licensing authority would expect applicants to demonstrate how they will mitigate those issues within any application. Failure to do so could lead to representations being made against an application.

2.7 Whilst acknowledging that planning and licensing are separate regimes and that licensing authorities are not bound by the decisions of planning committees (and vice versa), the licensing authority shall aim for the proper integration between licensing and all other Council policies, strategies and initiatives in order to actively promote the licensing objectives.

Other Legislation that the Licensing Authority will consider:

3.7 The Licensing Authority will also have cognisance to the following legislation when it decides to discharge its responsibilities under the Licensing Act. This list is not exhaustive:

- Environmental Protection Act 1990 which deals with noise and nuisance
- Regulatory Reform Order 2005 which deals with fire safety
- Highways Act 1980 which deals with pavement café licences
- Reading Borough Council Act 2013 which deals with street trading and touting
- Health and Safety at Work Act 1974 and Food Hygiene regulations
- Planning legislation (see paragraphs 2.2-2.9 of this policy)

Off Licences and Conditions - General Approach

6.11 Shops selling alcohol for consumption off the premises can be the focus of antisocial behaviour, crime and disorder and public disturbance. In the town centre and Oxford Road area, for example, there are significant issues with street drinking and the associated anti social behaviour this causes.

6.12 Any applications for off licences shall be considered in the light of all relevant matters that may undermine the licensing objectives such as street drinking in that locality as well as the availability of high strength beers, lagers and ciders and the detrimental effect those products have on health outcomes. This approach will apply to the whole Borough of Reading and the authority will seriously consider any representation made to it by Thames Valley Police, Public Health or other responsible authorities which indicate that the availability or sale of high strength beers, lagers and cider are likely to be detrimental to the promotion of the four licensing objectives.

6.13 When considering applications for off licences, the authority would expect applicants to acknowledge the above issues within their operating schedule.

6.14 The authority, whilst taking all applications on their own merits, will not generally grant applications for the 24 hour sale of alcohol for consumption off the premises. The authority will expect proactive measures to be included within the operating schedule that prohibits or restricts the sale of high strength beers, lagers and ciders above 6.5% in order to assist with preventing street drinking, preventing anti social behaviour and to actively promote the licensing objectives.

6.15 Applications for off licences would also be expected to contain evidence of appropriate staff training, the utilisation of a Challenge 25 age

verification policy and the use of CCTV to cover the entire proposed licensable area. This is not an exhaustive list and conditions should be appropriate and proportionate to the style of operation and taking into account the issues in the locality.

6.16 All licence holders will be expected to actively participate in initiatives set up in Reading which aim to tackle the issues of alcohol related anti social behaviour and the proliferation of high strength beers, lagers and ciders above 6.5%. Initiatives such as 'Reducing the Strength' are proven to reduce alcohol related anti social behaviour in the Borough

Licensing Hours - General Approach

7.1 The Licensing Act 2003 gives the licensing authority the power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of this policy. The licensing authority will make appropriate decisions on licensing hours for the locality of each premises. All applications will be considered on its individual merits.

7.2 When an application receives representations, the authority may consider reducing the opening hours and times for licensable activities if it considers it appropriate for the promotion of the licensing objectives.

7.3 As part of the operating schedule submitted with any application, the applicant is expected to take cognisance of the guidance, this policy and any other available data pertaining to their prospective locality and the potential impact their operation may have on that area.

7.4 Where it is deemed appropriate and proportionate to do so, the authority may seek to reduce the hours for licensable activities in order to promote an orderly and gradual dispersal from a certain area or certain premises.

7.5 All applicants and licence holders are expected to achieve and to adhere to any relevant planning permissions - including hours of operation. Applicants are expected to achieve planning permission before applying for any licence. Where the planning authority have set a terminal hour on a premises planning permission, the licensing authority will generally only grant a licence to that hour. This is to ensure consistency and integration between licensing and planning as detailed in section 2 of this policy.

Licensed Premises in Residential Areas

7.6 When dealing with applications and issuing licences, the authority is likely to impose stricter conditions on premises operating in residential areas if it considers it appropriate and proportionate to do so. This will

apply to all premises types.

7.7 Generally, any licensed premises looking to open past 11pm (2300hrs) in a residential area will need to demonstrate clearly in their operating schedule that public nuisance will not result from later operation. As part of the operating schedule, applicants should read the Secretary of State's Guidance, this policy and any other relevant document and ensure that robust measures are included in any application.

7.9 Premises with outdoor areas such as beer gardens and smoking areas may also be subject to further restrictions in regard to their operation and use.

7.13 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during their normal trading hours. However, in the case of individual shops that are suspected or known to be a focus of crime and disorder, anti social behaviour or public nuisance, then subject to relevant representations being received, a limit on licensing hours and opening hours may be appropriate.

Late Night Refreshment

7.16 There are concerns about noise, nuisance, crime and disorder and anti social behaviour in respect of premises open late and providing hot food and drink. Operators and potential applicants of late night refreshment venues wishing to open past 11pm will need to demonstrate that there are suitable policies and procedures in place to mitigate any undermining of the licensing objectives from their operation. If suitable practices and policies are not put in place and it is the belief of the Authority that crime and disorder and/or a public nuisance is likely to occur due to the late operation of late night refreshment premises, then the Authority will look at reducing the hours and or (subject to relevant representations being received) removing late night refreshment from an application in its entirety.

7.17 The Authority - whilst taking each application on its own merits - is unlikely to grant excessive hours to any premises if it believes it will undermine the promotion of the licensing objectives in the locality where it proposes to operate. Applicant's should ensure that their application takes cognisance of the information available - including crime data - and ensure that the operating schedule is tailored accordingly. Premises within the Council's town centre Cumulative Impact Area will also need to ensure that they rebut the presumption of refusal against applications in that area.



Reading
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@reading.gov.uk
 Telephone: 0118 937 3762

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	MFG SHINFIELD	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on behalf of the applicant? <input checked="" type="radio"/> Yes <input type="radio"/> No		Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name	MOTOR FUEL	
* Family name	LIMITED	
* E-mail	[REDACTED]@motorfuelgroup.com	
Main telephone number		Include country code.
Other telephone number		
<input checked="" type="checkbox"/> Indicate here if the applicant would prefer not to be contacted by telephone		

Is the applicant:

- ☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Registration number	5206547	
Business name	MOTOR FUEL LIMITED	If the applicant's business is registered, use its registered name.
VAT number	- 123 4141 61	Put "none" if the applicant is not registered for VAT.
Legal status	Private Limited Company	

Continued from previous page...

Applicant's position in the business

LIMITED COMPANY

Home country

United Kingdom

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

GLADSTONE PLACE

Street

36-38 UPPER MARLBOROUGH ROAD

District

City or town

ST ALBANS

County or administrative area

HERTS

Postcode

AL1 3UU

Country

United Kingdom

Agent Details

* First name

CHRIS

* Family name

MITCHENER

* E-mail

██████@licensingolutions.org.uk

Main telephone number

██████████

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
- ☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House?

☐ Yes ☒ No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK?

☐ Yes ☒ No

Business name

LICENSING SOLUTIONS

If your business is registered, use its registered name.

VAT number

-

566 4798 82

Put "none" if you are not registered for VAT.

Legal status

Sole Trader

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

83,000

Section 3 of 18

VARIATION

Do you want the proposed
variation to have effect as
soon as possible?

☒

Yes

☐

No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?

☐

Yes

☒

No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

GROUND FLOOR CONVENIENCE STORE LOCATED ON A FORECOURT - EXTEND THE HOURS FOR THE SUPPLY OF ALCOHOL AND THE PROVISION OF LATE NIGHT REFRESHMENT AND DEPOSIT A MODIFIED PLAN

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to
vary is successful?

☐

Yes

☒

No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to
vary is successful?

☐

Yes

☒

No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

☐ On the premises ☒ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

HOURS CONDITIONS ON SUPPLY OF ALCOHOL AND PROVISION OF LNR PLUS OTHER CONDITIONS TO BE AMENDED PER ANNEX OF CONDITIONS ATTACHED TO THIS APPLICATION

☐ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

LICENCE TO FOLLOW IN THE POST FROM HEAD OFFICE

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

MANDATORY AND OTHER CONDITIONS NOT HIGHLIGHTED AS THOSE TO BE ADJUSTED OR INCLUDED IN CONDITIONS ANNEX ATTACHED WITH APPLICATION TO REMAIN OR ENHANCED INCLUDING ALARM SYSTEM, CCTV SYSTEM WITH RECORDING FACILITIES, TRAINED STAFF WITH RECORDED ONGOING ALCOHOL TRAINING REGIME, CHALLENGE 25 AND PROOF OF AGE INITIATIVE EMBRACED, INSTORE CHALLENGE SIGNAGE, REFUSALS SYSTEM WITH REFUSALS BOOK AND INCIDENT LOG, ACCESS TO THE SHOP AT THE DISCRETION OF THE CASHIER 23.00 TO 05.30 DAILY AND SIGNAGE REQUESTING CUSTOMERS RESPECT NEEDS OF LOCAL RESIDENTS AND LEAVE QUIETLY,

b) The prevention of crime and disorder

ALARM SYSTEM, CCTV SYSTEM WITH RECORDING FACILITY, TRAINED STAFF, CHALLENGE 25, REFUSALS SYSTEM AND INCIDENT LOG

c) Public safety

STAFF TRAINED IN FIRE SAFETY PROCEDURES AND THE USE OF FIRE SAFETY EQUIPMENT, FIRE FIGHTING EQUIPMENT

d) The prevention of public nuisance

STAFF TRAINED TO DEAL WITH SITUATIONS, USEABLE WASTE BINS PROVIDED ON THE FORECOURT

e) The protection of children from harm

FULL ALCOHOL TRAINING REGIME IN USE, ONGOING RECORDED ALCOHOL TRAINING WITH REFRESHER TRAINING TO BE CARRIED OUT, CHALLENGE 25 TRADING INITIATIVE EMBRACED, CHALLENGE SIGNAGE, REFUSALS SYSTEM AND REFUSALS BOOK

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

The fee payable will be based on the rateable value of the property. Band A - £0 - £4300 - Fee Payable - £100 Band B - £4301 - £33,000 - Fee Payable - £190 Band C - £33,001 - £87,000 - Fee Payable - £315 Band D - £87,001 - £125,000 - Fee payable - £450 Band E - £125,001 and over - Fee payable - £635 Additional fees apply to outdoor events.

* Fee amount (£)

315.00

DECLARATION

I/WE UNDERSTAND THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

CHRIS MITCHENER

* Capacity

DULY AUTHORISED AGENT

* Date

19

dd

/

10

mm

/ 2018

yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/reading/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number	MFG SHINFIELD
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

SHINFIELD FILLING STATION, SHINFIELD ROAD, READING

Recommended Conditions

Closed Circuit Television

1. The Premises Licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are undertaking licensable activities and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area and forecourt shall be covered by the CCTV. Data recordings shall be made available to an authorised officer of Reading Borough Council or Thames Valley Police, together with facilities for viewing upon request **subject to the provisions of the Data Protection Act**. Recorded images shall be of such a quality as to be able to identify the recorded person.

2. Signage advising customers that CCTV is in use shall be positioned in prominent positions

Age Verification Policy

3. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, **Military ID or** proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme as set down within the mandatory conditions) are to be accepted as identification. A copy of the age verification policy shall be displayed in a prominent position on the premises.

4. Signage advertising the Challenge 25 scheme and age shall be displayed in prominent positions on the premises.

Staff Training

5. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book or electronic register. The book/ register shall contain:
Details of the time and date the refusal was made;
The identity of the staff member refusing the sale;
Details of the alcohol the person attempted to purchase.

This book /register will be available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police. A four weekly review of the refusal book/register shall also be carried out and signed off by the Designated Premises Supervisor or their nominated representative.

6. Staff employed to sell alcohol shall undergo training upon induction in utilising the Challenge 25 proof of age checking policy. This shall include, but not be limited to, dealing with refusal of sales, proxy purchasing and identifying

attempts by intoxicated persons to purchase alcohol. Such training sessions are to be completed before the employee is permitted to sell alcohol, documented and refreshed every six months. Records of training shall be kept for a minimum of two years and be made available to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.

Incident Register

7. An incident register shall be used, maintained and kept on the premises to record any incident of crime and disorder or instances when the police have had to attend the premises. The register shall be made available for inspection to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.

Prevention of Public Nuisance

8. Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly.

9. Alcohol deliveries to the premises shall only take place between 07:00 hours and 23:00 hours.

Other Initiatives

10. Spirits (with the exception of spirit mixers and pre-mixed spirit drinks) shall be located behind the counter.

11. The premises licence holder shall at all times maintain an adequate level of staff.

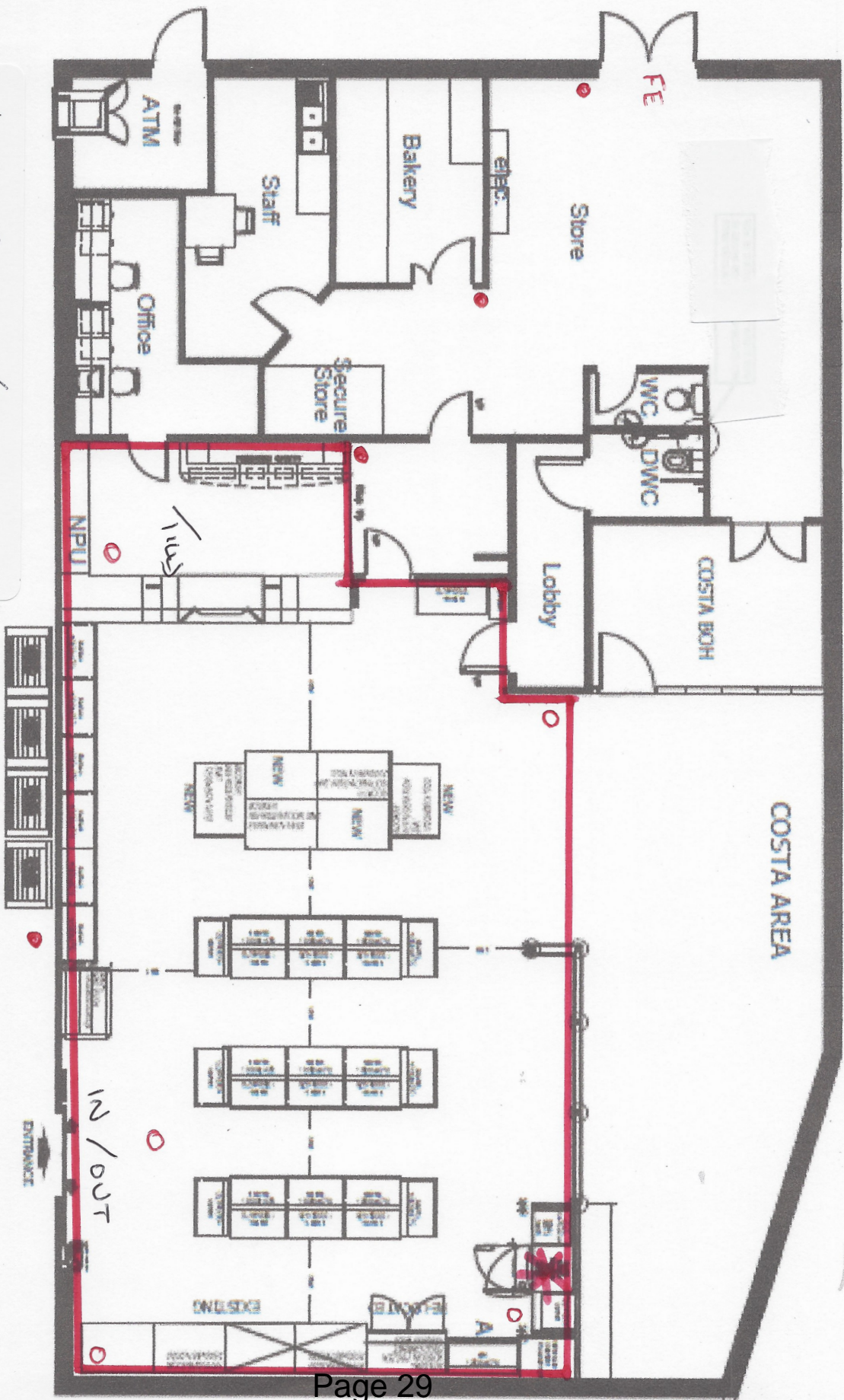
12. The external area of the premises and forecourt shall be kept clean and tidy. Adequate waste receptacles for use by the customers shall be provided in and immediately outside the premises.

Existing Conditions

Conditions Consistent with the Operating Schedule

1. The Premises Licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The CCTV cameras will provide total coverage of the licensable area. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or a Thames Valley Police officer, together with facilities for viewing upon request. Recorded images shall be of such a quality as to be able to identify the recorded person.
2. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid **British** driver's licence showing a photograph of the person, a valid passport or a nationally approved proof of age card showing the 'Pass' hologram (or any other similarly nationally recognised scheme) are to be accepted as identification.
3. Notices advertising the Challenge 25 policy shall be displayed in prominent positions on the premises;
4. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book /register. The book/ register shall contain:
 - Details of the time and date the refusal was made;
 - The identity of the staff member refusing the sale ;
 - Details of the alcohol the person attempted to purchase.This book /register will be available for inspection when requested by a Police Officer or authorised officer of Reading Borough Council and shall be retained for six months.
5. All incidents that are recorded in the incident register shall be signed off by the Designated Premises Supervisor or nominated representative. A weekly review of the incident register shall also be carried out by the Designated Premises Supervisor.
6. **Alcohol deliveries to the premises shall only take place between 07:00 hours and 23:00 hours.**
7. Staff employed to sell alcohol shall undergo training upon induction in utilising the Challenge 25 proof of age checking policy. This shall include, but not be limited to, dealing with refusal of sales, proxy purchasing and identifying attempts by intoxicated persons to purchase alcohol. Such training sessions are to be documented and refreshed every six months. Records of training shall be kept for a minimum of two years and be made available to an authorised officer of Thames Valley Police and Reading Borough Council.

KEY - CAMERA ○ EXHIBIT ● GNE EXIT FE



MEGA SKINLEAD STATION
211 SKINLEAD ROAD
REAR DOOR 2512 814A
02718 1-10000 A4

MEGA DISCUSS TUBES AND STAGE WITH
THE LEO BOARD
LNL = COSTA MAXIMUM OR SIMILAR *



Name of Officer	Tessa Brunsden						
Type of Application	Grant of a Premises Licence - Licensing Act 2003						
Name of Premises	Shinfield Filling Station						
Address	211 Shinfields Road						
	Reading						
	RG2 8HA						
Proposed Licensable Activities	Sale by Retail of Alcohol						
	Provision of Late Night Refreshment						
Finish Times	Mon	Tue	Wed	Thu	Fri	Sat	Sun
	X	X	X	X	X	X	X

Content of Application

The application seeks to:

1.	Supply of Alcohol (off premises)	Monday - Sunday	24.00 hours
2.	Late Night Refreshment	Monday - Sunday	23.00-0500 hours
3.	Hours premises open to public	Monday - Sunday	24.00 hours

Officer comments

CAP would like to suggest a variation to the application; to shorten the hours the premise is able to sell alcohol due to the impact alcohol consumption has in the South Reading area. Estimates indicate that 18,185 people are drinking above the recommended levels in this area.

All licensed applications must comply with the 4 licensing objectives. CAP believes Shell's original 24 hour opening request, has not taken into account specifically;

- The prevention of crime and disorder
- The prevention of public nuisance

In CAP's opinion and from an alcohol perspective alone, we do not think there is a need for a 24 hour premise which sells alcohol.

The JSNA show that there is a high estimated % of adults that binge drink in Whitley. And that ASB are the 2nd highest occurring crime. (please see below)

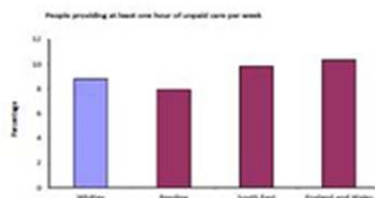
6. HEALTH

Lifestyles

- The heights and weights of children in reception year and year 6 are measured annually as part of the National Child Measurement Programme. 12% of reception year children in Whitley are obese. An average of 10% of reception year children in Reading are obese.
- 23.7% of year six children in Whitley are obese. An average of 19.9% of year six children in Reading are obese. It is important to note that this data at Ward level involves small numbers and any differences between areas will be, in part, due to chance occurrences in the data.
- An estimated 29.9% of adults in Whitley are obese.
- An estimated 19.1% of adults in Whitley binge drink.
- An estimated 20.2% of adults in Whitley eat healthily.

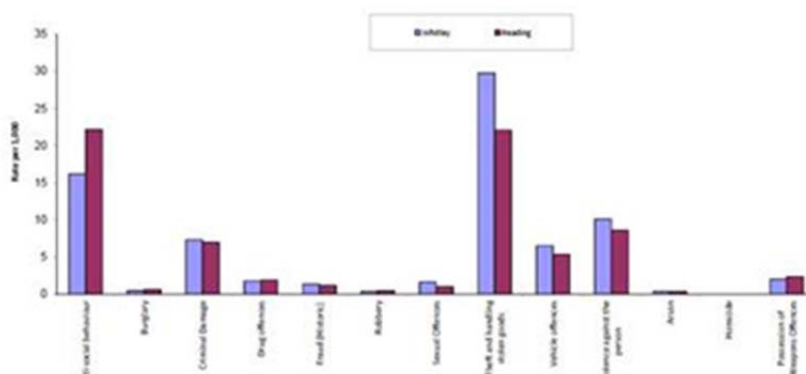
Sense of health and wellbeing

- According to the 2011 Census 81.9% of adults in Whitley feel that they are in either good or very good health.
- 7.4% of adults in Whitley feel that their lives are limited a lot due to ill health or disability and 8.5% of adults in Whitley feel that their lives are limited a little due to ill health or disability.



8. COMMUNITY SAFETY

- There were 767 crimes recorded in Whitley during 2013/14. This equates to 65 crimes per 1,000 people living in Whitley - a rate that is lower than the average across Reading.
- The most commonly occurring crime was classified as Theft and handling stolen goods for which there were 29.8 crimes per 1000 people living in Whitley.



CAP is currently working on a Project with Reading University, looking at the drinking culture of 18- 24 years and analysing the consumption by University students and any problems related. The Council have received at least 2 complaints this month, by residents who are an 8 minutes' walk from the Shell garage, connected to what is believed to be University students, Alcohol, noise and ASB. CAP believes if we allow the 24 hours License, this could make these types of complaints more frequent and a more problematic area for the Community to live in.

However, if the requirement for the extended licence is due to the sale of Petrol, CAP would suggest the 24 hour opening be granted for Petrol and Food but the Sale of alcohol restricted.

Date Received

14/11/2018

Date Due

16/11/2018

Date			

.

INTERNAL MEMORANDUM

To: Licensing

Dept: Licensing

Cc:

From: Rebecca Moon

Dept: Environmental Protection &
Nuisance

Date: 30 October 2018

Urgent ☐ Response required ☐ Further action (see below) ☐

Subject: Application for Premises Licence: ref - 633764
Premises: Shinfield Filling Station, 211 Shinfield Road, RG2 8HA

I refer to the above application.

I have reviewed the application and consulted our records and would like to make representation against the application. I am concerned that due to the residential location of the premises, the measures outlined in section P(d) of the application would not be sufficient to prevent a public nuisance from occurring.

The Reading Borough Council Licensing Policy Statement states that public houses [presumably including other licensed premises] 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. In this case I do not believe that the applicant has demonstrated this to be the case.

The main areas of concern are:

- Noise from customers coming and going from the premises including noise from vehicles on the forecourt.

In 2004 a planning appeal took place after refusal of planning application 04/00051/VARIAT and the planning inspectorate determined that the premises opening hours should be restricted with the following condition:

The petrol filling station including the sales building and car wash shall operate only between the hours of 06:00 and 24:00 daily. The reason for this was to prevent damage to the living conditions of local residents due to noise and disturbance that would be likely to result from opening after midnight.

It is therefore my view that a public nuisance is likely to result from the granting of licensable activities after midnight. It is also contrary to the Council's licensing policy for the licence to allow operation outside of the permitted planning hours.

Please contact me if you require any further information.

Kind regards

Rebecca Moon
Senior Environmental Health Officer



Appeal Decision

Hearing held on 16 March 2005

Site visit made on 16 March 2005

by **Christine A Thorby** DipTP MRTPI IHBC

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

29 APR 2005

Appeal Ref: APP/E0345/A/04/1152983

Shell Shinfield, 209 - 219 Shinfield Road, Reading, Berkshire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Shell UK Limited against the decision of Reading Borough Council.
- The application Ref 04/00051/VARIAT/PJJ, dated 16 December 2003, was refused by notice dated 17 May 2004.
- The application sought the variation of a condition attached to a planning permission Ref 01/00988/FUL, dated 21 October 2002, for demolition of existing sales building of petrol filling station; the erection of a new enlarged sales building to create 205m2 net sales area (A1 use) etc.
- The condition in dispute is No 14 which states that: the petrol filling station including the sales building and car wash shall operate only between the hours of 7am and 11pm daily.
- The reason given for the condition is: to protect the amenities of local residents and the locality generally.

Summary of Decision: The appeal is allowed in part and planning permission is granted subject to conditions in the terms set out below in the Formal Decision.

Procedural Matters

1. At the Hearing an application for costs was made by Shell UK Limited against Reading Borough Council. This application is the subject of a separate Decision.
2. The appeal scheme is for variation of condition 14 to: Petrol forecourt to operate 24 hours a day with petrol and retail sales via a night hatch during the hours of 2400 and 0600 daily and to allow the sales building to operate between the hours of 0600 and 2400 daily. I intend to deal with the appeal on this basis.

Main Issue

3. I consider the main issue in this case to be the effect of the proposal on the living conditions of the nearby residents in terms of noise and disturbance.

Planning Policy

4. The development plan includes the Reading Borough Local Plan 1991 - 2006 adopted in 1998. Policy RET 4 generally supports proposals that maintain and enhance the vitality and appearance of shopping centre. RET 5 aims to prevent development which could cause nuisance to nearby residents. HSG4 aims to protect residential amenity in predominantly residential areas. RET 7 sets out criteria for petrol filling stations, including the effect of noise and disturbance on nearby residents.

Reasons

5. Shinfield Road is a long road which forms the main route from Reading to Aldershot. The appeal site is located within the boundaries of the Shinfield Road District Shopping Centre in an area characterised by a mix of commercial and residential properties. Commercial uses adjoin the site along the Shinfield Road. The rear gardens of residential properties in Shinfield Rise and Westlands Avenue adjoin the appeal site to the east and south. Opposite the appeal site are a row of commercial units at ground floor with residential units at above. The appeal site comprises a retail unit located in the south western part of the appeal site toward Shinfield Road, with petrol pumps in the centre of the site. A car wash facility and liquid gas pump are located to the rear of the site.
6. I note that there are a number of shops on Shinfield Road within close vicinity to the appeal site that are open until 2400 (midnight). There is no conclusive evidence that gangs of people congregate around the shops at night causing noise and disturbance and the sale of alcohol within the garage retail unit, is governed by a separate license. I consider, therefore, that the proposed opening of the retail unit and petrol sales would not add significantly to noise and activity associated with the district town centre at this time. The flats opposite are located within the local shopping centre where an element of early morning and late night activity would not be unexpected. Additionally, with the location of the retail unit close to Shinfield Road, the activity associated with the retail use would take place a sufficient distance away from the residential properties that adjoin the site to the rear and side. I consider this element of the proposal would not significantly detract from the living conditions of the nearby residential occupiers or be contrary to policies RET7 and RET5 in this regard.
7. The use of the petrol station and night sales hatch between the hours of 2400 to 0600 would give rise to noise and activity associated with this use from vehicle movements, car doors, people talking and general activity in filling up a vehicle with fuel or purchasing items from the shop through the night hatch.
8. No detailed analyses of the number of vehicles using the road has been submitted; however, the appellant indicated that some 12-13 vehicles per hour might be expected to use the petrol station facilities between the hours of 1200 to 0400 and this would involve a vehicle using the garage facilities around 5 minutes intervals throughout the night. After 0400 levels of activity would rise with the increase in traffic using the road. The parking area associated with the garage is located at the rear of the site. While the spaces may not be lit after midnight they would be usable and this could add to vehicle noise and activity on the site.
9. Although Shinfield Road is a main road where some traffic noise is expected at night, the residential area to the rear is quiet and suburban in character. There is no evidence that any night time noise (2400 – 0600 hours) arises from the district shopping centre. I consider therefore that the level of activity from the proposed petrol and retail sales via a night hatch between 2400 – 0600 would be noticeable from the houses, particularly when window are open, such that it would be not be masked by the road traffic noise or the buildings on site and it would be intrusive to the occupiers of adjoining properties on Westfield Avenue and Shinfield Rise which would detract from their living conditions and be contrary to the aims of policies RET5 and RET7 which relate to noise and disturbance.

10. Although a previous appeal decision (1993) for the site allowed 24 hour petrol sales and access to shopping facilities via a night hatch, I do not know the full circumstances of this case. No details have been submitted of the full considerations of either the appeal decision or the previous planning consent which set the time limit condition the subject of this appeal, and it is unclear what information these decisions were based on. I have taken into account all the information submitted about the 1993 appeal scheme such as the location of the petrol pumps and parking, the containment of activity by the buildings and the sales of hot food. However, I consider the level of activity and the effects on neighbours from the proposed night opening hours (2400 – 0600) would be harmful to neighbours' living conditions.
11. I conclude that the opening hours of the shop to 0600 – 2400 would not detract from the living conditions of the occupiers of the adjoining properties and this would be acceptable, but that the petrol sales and retail sales via a night hatch from 2400 – 0600 would give rise to noise and disturbance which would be harmful to the living conditions of the nearby residents.

Other Matters

12. I note comments raised by the neighbouring store about competition; however the purpose of the planning system is not to protect the interest of one party over another and this matter has not influenced my decision. The proposal would provide an additional service to the district shopping centre and activity and I accept that surveillance from use of the garage is likely to reduce crime rather than increase it. However, neither these nor any other matters raised outweigh my considerations about the harm to neighbouring occupiers' living conditions from the proposed 2400 – 0600 opening hours.

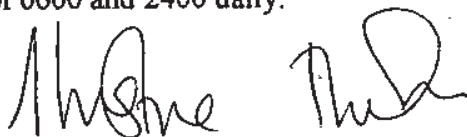
Conclusions

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should partly succeed. I will grant a new planning permission without the disputed condition but substituting others and retaining some of the disputed conditions and the relevant non-disputed conditions from the previous permission.

Formal Decision

14. I allow the appeal in part and grant planning permission for demolition of existing sales building of petrol filling station, the erection of a new enlarged sales building to create 205m2 net sales area (A1 use) etc. at Shell Shinfield, 209 - 219 Shinfield Road, Reading, Berkshire in accordance with the application Ref 04/00051/VARIAT/PJJ dated 16 December 2003, without compliance with condition number 14 previously imposed on planning permission Ref 01/00988/FUL dated 21 October 2002 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new conditions:
 - 1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.
 - 2) The petrol filling station including the sales building and car wash shall operate only between the hours of 0600 and 2400 daily.

INSPECTOR





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	LP2002104
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Premises Details

Trading name of Premises and Address	
Shinfield Filling Station 211 Shinfield Road Reading RG2 8HA	
Telephone Number	0118 986 1393

Where the Licence is time limited the dates the Licence is valid
N/A

Licensable Activities

Licensable Activities authorised by the Licence
Late Night Refreshment - Indoors Sale of Alcohol by Retail - Off the Premises

Authorised Hours for Licensable Activities

The times the licence authorises the carrying out of licensable activities	
Hours for the Provision of Late Night Refreshment	
Monday	from 2300hrs until 2400hrs
Tuesday	from 2300hrs until 2400hrs
Wednesday	from 2300hrs until 2400hrs
Thursday	from 2300hrs until 2400hrs
Friday	from 2300hrs until 2400hrs
Saturday	from 2300hrs until 2400hrs
Sunday	from 2300hrs until 2400hrs
Hours for the Sale by Retail of Alcohol	
Monday	from 0600hrs until 2400hrs
Tuesday	from 0600hrs until 2400hrs
Wednesday	from 0600hrs until 2400hrs
Thursday	from 0600hrs until 2400hrs
Friday	from 0600hrs until 2400hrs

Saturday	from 0600hrs until 2400hrs
Sunday	from 0600hrs until 2400hrs

Opening Hours

Hours the Premises is Open to the Public	
Monday	from 0000hrs until 2400hrs
Tuesday	from 0000hrs until 2400hrs
Wednesday	from 0000hrs until 2400hrs
Thursday	from 0000hrs until 2400hrs
Friday	from 0000hrs until 2400hrs
Saturday	from 0000hrs until 2400hrs
Sunday	from 0000hrs until 2400hrs

Alcohol

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
Sale of Alcohol by Retail - Off the Premises

Premises Licence Holder

Name, (registered) address of holder of premises licence
Name: Motor Fuel Limited
Address: Building 2, Abbey View, Everad Close, St Albans AL1 2QU

Additional Details

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol
Name: Rajeeva Edvin Premkumaran
Address: [REDACTED]

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: 16/00848/LAPER
Issuing Authority: Watford Borough Council

This Licence shall continue in force from **26/06/2017** unless previously suspended or revoked.

Dated: 17 July 2017

Head of Environment & Neighbourhood Services

Shirley Bell

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) “valued 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

General

Conditions Consistent with the Operating Schedule

1. The Premises Licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The CCTV cameras will provide total coverage of the licensable area. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or a Thames Valley Police officer, together with facilities for viewing upon request. Recorded images shall be of such a quality as to be able to identify the recorded person.
2. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or a nationally approved proof of age card showing the 'Pass' hologram (or any other similarly nationally recognised scheme) are to be accepted as identification.
3. Notices advertising the Challenge 25 policy shall be displayed in prominent positions on the premises;
4. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book /register. The book/ register shall contain:
 - Details of the time and date the refusal was made;
 - The identity of the staff member refusing the sale ;
 - Details of the alcohol the person attempted to purchase.This book /register will be available for inspection when requested by a Police Officer or authorised officer of Reading Borough Council and shall be retained for six months.
5. All incidents that are recorded in the incident register shall be signed off by the Designated Premises Supervisor or nominated representative. A weekly review of the incident register shall also be carried out by the Designated Premises Supervisor.
6. Alcohol deliveries to the premises shall only take place between 07:00 hours and 23:00 hours.
7. Staff employed to sell alcohol shall undergo training upon induction in utilising the Challenge 25 proof of age checking policy. This shall include, but not be limited to, dealing with refusal of sales, proxy purchasing and identifying

attempts by intoxicated persons to purchase alcohol. Such training sessions are to be documented and refreshed every six months. Records of training shall be kept for a minimum of two years and be made available to an authorised officer of Thames Valley Police and Reading Borough Council.

Annex 3

Conditions attached after a hearing by the Licensing Authority

Annex 4

Plans

As attached plan dated August 2015