

To: Councillors Woodward (Chair), Grashoff  
and Rowland

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6 February 2019

Your contact is: **Amy Bryan - Committee Services**

## NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 2 - 14 FEBRUARY 2019

A meeting of the Licensing Applications Sub-Committee 2 will be held on Thursday, 14 February 2019 at 9.30 am in the Civic Offices, Bridge Street, Reading, RG1 2LU. The Agenda for the meeting is set out below.

| <u>ACTION</u>   | <u>WARDS<br/>AFFECTED</u> | <u>Page No</u> |
|---|---------------------------|----------------|
| <b>1. DECLARATIONS OF INTEREST</b>  |                           |                |
| (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.   |                           |                |
| <b>2. MINUTES</b>   |                           | <b>3 - 18</b>  |
| To confirm the Minutes of the meetings of Licensing Applications Sub-Committee 1 held on 4 December and 18 December 2018 and Licensing Applications Sub-Committee 2 held on 6 December and 13 December 2018 as correct records. |                           |                |
| <b>3. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - UNION FOOD &amp; WINE, UNION STREET, READING</b>  | <b>ABBEY</b>              | <b>19 - 70</b> |
| To consider an application for the grant of a Premises Licence in respect of Union Food & Wine, 11b Union Street, Reading.  |                           |                |

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

**4. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - ABBEY 71 - 116  
PREMIER INN, HOSIER STREET, READING**

To consider an application for the grant of a Premises Licence in respect of Premier Inn, on the site of 20 Hosier Street, Reading.

**Present:** Councillor Skeats (Chair);

Councillors Grashoff

### 17. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 1 held on 30 October 2018 and Licensing Applications Sub-Committee 2 held on 1 November 2018 were confirmed as correct records and signed by the Chair.

### 18. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - BEIJING NOODLE HOUSE, WEST STREET, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by Home Office Immigration Enforcement for the review of the Premises Licence in respect of Beijing Noodle House, 13 West Street, Reading, RG1 1TT.

The report stated that Home Office Immigration Enforcement had submitted the review of the Premises Licence due to the licence holder failing to uphold the licensing objective of the prevention of crime and disorder, as illegal working had been identified at the premises. The report detailed a visit to the premises on 12 May 2018 when three individuals had been found to be working illegally. The report also detailed a lack of licensing compliance and use of best practice procedures and no evidence that the licensing objectives had been actively promoted. The application sought for the Premises Licence to be revoked.

A copy of the review application was attached to the report at Appendix I.

The report stated that representations had been received from Reading Borough Council Licensing Team and Thames Valley Police, which were attached to the report at Appendix II and III.

The report stated that the Premises Licence Holder was Mr Dipak Gurung.

The Premises Licence was attached to the report at Appendix IV. It was reported at the meeting that the Premises Licence had been surrendered.

The Premises Licence had permitted the following:

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

|                    |                             |
|--------------------|-----------------------------|
| Monday to Saturday | 1000 hours until 2300 hours |
| Sunday             | 1200 hours until 2230 hours |

#### Hours for the Provision of Late Night Refreshment (indoor and outdoor)

|                  |                             |
|------------------|-----------------------------|
| Monday to Sunday | 2300 hours until 2330 hours |
|------------------|-----------------------------|

The report stated that in determining the application the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives, as follows:

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

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

- Take no further action
- To issue formal warnings to the premises supervisor and/or premises licence holder
- Modify the conditions of the licence (including, but not limited to hours of operation of licensable activities)
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises licence supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

(Where the Sub-Committee took a step mentioned in the third and fourth bullet points above it may provide that the modification or exclusion was to have effect for a period not exceeding three months or permanently.)

The report set out paragraphs 1.5, 1.7, 1.8, 9.12, 9.13, 9.25, 9.31, 9.38, 9.42, 9.43, 11.1, 11.2, 11.6, 11.10, 11.16 to 11.18, 11.20 and 11.24 to 11.28 of the Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018). The report also set out paragraphs 1.1 to 1.3, 1.5, 1.6, 2.19, 3.2, 3.4, 4.4 to 4.7, 9.1 to 9.7, 9.12 to 9.16, 9.20 and 9.21 of the Council's Statement of Licensing Policy. The report also referenced the relevant case law of *East Lindsey District Council v Abu Hanif* (2016).

Mr Bill Donne, Silver Fox Licensing Consultant, was present at the meeting to represent the former Premises Licence Holder and addressed the Sub-Committee.

Lee-Ann Evanson, Home Office Immigration Enforcement, Richard French, Reading Borough Council Licensing Team and Declan Smyth, Thames Valley Police, were all present at the meeting.

### **Resolved -**

That consideration of the review of the Premises Licence in respect of Beijing Noodle House, 13 West Street, be adjourned for 29 days.

**19. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - TOPS PIZZA, WOKINGHAM ROAD, READING**

The Head of Planning, Development and Regulatory Services submitted a report on an application by Home Office Immigration Enforcement for the review of the Premises Licence in respect of Tops Pizza, 10 Wokingham Road, Reading, RG6 1JG.

The report stated that Home Office Immigration Enforcement had submitted the review of the Premises Licence due to the licence holder failing to uphold the licensing objective of the prevention of crime and disorder, as illegal working had been identified at the premises. The report detailed visits to the premises on 2 February 2018 when five individuals had been suspected of working illegally and on 20 April 2018 when three individuals had been found to be working illegally. The report also detailed a lack of licensing compliance and use of best practice procedures and there had been no evidence that the licensing objectives had been actively promoted.

The application sought for the Premises Licence to be revoked.

A copy of the review application was attached to the report at Appendix I.

The report stated that representations had been received from Reading Borough Council Licensing Team and Thames Valley Police, which were attached to the report at Appendix II and III.

The report stated that the Premises Licence Holder was Tops Pizza Limited. The current Premises Licence, a copy of which was attached to the report at Appendix IV, permitted the following:

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

|                  |                             |
|------------------|-----------------------------|
| Monday to Sunday | 1100 hours until 2300 hours |
|------------------|-----------------------------|

Hours for the Provision of Late Night Refreshment (indoor and outdoor)

|                     |                             |
|---------------------|-----------------------------|
| Sunday to Wednesday | 2300 hours until 0100 hours |
|---------------------|-----------------------------|

|                      |                             |
|----------------------|-----------------------------|
| Thursday to Saturday | 2300 hours until 0200 hours |
|----------------------|-----------------------------|

Hours the Premises is Open to the Public

|                     |                             |
|---------------------|-----------------------------|
| Sunday to Wednesday | 1100 hours until 0100 hours |
|---------------------|-----------------------------|

|                      |                             |
|----------------------|-----------------------------|
| Thursday to Saturday | 1100 hours until 0200 hours |
|----------------------|-----------------------------|

The report stated that in determining the application the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives, as follows:

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

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

- Take no further action
- To issue formal warnings to the premises supervisor and/or premises licence holder
- Modify the conditions of the licence (including, but not limited to hours of operation of licensable activities)
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises licence supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

(Where the Sub-Committee took a step mentioned in the third and fourth bullet points above it may provide that the modification or exclusion was to have effect for a period not exceeding three months or permanently.)

The report set out paragraphs 1.5, 1.7, 1.8, 9.12, 9.13, 9.25, 9.31, 9.38, 9.42, 9.43, 11.1, 11.2, 11.6, 11.10, 11.16 to 11.18, 11.20 and 11.24 to 11.28 of the Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018). The report also set out paragraphs 1.1 to 1.3, 1.5, 1.6, 2.19, 3.2, 3.4, 4.4 to 4.7, 9.1 to 9.7, 9.12 to 9.16, 9.20 and 9.21 of the Council's Statement of Licensing Policy. The report also referenced the relevant case law of *East Lindsey District Council v Abu Hanif* (2016).

Mr Sayad Gabadi, Tops Pizza Limited, was present at the meeting and was represented by Mr Matthew Phipps, solicitor, who addressed the Sub-Committee.

Lee-Ann Evanson, Home Office Immigration Enforcement, was present at the meeting and addressed the Sub-Committee on the application. Richard French, Reading Borough Council Licensing Team and Declan Smyth, Thames Valley Police, were both present at the meeting and addressed the Sub-Committee.

**Resolved -**

- (1) That, having reviewed the Premises Licence in respect of Tops Pizza, 10 Wokingham Road, and having regard to the promotion of the four licensing objectives and having regard to the oral and written representations made, the Secretary of State's guidance, as set out in the report, the Council's Statement of Licensing Policy, as set out in the report, the Sub-Committee concluded that it was appropriate and proportionate to suspend the Premises Licence for a period of three months, to remove the current Designated Premises Supervisor and to attach conditions to the Premises Licence. The Sub-Committee's reasons were:

- (a) The breaches of licence conditions and breaches under the legislation, as set out in the report;
- (b) The employment of illegal workers, as set out in the report;
- (c) That the Premises Licence Holder and the Designated Premises Supervisor should have been more involved in the day to day running of the premises;
- (d) The suspension was to allow the Premises Licence Holder time to improve the practices and procedures in order to uphold the licensing objectives;
- (2) That the following conditions be attached to the Premises Licence:
  - (a) All incidents which impact on any of the four licensing objectives shall be recorded in a book/register kept at the premises for this purpose. The register shall record a description of the incident, a description of the persons involved in the incident, the person recording the incident and details of whether the police were called. Where known, any offenders name shall also be recorded. This book/register shall be available to an authorised officer of Reading Borough Council or Thames Valley Police upon request;
  - (b) 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 British passport or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) are to be accepted as identification;
  - (c) Notices advertising the Challenge 25 policy shall be displayed in prominent positions on the premises;
  - (d) The Premises Licence Holder shall display in a prominent position a copy of their policy on checking proof of age;
  - (e) All staff who will be selling alcohol shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register can be electronic or hard copy and 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 purchaseThe book/register shall be available for inspection by an authorised officer of Reading Borough Council or Thames Valley Police;
  - (f) Persons authorised to sell alcohol shall be trained to BIIAB Level 1 award in Responsible Alcohol Retailing, or any similarly recognised

nationally approved accreditation curriculum. Records of the training and reminders shall be kept.

(The meeting closed at 8.20 pm)



## LICENSING APPLICATIONS SUB-COMMITTEE 2 MEETING MINUTES - 6 DECEMBER 2018

**Present:** Councillor Woodward (Chair);  
Councillors D Edwards and Grashoff

### 20. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 2 held on 8 November 2018 and Licensing Applications Sub-Committee 1 held on 13 November 2018 were confirmed as correct records and signed by the Chair.

### 21. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - MAP FOOD AND WINE, LONDON ROAD, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by Reading Borough Council Licensing Team for the review of the Premises Licence in respect of MAP Food and Wine, 255 London Road, Reading, RG1 3NY.

The report stated that the Reading Borough Council Licensing Team had submitted the review of the Premises Licence, outlining a visit to the premises on 9 June 2018 when the premises had been found employing an illegal worker and breaching licensing conditions. Further visits carried out by the Reading Borough Council Licensing Team on 17 August 2018 and 12 September 2018 found that some licensing conditions were still being breached and there was a lack of licensing compliance, best practice procedures or any evidence that the licensing objectives were being actively promoted.

The application sought for the Premises Licence to be revoked due to the seriousness of the crimes discovered at the premises.

A copy of the review application was attached to the report at Appendix I.

The report stated that representations had been received from the responsible authorities of the Home Office Immigration Enforcement and Thames Valley Police, which were attached to the report at Appendix II and III.

The report stated that the Premises Licence Holder and Designated Premises Supervisor was Mr Sanmeet Singh Kapoor. The current Premises Licence, a copy of which was attached to the report at Appendix IV, permitted the following:

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

Monday to Sunday 0800 hours until 2300 hours

#### Hours the Premises are Open to the Public

Monday to Sunday 0800 hours until 2300 hours

The report stated that in determining the application the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives, as follows:

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

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

- Take no further action
- To issue formal warnings to the premises supervisor and/or premises licence holder
- Modify the conditions of the licence (including, but not limited to hours of operation of licensable activities)
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises licence supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

(Where the Sub-Committee took a step mentioned in the third and fourth bullet points above it may provide that the modification or exclusion was to have effect for a period not exceeding three months or permanently.)

The report set out paragraphs 1.5, 1.7, 1.8, 9.12, 9.13, 9.25, 9.31, 9.38, 9.42, 9.43, 11.1, 11.2, 11.6, 11.10 to 11.20 and 11.24 to 11.28 of the Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018). The report also set out paragraphs 1.1 to 1.3, 1.5 to 1.6, 3.2, 3.4, 4.4 to 4.7, 9.1 to 9.7, 9.12 to 9.16 and 9.20 to 9.21 of the Council's Statement of Licensing Policy.

Mr Sanmeet Singh Kapoor, Premises Licence Holder, was present and answered questions and was represented by Mr Surendra Panchal, Personal Licence Courses Ltd, who also addressed the Sub-Committee.

Richard French, Reading Borough Council Licensing Team, was present at the meeting and addressed the Sub-Committee on the application. Lee-Ann Evanson, Home Office Immigration Enforcement and Declan Smyth, Thames Valley Police, were both present at the meeting and addressed the Sub-Committee on their representations.

**Resolved -**

That having reviewed the Premises Licence in respect of MAP Food and Wine, 255 London Road, and having had regard to the four licensing objectives, the oral and written representations made, the Secretary of State's guidance as set out in the report and the Council's Statement of Licensing Policy as set out in the report, the

Sub-Committee concluded that it would be appropriate and proportionate to revoke the Premises Licence due to:

- (a) the Premises Licence Holder admitting to the employment of an illegal worker and not checking any documents or asking to see any documents in respect of their eligibility to work;
- (b) the illegal worker had been paid below the minimum wage;
- (c) the breaches of licence conditions, as stated in the report;
- (d) the failure to communicate with officers of Reading Borough Council.

(The meeting closed at 11.17 am)

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**Present:** Councillors Woodward (Chair) and Skeats.

## **22. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - SHINFIELD FILLING STATION**

The Head of Planning, Development and Regulatory Services submitted a report on an application by Motor Fuel Ltd for the variation of the Premises Licence in respect of Shinfield Filling Station, 211 Shinfield Road, Reading, RG2 8HA.

The report stated that the premises currently had a Premises Licence in force, which permitted the following:

### Provision of Late Night Refreshment

Monday to Sunday from 2300hrs until 2400hrs

### Sale by Retail of Alcohol, Off the Premises

Monday to Sunday from 0600hrs until 2400hrs

### Opening Hours

Monday to Sunday from 0000 hours until 2400 hours

A copy of the Premises Licence was attached to the report at Appendix 4.

The application was seeking to vary the Premises Licence to allow:

### Provision of Late Night Refreshment

Monday to Sunday from 2300hrs until 0500hrs

### Sale by Retail of Alcohol, Off the Premises

Monday to Sunday from 0000 hours until 2400 hours

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

The report stated that during the 28 day consultation process for the application, representations had been received from Reading Borough Council's Trading Standards Team (attached to the report at Appendix 2) and Reading Borough Council's Environmental Protection and Nuisance Team (attached to the report at Appendix 3).

The report stated that in considering the application, the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives, as follows:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The report also stated that any conditions placed on the premises licence should be appropriate and proportionate with a view to promoting the licensing objectives and that

## LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 13 DECEMBER 2018

the Licensing Authority could amend, alter or refuse an application should it be deemed appropriate for the promotion of the licensing objectives.

The report set out paragraphs 1.5, 8.41-8.49, 9.11-9.13, 10.4-10.5, 10.15, 2.15-2.16 and 14.63 from the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003 (April 2018) and paragraphs 2.3-2.7, 3.7, 6.11-6.16, 7.1-7.7, 7.9, 7.13 and 7.16-7.17 from the Council's Statement of Licensing Policy (October 2018).

Rebecca Moon, Reading Borough Council's Environmental Protection and Nuisance Team, was present at the meeting and addressed the Sub-Committee on her representation.

The applicant was not present but was represented by Mr Chris Mitchener, Licensing Solutions, who addressed the Sub-Committee on the application and responded to questions.

### Resolved -

- (1) That, in order to promote the four licensing objectives, and having regard to the oral and written representations made, the Secretary of State's guidance as set out in the report and the Council's Statement of Licensing Policy as set out in the report, the application for the variation of the Premises Licence in respect of Shinfield Filling Station, 211 Shinfield Road be granted, and in accordance with paragraph 2.4 of the Council's Statement of Licensing Policy (October 2018) in respect of planning consent, there were exceptional circumstances for departing from the policy on this occasion and to do so would not undermine the promotion of the four licensing objectives. The licence was granted to permit the following:

#### Provision of Late Night Refreshment

Monday to Sunday                      2300 hours until 0500 hours

#### Sale by Retail of Alcohol, Off the Premises

Monday to Sunday                      0000 hours until 2400 hours

- (2) That the following conditions be attached to the licence:

#### Closed Circuit Television

- a) 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;
- b) Signage advising customers that CCTV is in use shall be positioned in prominent positions;

Age Verification Policy

- c) 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;
- d) Signage advertising the Challenge 25 scheme and age shall be displayed in prominent positions on the premises;

Staff Training

- e) All cashiers shall be trained to record refusals of sales of alcohol in a refusals book or electronic register. The book/ register shall contain:  
Details of the time and date the refusal was made;  
The identity of the staff member refusing the sale;  
Details of the alcohol the person attempted to purchase.  
This book /register 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;
- f) Staff employed to sell alcohol shall undergo training upon induction in utilising the Challenge 25 proof of age checking policy. This shall include, but not 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

- g) 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;

Public Nuisance

- h) 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;
- i) Alcohol deliveries to the premises shall only take place between 0700 hours and 2300 hours;

## LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 13 DECEMBER 2018

### Other Initiatives

- j) Spirits (alcoholic drinks), with the exception of spirit mixers and pre-mixed spirit drinks, shall be located behind the counter;
- k) The premises licence holder shall at all times maintain an adequate level of staff;
- l) 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;
- m) There shall be no entry to the premises between 0000 hours and 0530 hours and service shall be provided through a service hatch during these hours;
- n) No cans of beer, lager and cider above 6.5% ABV (alcohol by volume) shall be sold on the premises at any time;
- o) The licensable activities of late night refreshment and the sale of alcohol by retail off the premises will not be effective between 0000 hours and 0600 hours until the premises licence holder has applied for and been granted planning permission to operate to these times.

(The meeting started at 9.30am and finished at 10.59am)



**Present:** Councillors Maskell (Vice-Chair in the Chair), and Rowland.

### **23. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - THE BOTANIST**

The Head of Planning, Development and Regulatory Services submitted a report on an application by New World Trading Company (UK) Limited for the variation of the premises licence in respect of The Botanist, Unit 1, 1-5 King Street, Reading, RG1 2HB.

It was reported at the meeting that the applicant had withdrawn their application.

### **24. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - MOMO HOUSE**

The Head of Planning, Development and Regulatory Services submitted a report on an application by Mr Thir Bahadur Gurung for the grant of a premises licence in respect of Momo House, 28 Farnham Drive, Caversham, Reading, RG4 6NY.

The report stated that there was currently no premises licence in force at the premises. The previous premises licence had been revoked by Licensing Applications Sub-Committee 1 on 24 October 2017 (Minute 14 refers).

The report stated that the application was for the grant of a premises licence to permit the following licensable activities:

#### Hours for the Sale of Alcohol (on the premises)

|                     |                             |
|---------------------|-----------------------------|
| Sunday to Thursday  | 1000 hours until 0000 hours |
| Friday and Saturday | 1000 hours until 0100 hours |

#### Opening Hours

|                     |                             |
|---------------------|-----------------------------|
| Sunday to Thursday  | 1000 hours until 0000 hours |
| Friday and Saturday | 1000 hours until 0100 hours |

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

The report stated that representations had been received from Reading Borough Council Licensing Team, Thames Valley Police, and Reading Borough Council Environmental Protection and Nuisance Team, which were attached to the report at Appendix 2, 3 and 4.

The report stated that in determining the application the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives, as follows:

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

The report also stated that any conditions placed on the premises licence should be appropriate and proportionate with a view to promoting the licensing objectives and that

## LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 18 DECEMBER 2018

the Licensing Authority could amend, alter or refuse an application should it be deemed appropriate for the promotion of the licensing objectives.

The report set out paragraphs 8.41 to 8.49, 9.11 to 9.13, 10.4, 10.5 and 1.5 from the Secretary of State's Guidance to the Licensing Act 2003 issued in April 2017. The report also set out paragraphs 7.1, 7.15.1 and 11.4.1 of the Council's Statement of Licensing Policy.

It was reported at the meeting that the applicant had amended the application to reduce the hours requested to 2300 hours Monday to Sunday. In response to this reduction in the hours applied for the Reading Borough Council Environmental Protection and Nuisance Team had withdrawn its representation.

Mr Thir Bahadur Gurung, the applicant, was present at the meeting and was represented by Mr Surendra Panchal, Personal Licence Courses Ltd, both of whom addressed the Sub-Committee on the application.

Richard French, Licensing Officer, Reading Borough Council, and PC Simon Wheeler, Thames Valley Police, were both present and addressed the Sub-Committee on their representations regarding the application as stated in the report.

### **Resolved -**

That, in order to promote the four licensing objectives, and having regard to the oral and written representations made, the Secretary of State's guidance issued under section 182 of the Licensing Act 2003 (April 2018), as set out in the report, the Council's Statement of Licensing Policy, as set out in the report, the application for the grant to a Premises Licence in respect of Momo House, 28 Farnham Drive, be refused. The Sub-Committee's reasons were:

- (a) the Sub-Committee continued to have concerns regarding Mr Gurung's experience and knowledge to effectively promote the four licensing objectives;
- (b) given the history the Sub-Committee continued to have reservations regarding the lack of sufficient evidence of the ownership of the premises.

In accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, members of the press and public were excluded for part of the consideration of the above item on the grounds that the public interest in doing so outweighed the public interest in the hearing taking place in public.

(The meeting started at 5.05pm and finished at 7.06pm)

## LICENSING ACT 2003 HEARING THURSDAY 14 FEBRUARY 2019 @ 0930 HOURS

### APPLICATION FOR THE GRANT OF A PREMISES LICENCE

|  |
|--|
| <b>1. Premises:</b><br>Union Food and Wine<br>11b Union Street<br>Reading<br>RG1 1EU |
|--|

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|--|
| <b>2. Applicant:</b><br>Mr Ajeet Singh Chopra<br>■ Denbigh Drive<br>Hayes<br>UB3 1QF |
|--|

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|--|
| <b>3. Premises Licence:</b><br>There is currently no premises licence in place and the premises are located within Councils' Cumulative Impact Area.<br><br>The application was submitted on behalf of Mr Ajeet Singh Chopra and seeks to apply for the licensable activity and opening hours to the times stated below.<br><br>A plan showing the location of the premises and surrounding area is shown at <u><a href="#">Appendix LIC-5</a></u> |
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| <b>4. Proposed licensable activities and hours:</b><br>The application is for the increase in hours for the following activities:<br><br><u>Sale of Alcohol (On and Off the premises)</u><br>Monday to Sunday from 0700hrs until 0000hrs (Midnight)<br><br><u>Hours open to the public</u><br>Monday to Sunday from 0700hrs until 0000hrs (Midnight) |
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| <b>5. Temporary Event Notices</b><br>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. |
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| <b>6. Date of receipt of application: 18 December 2018</b><br>A copy of the application form is attached as <u><a href="#">Appendix LIC-1</a></u> |
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| <b>7. Date of closure of period for representations: 21 January 2019</b> |
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| <b>8. Representations received:</b><br>During the 28 day consultation process for the application, representations were |
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received from:

Reading Borough Council Licensing Team. A copy of the conditions is attached at Appendix LIC-2

Thames Valley Police. A copy is attached at Appendix LIC-3

Interested party - Mr Graham Bates. A copy is attached at Appendix LIC-4

#### **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

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.

#### **Relevant, vexatious and frivolous representations**

9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.

9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision

is taken that necessitates a hearing. Any iders that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

#### **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 areas. 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.

#### **Hours of trading**

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.

#### **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.

#### **Planning and Building Control**

14.64 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

#### **Licensing Act 2003**

The Licensing Act 2003 under Section 18 (6) 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.

#### **Reading Borough Council Statement of Licensing Policy 2018**

##### **2. Integrating Strategies**

2.1 The Secretary of State's Guidance to the Licensing Act 2003 states that the licensing authority should outline how it will secure proper integration between its licensing policy with policies and strategies concerned with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other policy or plan introduced for the management of town centres and night time economies. The Licensing Authority agree that such co-ordination and integration is crucial to achieve the Council's aims for a safe and vibrant night time economy.

##### **Licensing and Planning integration**

2.2 The planning authority of Reading Borough Council is a responsible authority under the Licensing Act 2003. It can make representations on applications or call for reviews of existing licences based upon any of the four licensing objectives. The prevention of crime and disorder and prevention of public nuisance are shared concerns of the planning and licensing authorities.

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.

2.11 The Council recognises the link between high strength alcohol products, anti social behaviour and poor health outcomes. In 2017, the Licensing Authority in conjunction with partners at Thames Valley Police and the Community Alcohol Partnership launched a voluntary initiative to try and reduce the availability and sale of high strength beers and cider above 6.5% ABV.

2.12 There is a significant issue in the town centre and Oxford Road with persons identified as street drinkers purchasing single cans of high strength beers and ciders from licensed off licences. This has led to issues of anti social behaviour in local communities. Most off licences in the town centre and Oxford Road areas have voluntarily agreed to stop selling single cans of high strength beers and ciders. Some have agreed to only sell packs of four whilst others have agreed not to sell these products at all. This has led to a reduction in the number of incidents of street drinking.

2.13 We would expect all licence holders and potential applicants to have regard to this initiative and include measures to restrict the sale of high strength products in single quantities or to not sell them at all. Failure to do so could lead to representations being made against applications for licences or applications to review licences that may be undermining the licensing objectives by selling these products in an irresponsible way.

2.14 The Licensing authority, in conjunction with relevant partners, will be expanding this initiative to include all off licences in Reading and would expect all applicants and current licence holders to take cognisance of this fact. Current licence holders are also expected to take steps to prevent any irresponsible

retailing of these products.

3.2 This Act requires local authorities and other bodies to consider crime and disorder reduction. Section 17 of the Act states that it shall be the duty of each authority, to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that is reasonably can to prevent, crime and disorder in its area (including anti social and other behaviour adversely affecting the local environment). This links specifically with the licensing objective of prevention of crime and disorder and the licensing authority will take into account all reasonable measures that actively promote this licensing objective.

#### **The Anti-social Behaviour, Crime and Policing Act 2014**

3.3 This Act gives a wide range of powers to local authorities and the police to tackle incidents of crime, disorder and nuisance that may be impacting on residents. The Act introduced public spaces protection orders which allows the local authority to designate areas in the borough where anti social behaviour such as street drinking will be prohibited. The Council has designated areas where street drinking is prohibited and is in the process of introducing a new public space protection order. The Act also gives powers to the local authority and police to close licensed premises where nuisance and anti social behaviour is taking place or likely to take place. This Act therefore clearly supports and actively promotes the licensing objectives contained within the Licensing Act 2003.3.4 The Council's Licensing policy is therefore clear and unchallenged on the matter of the planning permission - particularly when it impacts on the promotion of the four licensing objectives - in this case, the prevention of public nuisance. It should also be noted that the planning authority is a named responsible authority in the Licensing Act 2003 and can make representations in relation to applications and call review of licences if it believes it is necessary to do so.

6.1 Conditions shall be appropriate and proportionate for the promotion of the licensing objectives and shall be unambiguous and clear in their stated aims. Conditions will also be tailored to the type, location and characteristics of the particular premises and the relevant licensable activities. Any condition imposed by the Authority shall also aim to avoid duplication of other legislation unless there is a requirement to impose such a condition in order to promote the licensing objectives (for example, a capacity limit for public safety reasons). This shall apply to all relevant applications (grant/variation of a premises licence or club premises certificate).

6.2 The operating schedule within an application should contain an assessment from the proposed licence holder of what they believe are appropriate and proportionate measures to enable them to carry out their proposed licensable activities. This assessment should be arrived at by taking cognisance of this policy and the Secretary of State's guidance which outlines the matters that an applicant should take into account such as issues in the locality and why their proposed measures are suitable for their proposed operation.

#### **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.

6.16 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.

## **9. Enforcement**

9.1 It is the responsibility under the Act for all responsible authorities; licence holders and prospective licence holders to actively promote the four licensing objectives. The Council along with partner agencies, has a wider responsibility to protect the public as a whole and prevent crime, harm or nuisance from taking place.

9.2 The Authority will carry out it's licensing functions with a view to actively promoting the licensing objectives and maintaining public safety. This applies to the dual role the licensing authority has both as the administrator of the process and as a responsible authority.

9.3 The Licensing Authority has previously and will continue to work with other responsible authorities and partner agencies in order to ensure that the licensing objectives are promoted and that a consistent and joined up approach is taken to enforcement across Reading.

## **Inspections**

9.6 The Authority will carry out inspections at all premises where a premises licence is in force. Additionally, an inspection may also be carried out where an application for a grant, variation or review is received by the Authority to ascertain the likely effect of granting any application on the promotion of the licensing objectives. Inspections may also be carried out if the Authority or one of our partner agencies/responsible authorities are made aware of complaints or other incidents that undermine the promotion of the licensing objectives.

9.7 Inspections will be carried out solely by the Licensing Authority or in conjunction with other partners such as Thames Valley Police, Home Office Immigration Enforcement and Trading Standards.

## **Cumulative Impact Assessment**

12 Cumulative Impact Assessment for the Town Centre

NB: The Licensing Authority, when publishing it's licensing policy, is required to have regard to the Cumulative Impact Assessment in the forthcoming pages. The

licensing policy and the statements, provisions and aims contained within it, are consistent with the approach laid out in the Cumulative Impact Assessment for the Town Centre Cumulative Impact Area. The statements within the policy are aimed at encouraging best practice; a safe environment for all and, most importantly, to actively promote the four licensing objectives. The statements in the licensing policy including the approaches to conditions; hours; enforcement and all other matters will also apply to the premises designated within the Town Centre Cumulative Impact Area. The Licensing Authority is also required to publish, within the licensing policy, a summary of the Cumulative Impact Assessment. However, by including the full rationale for the Cumulative Impact Assessment and supporting evidence, as standalone chapters within the licensing policy document, we believe that this would make a summary unnecessary and would only serve to duplicate the information provided in the forthcoming pages. It is acknowledged that the Cumulative Impact Assessment (Chapters 12 and 13) must be reviewed every three years whilst the licensing policy (Chapters 1 to 11) must be reviewed every five years.

### **Cumulative Impact Assessments - Background**

12.1 The concept of Cumulative Impact has been described within the Secretary of State's Guidance since the commencement of the 2003 Act. It has been part of the Council's licensing policy since 2010 and is a proper matter for the Authority to consider when discharging its licensing functions and developing its licensing policy. It is also consistent with the Authority's obligations to prevent crime and disorder as outlined in Section 17 of the Crime and Disorder Act 1998. However, this assessment shall not relate to the demand for a certain types of premises (need). The issue of 'need' is not a proper matter for the Authority to consider within the licensing policy statement.

12.2 Cumulative Impact for the purposes of this policy means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, this may include the potential impact on crime and disorder or public nuisance on an area that a large concentration of licensed premises may have.

12.3 The Policing and Crime Act 2017 amended the Licensing Act 2003 to place 'Cumulative Impact Assessments' on a statutory footing by introducing paragraph 5A of the Licensing Act. This amendment came into force on 6th April 2018.

12.6 The assessment will relate to all premises within the specified area that have a premises licence or a club premises certificate which will be carrying on or proposing to carry on the following licensable activities:

- The sale or supply of alcohol on or off the premises
- The provision of late night refreshment on or off the premises
- The provision of any regulated entertainment

Whilst this Cumulative Impact Assessment does not apply directly to Temporary Event Notices, the Secretary of State's Guidance to the Licensing Act 2003 states that it is open to the police and Environmental Health officers to refer to this assessment and the evidence contained within it when objecting to a TEN. The Authority believes this is a right and proper approach as extension of hours within the Cumulative Impact Area can have a direct impact on the promotion of the licensing objectives.

12.7 This assessment is being published because the authority is of the opinion that the number of licensed premises and club premises certificates within the

town centre area is such that it is likely that granting further licences or variations to licences would be inconsistent with the authority's duty to promote the licensing objectives. This opinion has been reached after careful consideration of evidence showing high levels of crime and disorder within the town centre; the nature of those offences - which include violent and sexual offences - which are and the comparable data between the Reading night time economies and other night time economies in the Thames Valley area.

12.8 The content of this Assessment does not change the fundamental way that decisions are made under the 2003 Act. The Authority will make all decisions on applications within the Town Centre Cumulative Impact Area on a case by case basis with a view on how best to promote the licensing objectives. It also does not remove the requirement for a relevant representation to be submitted by a responsible authority or a member of the public (defined as 'any other person' within the Act) against an application for it to be considered by the Licensing Sub-Committee. An application that does not receive relevant representations is deemed granted under the Act.

12.10 This assessment will apply to all applications for the grant or variation of a premises licence or club premises certificate and all premises that may benefit from a premises licence or club premises certificate. This includes material variations for increased hours for licensable activity; increased capacity and any other matter that may add to cumulative impact in the Town Centre Cumulative Impact Area. Section 5A of the Licensing Act 2003 uses the phrase 'to grant any further relevant authorisations' in relation to Cumulative Impact Assessments. The Authority interprets that to mean all grant and variation applications in the relevant area. A material variation to increase the scope of a licence - whether that be for extended licensable activities; extended hours or an increase of capacity - is, by all definition, a grant of a new relevant authorisation in the area as it replaces the currently existing one. This is consistent with the Secretary of State's Guidance and the explanatory notes to the Policing and Crime Act 2017 which was the legislation that inserted Cumulative Impact Assessments into the Licensing Act 2003. The Home Office have also confirmed that this is the intent of the legislation.

12.11 The Authority has considered in formulating this assessment - in close consultation with Thames Valley Police - that significant concerns do exist over the high concentration of licensed premises within the town centre area. The high concentration of licensed premises is already causing a negative cumulative impact on one or more of the licensing objectives. Therefore granting further licences or certificates or variations to licences and certificates may be inconsistent with the Authority's duty to promote the licensing objectives and protect the public as a whole.

12.12 Concerns do exist about the concentration of premises in parts of the town centre, particularly in Friar Street, Gun Street, St Mary's Butts and adjoining roads, together with the impact these premises are having upon the licensing objectives. These concerns and the associated impact on the crime and disorder licensing objective are underpinned by the evidence in this assessment.

12.13 The effect of the Cumulative Impact Assessment is to create a presumption that applications for the grant of a premises licence or club premises certificate or material variations within the stated area will be refused if relevant representations are received. This is because of the high concentration of licensed

premises already in existence in the town centre and the further undermining of the licensing objectives that is likely to occur if further licences are granted.

12.14 Applications will be considered on a case by case basis. Any application which is unlikely to have a negative effect on the promotion of the licensing objectives may be granted subject to it being consistent with the provisions and aims set out in this assessment and the licensing policy as a whole. Applicants for a premises licence or club premises certificate within the Town Centre Cumulative Impact Area should address issues of cumulative impact within their applications. Failure to do this will likely lead to representations being submitted with a recommendation that the application is refused by the licensing committee.

12.15 Where during the application for the grant or variation of a premises licence or club premises certificate within the Town Centre Cumulative Impact Area, responsible authorities are concerned that the licensing objectives will be impacted on or undermined, or that the application undermines the ability of the Authority to actively promote the licensing objectives or aims of the licensing policy statement, then relevant representations are likely to be made. The application will then proceed to a hearing. If during the hearing to determine the application, an applicant is able to demonstrate that there will be no negative impact on the authority's duty to promote the licensing objectives and there will be no increase in the cumulative impact, a licence may be granted. However, if it cannot be demonstrated that an application will not undermine the licensing objectives; will not increase the cumulative impact within the town and will not impact on crime and disorder and public nuisance within the town then it shall be the policy of this authority to refuse the application. The onus is on the applicant to demonstrate that the Council should overturn its own policy in relation to Cumulative Impact.

12.18 This assessment shall set out the approach the Authority shall take when dealing with certain types of premises and the associated licensable activities. Each application will be assessed on a case by case basis. However, the onus is on the applicant to address the issue of cumulative impact within their application along with how they plan to promote the licensing objectives and aims stated within the Authority's licensing policy.

12.19 The 2003 Act gives the authority power to set appropriate licensing hours that are consistent with the promotion of the licensing objectives. The licensing authority cannot set predetermined hours of operation and must take decisions on a case by case basis.

12.20 However, the evidence within this assessment clearly shows crime levels significantly increase after 0000hrs. Therefore any applicant who wishes to operate past 0000hrs must demonstrate how their operation will not negatively impact the promotion of the licensing objectives in an area which is already under stress from a high concentration of licensed premises.

12.21 Applications for the grant or variation of a premises licence or club premises certificate who wish to operate up to 0000hrs must also demonstrate how their operation is consistent with the provisions and aims laid out in this assessment and the statements within the main body of the licensing policy. For example, an off licence would have to demonstrate how their operation is consistent with the Authority's ambition to reduce the sale of super strength alcohol and to reduce incidents of street drinking. If an application for the grant or variation of a

premises licence or club premises certificate within the Town Centre Cumulative Impact Area is unable to demonstrate how it will promote the licensing objectives and is inconsistent with the aims within the Council's licensing policy, then it is likely to attract representations. The likely recommendation of that representation is for the application to be refused.

**Application of the policy by premises type.**

12.23 As already stated in paragraph 12.13, it is the general policy of the Authority to refuse applications for the grant or variation of a premises licence or club premises certificate in the Town Centre Cumulative Impact Area. This general policy refers to all licensable activities specifically the sale of alcohol on or off the premises; the provision of late night refreshment on or off the premises and regulated entertainment. It also applies to material variations for the increase in capacity; the increase in opening hours and any other matter the Authority considers relevant.

12.24 However, the policy stated in 12.13 and 12.23 is not absolute and applicants will have the opportunity to address matters affecting Cumulative Impact within their application. Applicants will have to demonstrate that their application and proposed operation is not inconsistent with the Authority's licensing policy; this assessment and the Authority's ability to be able to promote the licensing objectives.

12.32 Off Licences: Premises that wish to sell alcohol for the consumption off the premises have and continue to cause issues within the town centre. Applications for the sale of alcohol for consumption off the premises will likely be refused if the Authority is satisfied that granting such a licence would undermine the promotion of the licensing objectives.

Applications for off sales may be granted subject to certain caveats. Any application that wishes to sell alcohol for consumption off of the premises up until 0000hrs should familiarise themselves with the contents of the Council's Licensing Policy - particularly the concerns around the sale of high strength beers, ales and ciders. Any application for an off licence should familiarise themselves with the Council's 'Reducing the Strength' initiative and the concerns around selling single cans to street drinkers. The Authority is of the view that street drinking is a major contributor to anti-social behaviour within the town centre and elsewhere.

It is expected that any applicant for an off licence will put forward robust measures within their application that mitigates such issues. Applications that put forward measures such as not selling high strength products; robust staff training and an age verification policy of at least Challenge 25 as well as other crime prevention measures such as CCTV covering the entire licensable area, are less likely to attract representations.

*Applications for an off licence looking to sell alcohol past 0000hrs are likely to attract representations as it is likely that granting such licences will undermine the ability of the Authority to promote the licensing objectives. Therefore any application will be refused unless it can be shown by the applicant that there will be a no negative cumulative impact by granting such a licence.*

**Other Initiatives within the Town Centre Cumulative Impact Area**

12.35 Prospective applicants and current licence holders should also familiarise themselves with the other initiatives that the Authority - in conjunction with it's

partners - have instigated the below initiatives to assist in reducing instances of crime and disorder within the town - particularly during the night time economy - which also aim to provide a safer environment for those frequenting the town:

- The town centre Pubwatch
- The use of street wardens
- Public Space Protection Order
- First Stop Centre at the Minster Church
- Reducing the Strength Initiative
- Test purchasing
- Regular routine inspections
- Purple Flag
- Best Bar None

Applicants who wish to operate in the Town Centre Cumulative Impact Area will be expected to make use of all of the above and participate fully with the Authority and its partner agencies to maintain a cohesive and best practice approach to promoting a safe environment in the town.

### Summary

The Responsible Authorities and interested party object to the grant of a premises licence for Union Food and Wine, 11b Union Street Reading, as the application is contrary to the Council's Cumulative Impact Assessment; does not seem to take cognisance of the Council's Licensing policy; does not appear to have been made in line with the Secretary of State's Guidance and does not reference Cumulative Impact or provide any mitigation towards rebutting the presumption of refusal within the application.

Therefore granting this grant will be inconsistent with the Authority's duty to actively promote the licensing objectives.

### Case Law

East Lindsey DC v Abu Hanif (2016)

Case of (R) on the application of Portsmouth City Council v 3D

Entertainment Group (2011) EWHC 507 (Admin)

Hope and Glory Public House v Westminster City Council (2011) EWCA Civ31

British Beer and Pub Association v Canterbury City Council (2005)

Lic/unionfoodandwine14.02.2019/pn/c





**Reading**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@reading.gov.uk](mailto:licensing@reading.gov.uk)  
 Telephone: 0118 937 3762

\* required information

### Section 1 of 21

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

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?

☒ Yes ☐ 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

AJEET SINGH

\* Family name

CHOPRA

**You must enter a valid e-mail address**

\* E-mail

NONE

Main telephone number

Include country code.

Other telephone number

☒ 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.

Continued from previous page...

### Address

|                               |   |
|-------------------------------|---|
| * Building number or name     | <input type="text"/>                        |
| * Street                      | <input type="text" value="DENBIGH DRIVE"/>  |
| District                      | <input type="text"/>                        |
| * City or town                | <input type="text" value="HAYES"/>          |
| County or administrative area | <input type="text"/>                        |
| * Postcode                    | <input type="text" value="UB3 1QF"/>        |
| * Country                     | <input type="text" value="United Kingdom"/> |

### Agent Details

|                        |  |
|------------------------|--|
| * First name           | <input type="text" value="MANPREET SINGH"/>                  |
| * Family name          | <input type="text" value="KAPOOR"/>                          |
| * E-mail               | <input type="text" value="info@personallicencecourses.com"/> |
| Main telephone number  | <input type="text" value="02086060558"/>                     |
| Other telephone number | <input type="text"/>   |

Include country code.

☐ 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.

### Your Address

Address official correspondence should be sent to.

|                               |  |
|-------------------------------|--|
| * Building number or name     | <input type="text" value="PERSONAL LICENCE COURSES UK"/> |
| * Street                      | <input type="text" value="145 STATION ROAD"/>            |
| District                      | <input type="text"/>                                     |
| * City or town                | <input type="text" value="WEST DRAYTON"/>                |
| County or administrative area | <input type="text"/>                                     |
| * Postcode                    | <input type="text" value="UB7 7ND"/>                     |
| * Country                     | <input type="text" value="United Kingdom"/>              |

## Section 2 of 21

### PREMISES DETAILS

*Continued from previous page...*

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

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       | UNION FOOD & WINE |
| Street                        | 11B UNION STREET  |
| District                      |                   |
| City or town                  | READING           |
| County or administrative area |                   |
| Postcode                      | RG1 1EU           |
| Country                       | United Kingdom    |

**Further Details**

|   |        |
|---|--------|
| Telephone number                            |        |
| Non-domestic rateable value of premises (£) | 17,000 |

### Section 3 of 21

#### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☒ An individual or individuals
- ☐ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

#### Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

### Section 4 of 21

#### INDIVIDUAL APPLICANT DETAILS

##### Applicant Name

Is the name the same as (or similar to) the details given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

☒ Yes ☐ No

Continued from previous page...

### Current Residential Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

**You must enter a valid email address**

E-mail

Telephone number

Other telephone number

\* Date of birth

 /  / 

\* Nationality

Documents that demonstrate entitlement to work in the UK

Add another applicant

## Section 5 of 21

### OPERATING SCHEDULE

When do you want the premises licence to start?

 /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

 /  /   
dd mm yyyy

Provide a general description of 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.

*Continued from previous page...*

**OFF LICENCE AND CONVENIENCE STORE**

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Section 6 of 21**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes ☒ No

**Section 7 of 21**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

☐ Yes ☒ No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes ☒ No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes ☒ No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

☐ Yes ☒ No

Continued from previous page...

## Section 12 of 21

### PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes

☒ No

## Section 13 of 21

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

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes

☒ No

## Section 14 of 21

### LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes

☒ No

## Section 15 of 21

### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

Give 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 07:00

End 00:00

Start

End

SUNDAY

Start 07:00

End 00:00

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.

NONE

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

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

NONE

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

AJEET SINGH

Family name

CHOPRA

Date of birth

/  /   
dd mm yyyy



Continued from previous page...

**Enter the contact's address**

|   |   |
|---|---|
| Building number or name                   | <input type="text"/>                                      |
| Street                                    | <input type="text" value="DENBIGH DRIVE"/>                |
| District                                  | <input type="text"/>                                      |
| City or town                              | <input type="text" value="HAYES"/>                        |
| County or administrative area             | <input type="text"/>                                      |
| Postcode                                  | <input type="text" value="UB3 1QF"/>                      |
| Country                                   | <input type="text" value="United Kingdom"/>               |
| Personal Licence number<br>(if known)     | <input type="text" value="APPLIED FOR"/>                  |
| Issuing licensing authority<br>(if known) | <input type="text" value="LONDON BOROUGH OF HILLINGDON"/> |

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**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

Give 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 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give 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.

Continued from previous page...

**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.

NONE

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

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

NONE

**Section 18 of 21**

**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)

*Continued from previous page...*

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

1. Strict implementation of challenge 25 policy
2. CCTV to be installed and 28 days recoding system
3. All staff to be trained in responsible alcohol retailing
4. Training manual will be available at the premises

**b) The prevention of crime and disorder**

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 entire licensable area shall be covered by the CCTV.
2. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police and Reading Borough Council together with facilities for viewing upon request, subject to the provisions of the Data Protection Act.
3. Recorded images shall be of such quality as to be able to identify the recorded person in any light.
4. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.
5. A suitable trained staff member will be able to show and provide police or council licensing officers recent data footage with the minimum delay when requested.
6. The premises licence holder or nominated representative shall keep and maintain all right to work documents for all staff members.
7. Right to work documents shall be kept at the premises and produced to authorised officers of Thames Valley Police or Reading Borough Council.
8. All alcohol products shall only be purchased from outlets registered with HMRC's Alcohol Wholesale Registration Scheme.

**c) Public safety**

1. Installation of appropriate safety equipment
2. Fire exit signs displayed
3. To comply with all current, fire, health and safety laws
4. CCTV working at all times

**d) The prevention of public nuisance**

1. Notice displayed asking customers to leave quietly from premises also customers will be told in person to leave quietly and not to disturb the local neighborhood
2. Strict policy in place to tell all staff not to serve alcohol to drunks at all
3. Appropriate signage will be displayed, in prominent position informing customers they are being recorded on CCTV

**e) The protection of children from harm**

1. A challenge 25 policy will be in force, where any person looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. Challenge 25 posters displayed where alcohol is sold.
2. The only acceptable ID will be those with photographic identification documents; including passport, photo-card, driving license or proof of age card bearing the PASS hologram.
3. A refusal register whether written or electronic – shall be used, kept and maintained at the premises.
4. The refusal register shall record the time and date of the refusal; which age restricted product was refused, details of the staff member refusing service and a description of the person refused.
5. The refusal log shall be produced to authorised officers of Thames Valley Police and Reading Borough Council upon request

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

*Continued from previous page...*

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

## **Section 20 of 21**

### **NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

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 21 of 21

### 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 (£)

### DECLARATION

Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15)

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

☒ 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

\* Capacity

\* Date  /  /   
dd mm yyyy

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/apply-1> to upload this file and continue with your application.

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

Continued from previous page...

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

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

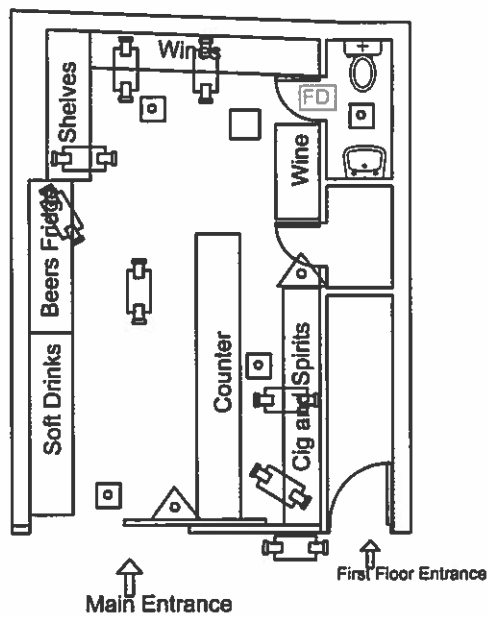
**OFFICE USE ONLY**

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| Applicant reference number | <input type="text"/>     |
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## PROPOSED LICENSING PLAN



Property Address:  
11B Union Street  
Reading  
RG1 1EU

|  |                    |                     |  |
|--|--------------------|---------------------|--|
| Drawing no: P/HBS/160  |                    | Date: 10th Dec 2018 |  |
| Key  | Scale:1:100        | Paper: A4           |  |
|  | FIRE EXTINGUISHER  |                     |  |
|  | FIRE EXIT SIGNS    |                     |  |
|  | EMERGENCY LIGHTING |                     |  |
|  | Fire Check Door    |                     |  |
|  | CCTV CAMERAS       |                     |  |
| CCTV RECORDING 31 DAYS   |                    |                     |  |
| SHUTTERS PROVIDED  |                    |                     |  |
| ALARM SYSTEM TO AOISPEC OR SIMILAR FITTED  |                    |                     |  |

|  |  |            |            |            |            |            |            |
|--|--|------------|------------|------------|------------|------------|------------|
| <b>Name of Officer</b>   | Richard French                                 |            |            |            |            |            |            |
| <b>Type of Application</b>   | Grant of Premises Licence - Licensing Act 2003 |            |            |            |            |            |            |
| <b>Name of Premises</b>  | Union Food and Wine                            |            |            |            |            |            |            |
| <b>Address</b>   | 11b Union Street                               |            |            |            |            |            |            |
|  | Reading  |            |            |            |            |            |            |
|  | RG1 1EU  |            |            |            |            |            |            |
| <b>Proposed Licensable Activities</b>  | Sale of Alcohol (off the premises )            |            |            |            |            |            |            |
|  | Monday to Sunday from 0700hrs until 0000hrs    |            |            |            |            |            |            |
| <b>Finish Times</b>  | <b>Mon</b>                                     | <b>Tue</b> | <b>Wed</b> | <b>Thu</b> | <b>Fri</b> | <b>Sat</b> | <b>Sun</b> |
|  | 0000   | 0000       | 0000       | 0000       | 0000       | 0000       | 0000       |
| <b>Content of Application:</b><br>The application was submitted on behalf of Ajeet Singh Chopra on 18 <sup>th</sup> December 2018.<br><br>The application seeks the grant of a premises licence pursuant to the Licensing Act 2003 for the sale of alcohol off the premises. The proposed hours are from 0700 to midnight - 7 days a week.<br><br>The premises are within the Council's Town Centre Cumulative Impact Area.  |  |            |            |            |            |            |            |
| <b>Licensing Officer's Comments:</b><br><br>The Licensing Authority as a Responsible Authority under the Licensing Act 2003 object to this application and respectfully ask for the application to be refused. The reasons for this are:<br><br>1. The application is contrary to the Council's Cumulative Impact Assessment specifically paragraph 12.7 which states that it is likely that granting further licences or variations to licences would be inconsistent with the Authority's duty to promote the licensing objectives. This is also consistent with paragraph 5A of the Licensing Act 2003. By adopting a Cumulative Impact Policy, the Authority has already deemed it necessary to do so because of the sheer number of premises in the town centre and the negative impact that creates are incompatible with it's duty to promote the four licensing objectives. Paragraphs 12.13 and 12.23 also state that it will be the general presumption and policy of the Authority that any applications for the grant or material variation of a premises licence shall be refused if relevant representations are received. We would also refer to paragraphs 12.7; 12.20 and specifically 12.32 which outlines how applications for off licences |  |            |            |            |            |            |            |

will be dealt with. The applicant has not rebutted, or even mentioned the Cumulative Impact policy - therefore the application should be refused.

2. The application is contrary to the Council's Licensing Policy - specifically paragraphs 2.12/2.13/2.14/6.2/6.11/6.12 and 6.16.

3. The application is inconsistent with the Secretary of State's Guidance to the Licensing Act - current edition dated April 2018. I would specifically point to paragraphs 8.41/8.43 and 8.47. Indeed, the applicant has made no mention at all within the application of the Council's Cumulative Impact Assessment and what steps they propose to mitigate the effects of such a policy. The application seems to be just a set of copied and pasted statements with no explanation as to why they may be appropriate.

4. The operating schedule does not contain sufficient measures to actively promote the four licensing objectives. As stated above, they appear to be copied and pasted statements with no rationale as to why they are appropriate.

**Therefore, and due to the above reasons, the granting of this application will undermine the promotion of the licensing objectives; add to the cumulative impact within the town centre and is therefore inconsistent with the Authority's duty to promote the licensing objectives and should be refused.**

I will now take all of the above points in turn:

#### **1. Application contrary to the Council's Cumulative Impact Assessment**

1.1 Reading Borough Council, as the relevant licensing authority, has had a Cumulative Impact area in the town centre since late 2010.

1.2 Paragraph 12.7 and paragraph 5A of the Licensing Act 2003 state that a Cumulative Impact Assessment can be published if the Authority is of the opinion that granting further licences or variations in the town centre area would be inconsistent with the Authority's duty to promote the licensing objectives. **Therefore the Council, by publishing such an assessment, has already reached the conclusion that there are too many licensed premises in the town centre and granting further licences would likely undermine the promotion of licensing objectives.**

1.3 Paragraph 12.10 of the Council's Cumulative Impact Assessment clearly states that it applies to all grants and material variations for premises licences and club premises certificates and relates to the potential impact on the promotion of the licensing objectives of a significant number of premises concentrated in one area - in this case, the town centre. There are currently 181 premises in the town centre cumulative impact area. 142 of the premises have a licence to operate past 2300hrs and 132 of those premises are licensed to sell alcohol.

1.3 Paragraph 12.13 of the Council's Cumulative Impact Assessment states that the effect of the assessment is to create a presumption that applications for the

**grant or material variation of a premises licence will be refused if relevant representations are received. This is also stated within paragraph 12.23 and reiterates that the policy refers to all licensable activities and to grants and material variations of licences.**

**1.4 Paragraph 12.14 of the Assessment states that whilst applications will be dealt with on a case by case issue, the applicant should address issues of cumulative impact within their application and that failure to do this will lead to representations being made with a recommendation for refusal. This is also consistent with the Secretary of State's Guidance at paragraph 8.43. (below)**

**1.5 Paragraph 12.21 of the Assessment states Applications for the grant or variation of a premises licence or club premises certificate who wish to operate up to 0000hrs must also demonstrate how their operation is consistent with the provisions and aims laid out in this assessment and the statements within the main body of the licensing policy. For example, an off licence would have to demonstrate how their operation is consistent with the Authority's ambition to reduce the sale of super strength alcohol and to reduce incidents of street drinking. If an application for the grant or variation of a premises licence or club premises certificate within the Town Centre Cumulative Impact Area is unable to demonstrate how it will promote the licensing objectives and is inconsistent with the aims within the Council's licensing policy, then it is likely to attract representations. The likely recommendation of that representation is for the application to be refused.**

**1.6 Paragraph 12.24 of the Assessment does state that applicants will have an opportunity to address the issues of Cumulative Impact but this should be done, in the first instance, within the application. The applicant in this case has not done this.**

**1.7 Paragraph 12.32 of the Cumulative Impact Assessment specifically lays out the Authority's view of off licence applications:**

***Premises that wish to sell alcohol for the consumption off the premises have and continue to cause issues within the town centre. Applications for the sale of alcohol for consumption off the premises will likely be refused if the Authority is satisfied that granting such a licence would undermine the promotion of the licensing objectives.***

***Applications for off sales may be granted subject to certain caveats. Any application that wishes to sell alcohol for consumption off of the premises up until 0000hrs should familiarise themselves with the contents of the Council's Licensing Policy - particularly the concerns around the sale of high strength beers, ales and ciders. Any application for an off licence should familiarise themselves with the Council's 'Reducing the Strength' initiative and the concerns around selling single cans to street drinkers. The Authority is of the view that street drinking is a major contributor to anti social behaviour***

within the town centre and elsewhere.

*It is expected that any applicant for an off licence will put forward robust measures within their application that mitigates such issues. Applications that put forward measures such as not selling high strength products; robust staff training and an age verification policy of at least Challenge 25 as well as other crime prevention measures such as CCTV covering the entire licensable area, are less likely to attract representations.*

*Applications for an off licence looking to sell alcohol past 0000hrs are likely to attract representations as it is likely that granting such licences will undermine the ability of the Authority to promote the licensing objectives. Therefore any application will be refused unless it can be shown by the applicant that there will be a no negative cumulative impact by granting such a licence.*

1.8 The approach taken in the Council's Cumulative Impact Assessment and Licensing policy is supported by case law. The Council has clearly stated in the Assessment and Licensing policy it's approach to applications within the Town Centre Cumulative Impact Area as noted within the paragraphs above. The case of British Beer and Pub Association (and others) v Canterbury City Council (2005) EWHC 1318 (Admin) is clear on the importance of the licensing policy; it's importance in setting out it's expectations regarding licensing and guiding applicants in relation to those expectations. Mr Justice Richards stated:

*(Para 82) A policy relating to the decision-making stage under s 18(3) not only guides the decision-maker but also serves to inform an Applicant about what he should consider in preparing his application.... An application that takes account of the matters set out in the policy, for example by including what is referred to in the policy or by giving a reasoned justification for not doing so, is less likely to give rise to relevant representations and more likely to be granted without additional conditions, whether under the administrative procedure in the absence of relevant representations or on a decision by the council under s 18(3) in the event of relevant representations.*

*(Para 83) The council is entitled to indicate in the policy its own expectations with regard to the promotion of the licensing objectives; and I do not think that an Applicant can legitimately complain if a failure to take account of those expectations gives rise to representations.*

1.9 The applicant in this instance has failed to mention the cumulative impact area contained within the Assessment; failed to mention the policy in the application form and has seemingly not taken cognisance of the Council's licensing policy which lays out the expectations of such applications in the CIA. Therefore this application, having elicited a relevant representation, should be refused.

1.10 Applicants for grant and variation applications within the Cumulative Impact Area have to rebut the presumption that the application will be refused. It is not incumbent on the Council or police to adduce evidence to prove there will be a negative effect on the promotion of the licensing objectives. The evidence within the Cumulative Impact Assessment has already been produced. The Council - by producing a Cumulative Impact Assessment has, by doing so, already arrived at the conclusion that the town centre is under stress from too many licensed premises and that adding more would be incompatible with the Authority's duty to promote the licensing objectives. The onus is entirely on the applicant to demonstrate that their proposed operation should be the exception that leads to the Council overturning its own policy. This reverse burden was confirmed in the case of (R) on the application of Portsmouth City Council v 3D Entertainment Group (2011) EWHC 507 (Admin) where J Supperstone found that Magistrates had erred in law by incorrectly applying Portsmouth City Council's Cumulative Impact Policy to put the onus on the Council and Police to adduce evidence of a negative cumulative impact. He stated:

*(Para 18) The magistrates, in my judgment, erred in law in concluding that the Appellant (Portsmouth City Council) had to have "hard evidence" from the police and that there was duty upon it to "investigate the cumulative impact". The burden was on the Respondent (3D Entertainment) to persuade the Appellant (Portsmouth City Council) that the operating schedule was such that there would be no cumulative impact. In applying the wrong test, the magistrates fell into error in finding that the Appellant (Portsmouth City Council) had acted unreasonably.*

1.11 The onus is on the applicant to rebut the Council's policy. It is not for the Council or police to adduce any further evidence - which is already contained within the policy. Again, the applicant has failed to mention or address this matter at all within the application form. Therefore the application, having elicited relevant representations must be refused.

1.12 The Licensing Authority must consider each application on its own merits with a view to assessing the likely effect of varying such a licence on the promotion of the licensing objectives (Paragraph 35 (5) of the Licensing Act 2003). This is confirmed in (R) on the application of Hope and Glory Public House v Westminster City Council (2011) EWCA Civ31 where Lord Justice Toulson stated:

*(Para 42) Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance.*

*Although such questions are in a sense questions of fact, they are not*

*questions of the 'heads or tails' variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact.*

1.13 The above approach to grant applications and the prospective nature of the licensing objectives was confirmed in East Lindsey DC v Abu Hanif (2016) EWHC 1265 Admin, where Mr Justice Jay stated:

*(Para 18) The prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.*

1.14 Therefore the application is inconsistent with the Authority's duty to promote the licensing objectives which is the key reason the Council adopted a Cumulative Impact Assessment for the Town Centre Cumulative Impact Area. By adopting this assessment the Council has already determined that granting further licences or material variations will be detrimental. The Assessment lays out the reasons for this which are entirely consistent with the relevant case law stated above. Therefore, given the applicant hasn't even mentioned the policy in their application and provided no information in respect of the policy; the application has elicited representations and should therefore be refused.

## **2. Application inconsistent with the Council's Licensing Policy (April 2018)**

2.1 The Council's Licensing Policy - which came into force on 22<sup>nd</sup> October 2018 - contains a number of provisions that applicants for off licences should take cognisance of. This is due to the serious issues around street drinking; the selling of super strength beers and ciders and the anti social behaviour that stems from this - especially in the town centre and Oxford Road areas. These measures are expected to be addressed by all applicants - this applicant has not addressed them at all.

2.2 Paragraphs 2.11 to 2.14 make specific reference to the 'Reducing the Strength' initiative that has been introduced in the town centre and the issues surrounding the sale of high strength alcohol.

*2.11 The Council recognises the link between high strength alcohol products, anti social behaviour and poor health outcomes. In 2017, the Licensing Authority in conjunction with partners at Thames Valley Police and the Community Alcohol Partnership launched a voluntary initiative to try and reduce the availability and sale of high strength beers and cider above 6.5% ABV.*

*2.12 There is a significant issue in the town centre and Oxford Road with persons identified as street drinkers purchasing single cans of high strength beers and ciders from licensed off licences. This has led to issues of anti social behaviour in local communities. Most off licences in the town centre*

*and Oxford Road areas have voluntarily agreed to stop selling single cans of high strength beers and ciders. Some have agreed to only sell packs of four whilst others have agreed not to sell these products at all. This has led to a reduction in the number of incidents of street drinking.*

*2.13 We would expect all licence holders and potential applicants to have regard to this initiative and include measures to restrict the sale of high strength products in single quantities or to not sell them at all. Failure to do so could lead to representations being made against applications for licences or applications to review licences that may be undermining the licensing objectives by selling these products in an irresponsible way.*

*2.14 The Licensing authority, in conjunction with relevant partners, will be expanding this initiative to include all off licences in Reading and would expect all applicants and current licence holders to take cognisance of this fact. Current licence holders are also expected to take steps to prevent any irresponsible retailing of these products.*

2.3 The Licensing Policy also contains specific provisions and expectations in relation to off licences within Chapter 6. Indeed, paragraphs 6.11, 6.12, 6.13 and 6.16 are very specific about the Council's expectations:

*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.*

*6.16 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.*

2.4 The applicant has failed to address the matters stated in the licensing policy despite the policy being clear on what the Authority expects. Therefore, and as per the case law mentioned at 1.8, an applicant that disregards the policy and the expectations of the licensing authority should expect their application to be objected to.

### **3. Application inconsistent with Secretary of States Guidance (April 2018)**

3.1 This application, as set out on previous pages, is inconsistent with the Council's Licensing Policy and the Cumulative Impact Assessment and thus undermines the Authority's duty to promote the four licensing objectives.

3.2 The Secretary of State's Guidance also outlines what applicants should take into account when applying for a licence with an Authority. I draw specific attention to paragraphs 8.41; 8.43 and 8.47.

3.3 Paragraph 8.41 of the guidance clearly states that applicants should have regard to the Council's policy and expectations for the area in which they are applying. The applicant does not appear to have done this:

*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.*

3.4 Paragraph 8.43 is particularly pertinent to applications within a Cumulative Impact Area. The applicant has failed to make any reference at all to the Council's Cumulative Impact Assessment or the area it applies to:

*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.*

3.5 Paragraph 8.47 also states that applicants should not just include a set of standard conditions. They should also state why the measures they have proposed are suitable.

*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.*

3.6 The application has not been made in accordance with the Secretary of State's Guidance. No mention of Cumulative Impact has been made within it nor has any attempt been made to mitigate the potential issues surrounding granting a licence in an area already deemed by the Council to be under stress. Given the applicant has failed to demonstrate any cognisance of the Council's Cumulative Impact Assessment despite the Guidance giving clear advice that applicants should do so; the application should be refused.

#### Summary

The Licensing team respectfully ask that the application for the grant of a premises licence for Union Food and Wine at 11b Union Street, Reading, be refused for the reasons and rationale stated in this representation. The application is contrary to the Council's Cumulative Impact Assessment; does not seem to take cognisance of the Council's Licensing policy; does not appear to have been made in line with the Secretary of State's Guidance and does not even mention Cumulative Impact within the application let alone provide any mitigation towards rebutting the presumption of refusal. Therefore granting this application will be inconsistent with the Authority's duty to actively promote the licensing objectives.

However, if the Licensing Sub-Committee were to become satisfied that the applicant has rebutted the Council's Cumulative Impact policy and Licensing policy and that granting the application would actively promote the four licensing objectives then we would ask for stringent conditions to be imposed given the issues in the town centre.

#### Staff Training

1. Staff employed to sell alcohol shall undergo training upon induction before they are permitted to work at the premises. This shall include, but not be limited to:-

- a. Dealing with refusal of sales
- b. Knowledge of the Four Licensing Objectives
- c. Identifying signs of intoxication
- d. Conflict management
- e. How to identify and safeguard vulnerable persons who attend and leave the premises.
- f. Proxy purchasing and identifying attempts by intoxicated persons to purchase alcohol.

Such training sessions are to be documented and refreshed every six months. All

training sessions are to be documented in English. 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.

2. Staff authorised to sell alcohol shall be accredited to BII Level 1 Award in Responsible Alcohol Retailing (ARAR) or any other similarly nationally recognized approved accreditation curriculum within four weeks for existing and subsequent employees.

#### **Refusal Book**

3. The premises licence holder shall ensure that a refusal log (either written or electronic) is in operation at the premises. All staff involved in the sale of alcohol shall be trained in how to use and maintain said log. The log shall contain the following:

- a) Description of person attempting to purchase alcohol
- b) Time said person attempted to purchase alcohol
- c) The reason for refusing a person alcohol
- d) Name of staff member dealing with the refusal

The log shall be signed off weekly by the Designated premises supervisor or nominated representative and shall be made available for inspection to officers of Reading Borough Council and Thames Valley Police.

#### **Age Verification Policy**

4. The premises shall, at all times, operate at least a Challenge 25 age verification 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.

5. The premises age verification policy shall be in a written form and displayed in a prominent position on the premises;

6. Notices advertising the premises' Challenge 25 scheme shall be displayed in prominent positions on the premises;

#### **CCTV**

7. 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 entire licensable area shall be covered by the CCTV and an

appropriate number of cameras shall be installed to cover the external areas immediately outside the premises. 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, 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 in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.

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

#### **Incident Register**

9. An incident log/register shall be maintained to record:

- All incidents of crime and disorder occurring at the premises;
- Details of occasions when the police are called to the premises.

This log/register will be available for inspection to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.

#### **Public Nuisance**

10. Notices shall be placed at all exits asking customers to respect the needs of local residents and to leave the premises quietly.

11. Staff shall actively discourage and disperse persons who congregate outside the premises so as to minimise disturbance to local residents

12. The Premises and area immediately outside the premises shall be kept clear of all forms of litter whilst the premises is open for licensable activities. Adequate waste receptacles for use by the customers shall be provided.

#### **Other initiatives**

13. The premises licence holder shall not sell super strength beer, lager or cider with an alcohol content of 5.5% ABV (alcohol by volume) or greater. This restriction shall not apply in respect of the specialist branded, premium priced, product - for example craft ales, local or microbrewery specialist product, boxed gifts or national celebratory/ commemorative beer, lager or cider with an alcohol content of 5.5% ABV or greater.

14. No single cans of beer, lager or cider shall be sold at any time.

15. There shall be no self-service of spirits except for spirit mixtures.

16. The Premises Licence Holder shall have available on the premises, for inspection by an authorised officer of Reading Borough Council or Thames Valley Police at any reasonable time, true copies of invoices, receipts or other records of transactions for all alcohol products purchased in the preceding three months. All

alcohol products shall only be purchased from outlets registered with HMRC's Alcohol Wholesale Registration Scheme.

**Right To Work**

17. The premises licence holder or nominated representative shall keep and maintain all right to work documents for all staff members. Right to work documents shall be kept at the premises and produced to authorised officers of Reading Borough Council and Thames Valley Police upon request.

NB: The applicant shall put in writing to the Licensing Authority that all of the above measures have been put in place before opening the premises and conducting any licensable activities.

|                      |            |                 |            |
|----------------------|------------|-----------------|------------|
| <b>Date Received</b> | 18/12/2018 | <b>Date Due</b> | 15/01/2019 |
|----------------------|------------|-----------------|------------|

|             |    |    |      |
|-------------|----|----|------|
| <b>Date</b> | 04 | 01 | 2019 |
|-------------|----|----|------|

Division/Station : Reading Police Station Licensing Dept

From : C2107 Declan Smyth

To : Reading Borough Council

Ref : Union Food & Wine, 11B Union Street, Reading, RG1 1EU

Date : 3<sup>rd</sup> January 2018

Subject :

### Objection

To whom it may concern

I C2107 Declan Smyth on behalf of the Chief Officer of Thames Valley Police wish to formally object to the proposed application for a premises licence submitted in relation to Union Food & Wine, 11B Union Street, Reading, RG1 1EU as it is believed that this application in its current format will undermine the four licensing objectives with specific regard to that of the prevention of public nuisance and the prevention of crime & disorder.

The proposal before the Sub-Committee is for:

- Supply Of Alcohol, Monday to Sunday 07:00-00:00
- Hours Premises Are Open To The Public, Monday to Sunday 07:00-00:00

The operating schedule within the application form contains a lack of detail and does not contain sufficient measures wherein we can be satisfied that the four licensing objectives will be actively promoted.

Paragraph 8.41 to 8.49 of the Secretary of States Guidance issued under Sec 182 Licensing Act 2003 states:-

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.**

Thames Valley Police feel that the applicant has failed to submit sufficient detailed measures in their proposed operating schedule to demonstrate that there will be no increase in crime and disorder and Anti-Social behaviour in the local area. Prior to this application Thames Valley Police can confirm that no contact has been received from the applicant in relation to this application in order to discuss any concerns which we may have had in relation to this and to determine any information that could have been supplied relating to our advice on local issues.

Reading Borough Council Licensing Policy Statement includes detail of its Cumulative Impact policy which exists in order to address the cumulative stress that is caused by the high concentration of Off Licences premises within the defined area of Reading Town Centre. This cumulative impact has been determined within the policy to have a negative impact on crime and disorder within the town due to the sheer volume and concentration of licensed premises which has a negative impact on the four licensing objectives.

The Council Licensing Policy Statement states:-

2.12 There is a significant issue in the town centre and Oxford Road with persons identified as street drinkers purchasing single cans of high strength beers and ciders from licensed off licences. This has led to issues of anti social behaviour in local communities. Most off licences in the town centre and Oxford Road areas have voluntarily agreed to stop selling single cans of high strength beers and ciders. Some have agreed to only sell packs of four whilst others have agreed not to sell these products at all. This has led to a reduction in the

number of incidents of street drinking.

2.13 We would expect all licence holders and potential applicants to have regard to this initiative and include measures to restrict the sale of high strength products in single quantities or to not sell them at all. Failure to do so could lead to representations being made against applications for licences or applications to review licences that may be undermining the licensing objectives by selling these products in an irresponsible way.

The Council Licensing Policy Statement paragraph 12.32, states:-

**12.32 Off Licences:** Premises that wish to sell alcohol for the consumption off the premises have and continue to cause issues within the town centre. Applications for the sale of alcohol for consumption off the premises will likely be refused if the Authority is satisfied that granting such a licence would undermine the promotion of the licensing objectives.

Applications for off sales may be granted subject to certain caveats. Any application that wishes to sell alcohol for consumption off of the premises up until 0000hrs should familiarise themselves with the contents of the Council's Licensing Policy - particularly the concerns around the sale of high strength beers, ales and ciders. Any application for an off licence should familiarise themselves with the Council's 'Reducing the Strength' initiative and the concerns around selling single cans to street drinkers. The Authority is of the view that street drinking is a major contributor to anti social behaviour within the town centre and elsewhere.

**It is expected that any applicant for an off licence will put forward robust measures within their application that mitigates such issues.** Applications that put forward measures such as not selling high strength products; robust staff training and an age verification policy of at least Challenge 25 as well as other crime prevention measures such as CCTV covering the entire licensable area, are less likely to attract representations.

Thames Valley Police believe that the Cumulative Impact Policy (CIP) has not been adequately addressed by the applicant and in its current format that this application including the proposed operating schedule and hours of operation regarding the sale of alcohol will undermine the four licensing objectives. The applicant has not sufficiently taken into account concerns relating to public nuisance and crime and disorder within the local area and in our opinion not therefore provided sufficient steps to promote the licensing objectives.

Thames Valley Police submit the following licence conditions for the consideration of the licensing sub-committee which we feel are appropriate in order to promote the four licensing objectives:-

### **Staff Training**

1. Staff employed to undergo training upon induction before they are allowed to work. This shall include, but not be limited to:-
  - a. Dealing with refusal of sales
  - b. Knowledge of the Four Licensing Objectives
  - c. Identifying signs of intoxication
  - d. Conflict management
  - e. How to identify and safeguard vulnerable persons who attend and leave the premises.
  - f. Proxy purchasing and identifying attempts by intoxicated persons to purchase alcohol.

Such training sessions are to be documented and refreshed every six months. All training sessions are to be documented in English. 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.

2. The premises licence holder shall ensure that a refusal log (either written or electronic) is in operation at the premises. All staff involved in the sale of alcohol shall be trained in how to use and maintain said log. The log shall contain the following:

- a) Description of person attempting to purchase alcohol
- b) Time said person attempted to purchase alcohol
- c) The reason for refusing a person alcohol
- d) Name of staff member dealing with the refusal

The log shall be signed off weekly by the Designated premises supervisor or nominated representative and shall be made available for inspection to officers of Reading Borough Council and Thames Valley Police.

3. The Designated Premises Supervisor shall ensure they and staff who are authorised to sell alcohol, are able to converse with customers and representatives of Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives as contained in the Licensing Act 2003.

- i. The Prevention of Crime and Disorder.
- ii. Public Safety.
- iii. Public Nuisance.
- iv. The Protection of Children from Harm.

#### **Age Verification Policy**

4. The premises shall at all times operate a Challenge 25 age verification 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.
5. The premises age verification policy shall be in a written form and displayed in a prominent position on the premises;
6. Notices advertising the premises' Challenge 25 scheme shall be displayed in prominent positions on the premises;

#### **CCTV**

7. 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 entire licensable area shall be covered by the CCTV and an appropriate number of cameras shall be installed to cover the external areas immediately outside the premises. 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, 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 in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.

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

#### **Incident & Refusal Register**

9. A refusal register – whether written or electronic – shall be used, kept and maintained at the premises. The refusal register shall record the time and date of the refusal; which age restricted product was refused, details of the staff member refusing service and a description of the person refused. The refusal log shall be produced to authorised officers of Reading Borough Council and Thames Valley Police upon request.
10. An incident log/register shall be maintained to record:
  - All incidents of crime and disorder occurring at the premises;
  - Details of occasions when the police are called to the premises.This log/register will be available for inspection to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.

#### **Public Nuisance**

11. Notices shall be placed at all exits asking customers to respect the needs of local residents and to leave the premises quietly.
12. Staff shall actively discourage and disperse persons who congregate outside the premises so as to minimise disturbance to local residents
13. The Premises and area immediately outside the premises shall be kept clear of all forms of litter whilst the premises is open for licensable activities. Adequate waste receptacles for use by the customers shall be provided.

#### **Other initiatives**

14. The premises licence holder shall not sell super strength beer, lager or cider with an alcohol content of 5.5% ABV (alcohol by volume) or greater. This restriction shall not apply in respect of the specialist branded, premium priced, product – for example craft ales, local or microbrewery specialist product, boxed gifts or national celebratory/ commemorative beer, lager or cider with an alcohol content of 5.5% ABV or greater.
15. No single cans of beer or cider shall be sold at any time.
16. There shall be no self-service of spirits except for spirit mixtures.

#### **Right To Work**

17. Before any person is employed at the premises sufficient checks will be made of their bona fides to ensure they are legally entitled to employment in the UK. Such checks will include:
  - Proof of identity (such as a copy of their passport)
  - Nationality
  - Current immigration status

- Employment checks will be subject of making copies of any relevant documents produced by an employee, which will be retained on the premises and kept for a minimum period of two years. Employment records as they relate to the checking of a person's right to work will be made available to an authorised officer of Reading Borough Council or Thames Valley Police upon request.

-----Original Message-----

APPENDIX LIC-4

From: Graham Bates [mailto: [REDACTED]]  
Sent: 05 January 2019 23:01  
To: Licensing  
Subject: Licence application for 11b Union Street

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Reading Borough Council.  
Licensing Department.

Dear Sirs,

I object to the application for a new off licence at 11b Union Street, open 7am-midnight, for the following reasons:

1. There is no need for alcohol to be sold at 7am, nor indeed before evening time, to anyone without an addiction. To sell alcohol at this time is purely to cater for and encourage those with a drink problem.
2. Two other off licences exist within 100 metres and several major supermarkets operate locally and across the borough, some of which also open late. Anyone who wants alcohol off licensed premises is already well served.
4. Police and emergency services would be expected to operate in a restricted space in response to the inevitable anti-social behaviour which would follow. Perpetrators could easily escape to Broad Street and beyond as police are forced to pursue on foot, not in a car.
5. Another off licence/convenience shop only goes to impoverish the retail landscape. The council is cultivating Identikit rows of phone shops and convenience off-licences and would end up with a new Gin Alley. Do they have any idea that ordinary, often elderly, customers want

personal service for food and groceries in a shop? Until last year this end of Union Street was a convenient and complete food shopping location offering small amounts cheaply. With the loss of the butcher and greengrocer this has gone, altering the character of the town centre. It was untidy, no doubt, but much character, individuality and "life" has vanished now that only the fishmonger remains.

6. New proprietors have already gone ahead with property conversion obviously in the belief permission was a rubber-stamp exercise. Clearly, this modus operandi is standard practice but is wrong and cannot be allowed to continue.

Sincerely,  
Graham Bates  
[REDACTED]

[REDACTED]  
[REDACTED]



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## LICENSING ACT 2003 HEARING THURSDAY 14 FEBRUARY 2019 @ 10.30HOURS

### APPLICATION FOR THE GRANT OF A PREMISES LICENCE

#### **1. Premises:**

Premier Inn  
On the site of 20 Hosier Street  
Reading,  
RG1 7JL

#### **2. Applicant:**

Whitbread Group PLC  
Whitbread Court  
Porz Avenue  
Dunstable  
Bedfordshire  
LU5 5XE

#### **3. Premises Licence:**

There is currently no premises licence in place. The premises is located on the site of 20 Hosier Street, Reading which is within the Councils' Cumulative Impact Area.

The application was submitted on behalf of Whitbread Group PLC seeks to apply for the licensable activities and opening hours to the times stated below.

A plan showing the location of the premises and surrounding area is shown at **Appendix LIC-4**

#### **4. Proposed licensable activities and hours:**

The application is for the increase in hours for the following activities:

##### Sale of Alcohol (On and Off the premises)

Monday to Sunday from 1000hrs until 0000hrs  
(24 hours for residents)

##### Late Night Refreshment (Indoors)

Monday to Sunday from 2300hrs until 0000hrs  
(24 hours for residents)

##### Films

Monday to Sunday from 1000hrs until 0000hrs

##### Non-Standard Timings

To permit sale of alcohol, late night refreshment and such regulated entertainment as authorised hereunder from New Year's Eve to terminal hour as proposed being 0030hours on 2 January.

##### Hours open to the public

Monday to Sunday from 0630hrs until 0030hrs

The premises shall remain open to permit the sale of alcohol, late night refreshment and regulated entertainment to hotel residents 24 hours a day.

For non-residents, the premises will close 30 minutes after the end of non-standard timings (See above)

#### **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: 21 December 2019**

A copy of the application form is attached as [Appendix LIC-1](#)

#### **7. Date of closure of period for representations: 18 January 2019**

#### **8. Representations received:**

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

Reading Borough Council Licensing Team. A copy is attached at [Appendix LIC-2](#)

Thames Valley Police. A copy is attached at [Appendix LIC-3](#)

#### **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

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 areas. 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.

#### **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.

#### **Planning and Building Control**

14.64 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

#### **Licensing Act 2003**

The Licensing Act 2003 under Section 18 (6) 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.

#### **Reading Borough Council Statement of Licensing Policy 2018**

##### **2. Integrating Strategies**

2.1 The Secretary of State's Guidance to the Licensing Act 2003 states that the

licensing authority should outline how it will secure proper integration between its licensing policy with policies and strategies concerned with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other policy or plan introduced for the management of town centres and night time economies. The Licensing Authority agree that such co-ordination and integration is crucial to achieve the Council's aims for a safe and vibrant night time economy.

#### **Licensing and Planning integration**

2.2 The planning authority of Reading Borough Council is a responsible authority under the Licensing Act 2003. It can make representations on applications or call for reviews of existing licences based upon any of the four licensing objectives. The prevention of crime and disorder and prevention of public nuisance are shared concerns of the planning and licensing authorities.

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.

3.2 This Act requires local authorities and other bodies to consider crime and disorder reduction. Section 17 of the Act states that it shall be the duty of each authority, to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that is reasonably can to prevent, crime and disorder in its area (including anti social and other behaviour adversely affecting the local environment). This links specifically with the licensing

objective of prevention of crime and disorder and the licensing authority will take into account all reasonable measures that actively promote this licensing objective.

#### **The Anti-social Behaviour, Crime and Policing Act 2014**

3.3 This Act gives a wide range of powers to local authorities and the police to tackle incidents of crime, disorder and nuisance that may be impacting on residents. The Act introduced public spaces protection orders which allows the local authority to designate areas in the borough where anti social behaviour such as street drinking will be prohibited. The Council has designated areas where street drinking is prohibited and is in the process of introducing a new public space protection order. The Act also gives powers to the local authority and police to close licensed premises where nuisance and anti social behaviour is taking place or likely to take place. This Act therefore clearly supports and actively promotes the licensing objectives contained within the Licensing Act 2003.3.4 The Council's Licensing policy is therefore clear and unchallenged on the matter of the planning permission - particularly when it impacts on the promotion of the four licensing objectives - in this case, the prevention of public nuisance. It should also be noted that the planning authority is a named responsible authority in the Licensing Act 2003 and can make representations in relation to applications and call review of licences if it believes it is necessary to do so.

3.5 The Authority's approach to planning and the proper integration between planning and licensing is also confirmed as proper by the Secretary of State's Guidance to the Licensing Act 2003:

#### **Integrating strategies**

3.6 Therefore it is clear that planning is a matter for the licensing authority to consider. It is also clear that the expectation of planning compliance within the Council's Licensing policy is entirely consistent with the recommendation set out in the Secretary of State's Guidance that the Authority should ensure integration and consistency with other strategies and policies. I attach the recent case in front of a district judge where he also held that planning was a matter for the licensing authority to consider - particularly as it forms part of the licensing policy. La Brea Date Received 24/10/2018 Date Due 21/11/2018 Ltd v London Borough of Hackney is attached at appendix RF-4. The application is therefore contrary to the planning permission and contrary to the Council's licensing policy. Granting the hours applied for would likely cause a public nuisance and should therefore be refused.

#### **9. Enforcement**

9.1 It is the responsibility under the Act for all responsible authorities; licence holders and prospective licence holders to actively promote the four licensing objectives. The Council along with partner agencies, has a wider responsibility to protect the public as a whole and prevent crime, harm or nuisance from taking place.

9.2 The Authority will carry out its licensing functions with a view to actively promoting the licensing objectives and maintaining public safety. This applies to the dual role the licensing authority has both as the administrator of the process and as a responsible authority.

9.3 The Licensing Authority has previously and will continue to work with other responsible authorities and partner agencies in order to ensure that the licensing

objectives are promoted and that a consistent and joined up approach is taken to enforcement across Reading.

### **Inspections**

9.6 The Authority will carry out inspections at all premises where a premises licence is in force. Additionally, an inspection may also be carried out where an application for a grant, variation or review is received by the Authority to ascertain the likely effect of granting any application on the promotion of the licensing objectives. Inspections may also be carried out if the Authority or one of our partner agencies/responsible authorities are made aware of complaints or other incidents that undermine the promotion of the licensing objectives.

9.7 Inspections will be carried out solely by the Licensing Authority or in conjunction with other partners such as Thames Valley Police, Home Office Immigration Enforcement and Trading Standards.

### **Cumulative Impact Assessment**

#### **12 Cumulative Impact Assessment for the Town Centre**

NB: The Licensing Authority, when publishing its licensing policy, is required to have regard to the Cumulative Impact Assessment in the forthcoming pages. The licensing policy and the statements, provisions and aims contained within it, are consistent with the approach laid out in the Cumulative Impact Assessment for the Town Centre Cumulative Impact Area. The statements within the policy are aimed at encouraging best practice; a safe environment for all and, most importantly, to actively promote the four licensing objectives. The statements in the licensing policy including the approaches to conditions; hours; enforcement and all other matters will also apply to the premises designated within the Town Centre Cumulative Impact Area. The Licensing Authority is also required to publish, within the licensing policy, a summary of the Cumulative Impact Assessment. However, by including the full rationale for the Cumulative Impact Assessment and supporting evidence, as standalone chapters within the licensing policy document, we believe that this would make a summary unnecessary and would only serve to duplicate the information provided in the forthcoming pages. It is acknowledged that the Cumulative Impact Assessment (Chapters 12 and 13) must be reviewed every three years whilst the licensing policy (Chapters 1 to 11) must be reviewed every five years.

### **Cumulative Impact Assessments - Background**

12.1 The concept of Cumulative Impact has been described within the Secretary of State's Guidance since the commencement of the 2003 Act. It has been part of the Council's licensing policy since 2010 and is a proper matter for the Authority to consider when discharging its licensing functions and developing its licensing policy. It is also consistent with the Authority's obligations to prevent crime and disorder as outlined in Section 17 of the Crime and Disorder Act 1998. However, this assessment shall not relate to the demand for a certain types of premises (need). The issue of 'need' is not a proper matter for the Authority to consider within the licensing policy statement.

12.2 Cumulative Impact for the purposes of this policy means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, this may include the potential impact on crime and disorder or public nuisance on an area that a large concentration of licensed premises may have.

12.3 The Policing and Crime Act 2017 amended the Licensing Act 2003 to place 'Cumulative Impact Assessments' on a statutory footing by introducing paragraph 5A of the Licensing Act. This amendment came into force on 6th April 2018.

12.6 The assessment will relate to all premises within the specified area that have a premises licence or a club premises certificate which will be carrying on or proposing to carry on the following licensable activities:

- The sale or supply of alcohol on or off the premises
- The provision of late night refreshment on or off the premises
- The provision of any regulated entertainment

Whilst this Cumulative Impact Assessment does not apply directly to Temporary Event Notices, the Secretary of State's Guidance to the Licensing Act 2003 states that it is open to the police and Environmental Health officers to refer to this assessment and the evidence contained within it when objecting to a TEN. The Authority believes this is a right and proper approach as extension of hours within the Cumulative Impact Area can have a direct impact on the promotion of the licensing objectives.

12.7 This assessment is being published because the authority is of the opinion that the number of licensed premises and club premises certificates within the town centre area is such that it is likely that granting further licences or variations to licences would be inconsistent with the authority's duty to promote the licensing objectives. This opinion has been reached after careful consideration of evidence showing high levels of crime and disorder within the town centre; the nature of those offences - which include violent and sexual offences - which are and the comparable data between the Reading night time economies and other night time economies in the Thames Valley area.

12.8 The content of this Assessment does not change the fundamental way that decisions are made under the 2003 Act. The Authority will make all decisions on applications within the Town Centre Cumulative Impact Area on a case by case basis with a view on how best to promote the licensing objectives. It also does not remove the requirement for a relevant representation to be submitted by a responsible authority or a member of the public (defined as 'any other person' within the Act) against an application for it to be considered by the Licensing Sub-Committee. An application that does not receive relevant representations is deemed granted under the Act.

12.10 This assessment will apply to all applications for the grant or variation of a premises licence or club premises certificate and all premises that may benefit from a premises licence or club premises certificate. This includes material variations for increased hours for licensable activity; increased capacity and any other matter that may add to cumulative impact in the Town Centre Cumulative Impact Area. Section 5A of the Licensing Act 2003 uses the phrase 'to grant any further relevant authorisations' in relation to Cumulative Impact Assessments. The Authority interprets that to mean all grant and variation applications in the relevant area. A material variation to increase the scope of a licence - whether that be for extended licensable activities; extended hours or an increase of capacity - is, by all definition, a grant of a new relevant authorisation in the area as it replaces the currently existing one. This is consistent with the Secretary of State's Guidance and the explanatory notes to the Policing and Crime Act 2017 which was the legislation that inserted Cumulative Impact Assessments into the Licensing Act 2003. The Home Office have also confirmed that this is the intent of the legislation.

12.11 The Authority has considered in formulating this assessment - in close consultation with Thames Valley Police - that significant concerns do exist over the high concentration of licensed premises within the town centre area. The high concentration of licensed premises is already causing a negative cumulative impact on one or more of the licensing objectives. Therefore granting further licences or certificates or variations to licences and certificates may be inconsistent with the Authority's duty to promote the licensing objectives and protect the public as a whole.

12.12 Concerns do exist about the concentration of premises in parts of the town centre, particularly in Friar Street, Gun Street, St Mary's Butts and adjoining roads, together with the impact these premises are having upon the licensing objectives. These concerns and the associated impact on the crime and disorder licensing objective are underpinned by the evidence in this assessment.

12.13 The effect of the Cumulative Impact Assessment is to create a presumption that applications for the grant of a premises licence or club premises certificate or material variations within the stated area will be refused if relevant representations are received. This is because of the high concentration of licensed premises already in existence in the town centre and the further undermining of the licensing objectives that is likely to occur if further licences are granted.

12.14 Applications will be considered on a case by case basis. Any application which is unlikely to have a negative effect on the promotion of the licensing objectives may be granted subject to it being consistent with the provisions and aims set out in this assessment and the licensing policy as a whole. Applicants for a premises licence or club premises certificate within the Town Centre Cumulative Impact Area should address issues of cumulative impact within their applications. Failure to do this will likely lead to representations being submitted with a recommendation that the application is refused by the licensing committee.

12.15 Where during the application for the grant or variation of a premises licence or club premises certificate within the Town Centre Cumulative Impact Area, responsible authorities are concerned that the licensing objectives will be impacted on or undermined, or that the application undermines the ability of the Authority to actively promote the licensing objectives or aims of the licensing policy statement, then relevant representations are likely to be made. The application will then proceed to a hearing. If during the hearing to determine the application, an applicant is able to demonstrate that there will be no negative impact on the authority's duty to promote the licensing objectives and there will be no increase in the cumulative impact, a licence may be granted. However, if it cannot be demonstrated that an application will not undermine the licensing objectives; will not increase the cumulative impact within the town and will not impact on crime and disorder and public nuisance within the town then it shall be the policy of this authority to refuse the application. The onus is on the applicant to demonstrate that the Council should overturn its own policy in relation to Cumulative Impact.

12.18 This assessment shall set out the approach the Authority shall take when dealing with certain types of premises and the associated licensable activities. Each application will be assessed on a case by case basis. However, the onus is on the applicant to address the issue of cumulative impact within their application along with how they plan to promote the licensing objectives and aims stated



within the Authority's licensing policy.

12.19 The 2003 Act gives the authority power to set appropriate licensing hours that are consistent with the promotion of the licensing objectives. The licensing authority cannot set predetermined hours of operation and must take decisions on a case by case basis.

12.20 However, the evidence within this assessment clearly shows crime levels significantly increase after 0000hrs. Therefore any applicant who wishes to operate past 0000hrs must demonstrate how their operation will not negatively impact the promotion of the licensing objectives in an area which is already under stress from a high concentration of licensed premises.

12.21 Applications for the grant or variation of a premises licence or club premises certificate who wish to operate up to 0000hrs must also demonstrate how their operation is consistent with the provisions and aims laid out in this assessment and the statements within the main body of the licensing policy. For example, an off licence would have to demonstrate how their operation is consistent with the Authority's ambition to reduce the sale of super strength alcohol and to reduce incidents of street drinking. If an application for the grant or variation of a premises licence or club premises certificate within the Town Centre Cumulative Impact Area is unable to demonstrate how it will promote the licensing objectives and is inconsistent with the aims within the Council's licensing policy, then it is likely to attract representations. The likely recommendation of that representation is for the application to be refused.

**Application of the policy by premises type.**

12.23 As already stated in paragraph 12.13, it is the general policy of the Authority to refuse applications for the grant or variation of a premises licence or club premises certificate in the Town Centre Cumulative Impact Area. This general policy refers to all licensable activities specifically the sale of alcohol on or off the premises; the provision of late night refreshment on or off the premises and regulated entertainment. It also applies to material variations for the increase in capacity; the increase in opening hours and any other matter the Authority considers relevant.

12.24 However, the policy stated in 12.13 and 12.23 is not absolute and applicants will have the opportunity to address matters affecting Cumulative Impact within their application. Applicants will have to demonstrate that their application and proposed operation is not inconsistent with the Authority's licensing policy; this assessment and the Authority's ability to be able to promote the licensing objectives.

12.27 Hotels: Where applications are made for hotels to sell alcohol for the consumption of their bona fide guests only, then it is not envisaged there will be a negative impact on the promotion of the licensing objectives. However, applications that wish to sell alcohol to non guests or provide late night refreshment and regulated entertainment will likely attract representations if it cannot be demonstrated that there will be no negative impact on the Authority's duty to promote the licensing objectives. Hotels operating as late night bars where members of the public, who are not bona fide guests, can attend the premises and purchase alcohol and late night refreshment will also likely attract representations. Hotels will also be expected to demonstrate how they will address and prevent any issues of potential child sexual exploitation and the other

provisions laid out in the licensing policy referencing the wider issue of child protection.

**Other Initiatives within the Town Centre Cumulative Impact Area**

12.35 Prospective applicants and current licence holders should also familiarise themselves with the other initiatives that the Authority - in conjunction with it's partners - have instigated the below initiatives to assist in reducing instances of crime and disorder within the town - particularly during the night time economy - which also aim to provide a safer environment for those frequenting the town:

- The town centre Pubwatch
- The use of street wardens
- Public Space Protection Order
- First Stop Centre at the Minster Church
- Reducing the Strength Initiative
- Test purchasing
- Regular routine inspections
- Purple Flag
- Best Bar None

Applicants who wish to operate in the Town Centre Cumulative Impact Area will be expected to make use of all of the above and participate fully with the Authority and it's partner agencies to maintain a cohesive and best practice approach to promoting a safe environment in the town.

**Summary**

The Responsible Authorities under the Licensing Act 2003 object to this application as it is contrary to the Council's Cumulative Impact Policy; contrary to the Council's Licensing Policy and therefore undermines the Council's duty to actively promote the four licensing objectives. The application has not addressed the Council's policy or cumulative impact assessment in any sufficient detail and the proposed measures in the operating schedule are not robust enough nor do they address the provisions clearly stated within the Cumulative Impact Assessment.

**Case Law**

East Lindsey DC v Abu Hanif (2016)

Case of (R) on the application of Portsmouth City Council v 3D

Entertainment Group (2011) EWHC 507 (Admin)

Hope and Glory Public House v Westminster City Council (2011) EWCA Civ31

British Beer and Pub Association v Canterbury City Council (2005)

Lic/premierinngrant/14.02.2019/pn/b

**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

**We Whitbread Group PLC apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises details**

|  |                      |
|--|----------------------|
| Postal address of premises or, if none, ordnance survey map reference or description<br><br>Premier Inn (proposed), Land at 20 Hosier Street |                      |
| Post town<br>Reading   | Post code<br>RG1 7JL |

Telephone number of premises (if any)

n/a

Non-domestic rateable value of premises

Band A

**Part 2 – Applicant Details**

Please state whether you are applying for a premises licence as

- |   |  |                             |
|---|--|-----------------------------|
| a) An individual or individuals*  | <input type="checkbox"/> Please tick ✓ | please complete section (A) |
| b) a person other than an individual*   |  |                             |
| i. as a limited company   | <input checked="" type="checkbox"/>    | please complete section (B) |
| ii. as a partnership  | <input type="checkbox"/>               | please complete section (B) |
| iii. as an unincorporated association or  | <input type="checkbox"/>               | please complete section (B) |
| iv. other (for example a statutory corporation)   | <input type="checkbox"/>               | please complete section (B) |
| c) a recognised club  | <input type="checkbox"/>               | please complete section (B) |
| d) a charity  | <input type="checkbox"/>               | please complete section (B) |
| e) the proprietor of an educational establishment   | <input type="checkbox"/>               | please complete section (B) |
| f) a health service body  | <input type="checkbox"/>               | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/>               | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales   | <input type="checkbox"/>               | please complete section (B) |

• If you are applying as a person described in (a) or (b) please confirm:

Please tick x yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
  - Statutory function or ☐
  - A function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (For example, Rev) ☐

Surname

First names

Date of Birth:

I am 18 years old or over

Please tick

☐

Nationality:

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

**Second Individual Applicant (if applicable)**

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (For example, Rev) ☐

Surname

First names

Date of Birth:

I am 18 years old or over

Please tick

☐

Nationality:

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

## (B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

|   |
|---|
| Name<br>Whitbread Group plc   |
| Address<br>Whitbread Court, Porz Avenue, Dunstable , Bedfordshire, LU5 5XE  |
| Registered number (where applicable)<br>00029423  |
| Description of applicant (for example, partnership, company, unincorporated association etc.)<br>Public Limited Company |
| Telephone number (if any)   |
| E-mail address (optional)   |

### Part 3 - Operating Schedule

When do you want the premises licence to start?  
**On completion of the works - to be advised in due course**

|                      |                      |                      |
|----------------------|----------------------|----------------------|
| Day                  | Month                | Year                 |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

If you wish the licence to be valid only for a limited period,  
when do you want it to end?

|                      |                      |                      |
|----------------------|----------------------|----------------------|
| Day                  | Month                | Year                 |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

If 5,000 or more people are expected to attend the premises at any one time,  
please state the number expected to attend.

|     |
|-----|
| N/A |
|-----|

**Please give a general description of the premises (please read guidance note 1)**

This is a redevelopment site for which no rateable value has been fixed attributable to the proposed development of a Premier Inn with associated food and beverage provision at this site. Construction works have yet to commence.

It is intended that the proposed premises will operate as a standalone Hotel with related accommodation operating under the Premier Inn brand.

The proposed Hotel will have at ground floor level a secure entrance lobby, Hotel reception and a separate food and beverage area (usual in developments of this type). The Hotel bedrooms (which will be unlicensed) will comprise in all some 101 rooms and will be located on the upper floors.

The details of the development are shown on the drawings identified below, deposited with this application.

It is proposed that the permitted hours for licensable activities for these premises should be:

- 10:00 – 00:00 Monday to Sunday for non-residents

However, it is requested that the premises will remain open 24 hours a day to hotel residents with the provision of sale of alcohol to residents 24 hours a day.

This application seeks to licence the premises specifically to authorise under the Licensing Act 2003 the following activities:

1. Exhibition of a film, principally non-live television or educational videos.
2. The sale of alcohol by retail.
3. The provision of late night refreshment after 23.00.

The appropriate drawings deposited with this application are:

- drawing number 18370/0301 Revision P01 – Indicative site location plan
- drawing number 1821/SK02D - Indicative first floor general arrangement plan
- drawing number 1821/SK03C - Indicative second floor general arrangement plan
- drawing number 1821/SK04C - Indicative third floor general arrangement plan
- drawing number 1821/SK05C - Indicative fourth floor general arrangement plan
- drawing number 1821/SK06C - Indicative fifth floor general arrangement plan
- drawing number 1821/SK07C - Indicative sixth floor general arrangement plan
- drawing number 1821/SK08C - Indicative seventh floor general arrangement plan
- drawing number 1821/10A - detailed ground floor licensing drawing to a scale of 1:100 and showing indicative fire safety equipment

Please note that the Internal public ground floor area edged in red on the licensing drawing 1821/10A is intended to be used (as required) for all licensable activities.

Please further note that the appropriate fire safety precautions will be incorporated within the development in consultation with the Fire Safety Officer and under the Building Regulation approval process.

Whilst the site of the proposed development is within the Cumulative Impact Area it is not anticipated that the proposed development will adversely affect crime and disorder or public nuisance or any of the licensing objections.

It is proposed that the redevelopment of the site and particularly the development of a Premier Inn at this location will improve the area by providing jobs for the local community and a new Hotel facility at this location with associated food and beverage provision.

**What licensable activities do you intend to carry on from the premises?**

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick ☒ yes

**Provision of regulated entertainment**

- |   |                                     |
|---|-------------------------------------|
| a) Plays (If ticking yes, fill in box A)  | <input type="checkbox"/>            |
| b) Films (If ticking yes, fill in box B)  | <input checked="" type="checkbox"/> |
| c) Indoor sporting events (If ticking yes, fill in box C)   | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (If ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (If ticking yes, fill in box E)   | <input type="checkbox"/>            |
| f) recorded music (If ticking yes, fill in box F)   | <input type="checkbox"/>            |
| g) performances of dance (If ticking yes, fill in box G)  | <input type="checkbox"/>            |
| h) anything of a similar description to that falling within (e), (f) or (g) (If ticking yes, fill in box H) | <input type="checkbox"/>            |

**Provision of late night refreshment** (If ticking yes, fill in box I)

☒

**Supply of alcohol** (If ticking yes, fill in box J)

☒

**In all cases complete boxes K, L and M**

# A

|   |       |        |   |          |  |
|---|-------|--------|---|----------|--|
| Plays<br>Standard days and timings<br>(please read guidance note 6) |       |        | Will the performance of a play take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).  | Indoors  |  |
|   |       |        |   | Outdoors |  |
|   |       |        |   | Both     |  |
| Day   | Start | Finish | Please give further details here (please read guidance note 3)  |          |  |
| Mon   |       |        |   |          |  |
| Tue   |       |        |   |          |  |
| Wed   |       |        | State any seasonal variations for performing plays (please read guidance note 4)  |          |  |
| Thur  |       |        |   |          |  |
| Fri   |       |        |   |          |  |
| Sat   |       |        | Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5) |          |  |
| Sun   |       |        |   |          |  |
|   |       |        |   |          |  |

# B

|   |       |        |  |          |   |
|---|-------|--------|--|----------|---|
| Films<br>Standard days and timings<br>(please read guidance note 7) |       |        | Will the exhibition of films take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).   | Indoors  | π |
|   |       |        |  | Outdoors |   |
|   |       |        |  | Both     |   |
| Day   | Start | Finish | Please give further details here (please read guidance note 4)   |          |   |
| Mon   | 10:00 | 00:00  |  |          |   |
| Tue   | 10:00 | 00:00  |  |          |   |
| Wed   | 10:00 | 00:00  | State any seasonal variations for the exhibition of films (please read guidance note 5)  |          |   |
| Thur  | 10:00 | 00:00  |  |          |   |
| Fri   | 10:00 | 00:00  |  |          |   |
| Sat   | 10:00 | 00:00  | Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6) |          |   |
| Sun   | 10:00 | 00:00  |  |          |   |
|   |       |        |  |          |   |
|   |       |        | When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)  |          |   |



**C**

|  |       |        |   |
|--|-------|--------|---|
| Indoor sporting events<br>Standard days and timings<br>(please read guidance note 6) |       |        | Please give further details (please read guidance note 3)   |
| Day  | Start | Finish |   |
| Mon  |       |        |   |
| Tue  |       |        | State any seasonal variations for indoor sporting events (please read guidance note 4)  |
| Wed  |       |        |   |
| Thur   |       |        |   |
| Fri  |       |        | Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5) |
| Sat  |       |        |   |
| Sun  |       |        |   |
|  |       |        |   |

**D**

|   |       |        |  |          |  |
|---|-------|--------|--|----------|--|
| Boxing or wrestling entertainment<br>Standard days and timings<br>(please read guidance note 6) |       |        | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).   | Indoors  |  |
| Day   | Start | Finish |  | Outdoors |  |
| Mon   |       |        |  | Both     |  |
| Tue   |       |        | Please give further details here (please read guidance note 3)   |          |  |
| Wed   |       |        |  |          |  |
| Thur  |       |        |  |          |  |
| Fri   |       |        | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)  |          |  |
| Sat   |       |        |  |          |  |
| Sun   |       |        |  |          |  |
|   |       |        |  |          |  |
|   |       |        | Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) |          |  |
|   |       |        |  |          |  |
|   |       |        |  |          |  |
|   |       |        |  |          |  |

# E

|  |       |        |  |          |  |
|--|-------|--------|--|----------|--|
| Live music<br>Standard days and timings<br>(please read guidance note 6) |       |        | Will the performance of live music take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).   | Indoors  |  |
|  |       |        |  | Outdoors |  |
| Day  | Start | Finish |  | Both     |  |
| Mon  |       |        | Please give further details here (please read guidance note 3)   |          |  |
| Tue  |       |        |  |          |  |
| Wed  |       |        | State any seasonal variations for the performance of live music (please read guidance note 4)  |          |  |
| Thur   |       |        |  |          |  |
| Fri  |       |        | Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) |          |  |
| Sat  |       |        |  |          |  |
| Sun  |       |        |  |          |  |

# F

|  |       |        |  |          |  |
|--|-------|--------|--|----------|--|
| Recorded music<br>Standard days and timings<br>(please read guidance note 6) |       |        | Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).   | Indoors  |  |
|  |       |        |  | Outdoors |  |
| Day  | Start | Finish |  | Both     |  |
| Mon  |       |        | Please give further details here (please read guidance note 3)   |          |  |
| Tue  |       |        |  |          |  |
| Wed  |       |        | State any seasonal variations for playing recorded music (please read guidance note 4)   |          |  |
| Thur   |       |        |  |          |  |
| Fri  |       |        | Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) |          |  |
| Sat  |       |        |  |          |  |
| Sun  |       |        |  |          |  |

# G

|  |       |        |   |          |  |
|--|-------|--------|---|----------|--|
| Performances of dance<br>Standard days and timings (please read guidance note 6) |       |        | Will the performance of dance take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).   | Indoors  |  |
|  |       |        |   | Outdoors |  |
|  |       |        |   | Both     |  |
| Day  | Start | Finish | Please give further details here (please read guidance note 3)  |          |  |
| Mon  |       |        |   |          |  |
| Tue  |       |        |   |          |  |
| Wed  |       |        | State any seasonal variations for the performance of dance (please read guidance note 4)  |          |  |
| Thur   |       |        |   |          |  |
| Fri  |       |        |   |          |  |
| Sat  |       |        | Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) |          |  |
| Sun  |       |        |   |          |  |
|  |       |        |   |          |  |

# H

|   |       |        |  |          |  |
|---|-------|--------|--|----------|--|
| Anything of a similar description to that falling within (e), (f) or (g)<br>Standard days and timings (please read guidance note 6) |       |        | Please give a description of the type of entertainment you will be providing   |          |  |
| Day   | Start | Finish | Will this entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).  | Indoors  |  |
|   |       |        |  | Outdoors |  |
|   |       |        |  | Both     |  |
| Mon   |       |        | Please give further details here (please read guidance note 3)   |          |  |
| Tue   |       |        |  |          |  |
| Wed   |       |        |  |          |  |
| Thur  |       |        | State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)  |          |  |
| Fri   |       |        |  |          |  |
| Sat   |       |        |  |          |  |
| Sun   |       |        | Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5) |          |  |
|   |       |        |  |          |  |
|   |       |        |  |          |  |

**I**

|  |       |        |   |          |   |
|--|-------|--------|---|----------|---|
| Late night refreshment<br>Standard days and timings<br>(please read guidance note 7) |       |        | Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).  | Indoors  | π |
|  |       |        |   | Outdoors |   |
|  |       |        |   | Both     |   |
| Day  | Start | Finish | Please give further details here (please read guidance note 4)  |          |   |
| Mon  | 23:00 | 00:00  |   |          |   |
| Tue  | 23:00 | 00:00  | To allow the provision of hot food and drinks for consumption on and off the premises at the manager's discretion and in the areas identified.  |          |   |
| Wed  | 23:00 | 00:00  |   |          |   |
| Thur   | 23:00 | 00:00  | State any seasonal variations for the provision of late night refreshment (please read guidance note 5)   |          |   |
| Fri  | 23:00 | 00:00  |   |          |   |
| Sat  | 23:00 | 00:00  | N/A – save as below   |          |   |
| Sun  | 23:00 | 00:00  |   |          |   |
|  |       |        | Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) |          |   |
|  |       |        |   |          |   |
|  |       |        | When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)   |          |   |
|  |       |        |   |          |   |

**J**

|   |       |        |   |                  |   |
|---|-------|--------|---|------------------|---|
| Supply of alcohol<br>Standard days and timings<br>(please read guidance note 7) |       |        | Will the supply of alcohol be for consumption<br>(Please tick box Y) (please read guidance note 8)  | On the premises  |   |
|   |       |        |   | Off the premises |   |
|   |       |        |   | Both             | π |
| Day   | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 5)   |                  |   |
| Mon   | 10:00 | 00:00  |   |                  |   |
| Tue   | 10:00 | 00:00  | Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)                |                  |   |
| Wed   | 10:00 | 00:00  |   |                  |   |
| Thur  | 10:00 | 00:00  | To permit sale of alcohol, late night refreshment and such regulated entertainment as authorised hereunder from 10.00 to New Year's Eve - terminal hour as proposed being 00.30 on 2 <sup>nd</sup> January. |                  |   |
| Fri   | 10:00 | 00:00  |   |                  |   |
| Sat   | 10:00 | 00:00  | The premises shall remain open to permit the sale of alcohol to hotel residents 24 hours a day.   |                  |   |
| Sun   | 10:00 | 00:00  |   |                  |   |

|  |  |
|--|--|
| <b>State the name and details of the individual whom you wish to specify on the licence as premises supervisor</b> |  |
| Name: Jacqueline Allum.....  |  |
| Date of Birth 3/6/1968 .....   |  |
| Address: c/o Whitbread Group Plc, Whitbread Court, Houghton Hall Business Park Dunstable .....                     |  |
| Postcode LU5 5XE .....   |  |
| Personal Licence number (if known): HARTDC05/00452/LAPER.....  |  |
| Issuing licensing authority (if known): HART D.C. ....   |  |

# K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

NONE save for the presence of category C gaming machines the use of which is not permitted by persons under the age of 18

# L

|  |       |        |  |
|--|-------|--------|--|
| Hours premises are open to the public<br>Standard days and timings (please read guidance note 6) |       |        | State any seasonal variation (please read guidance note 4)   |
| Day  | Start | Finish |  |
| Mon  | 06:00 | 00:30  | <p>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>The premises shall remain open 24 hours a day for hotel residents.</p> <p>For non-residents, the premises will close 30 minutes after the end of the non-standard timings identified in box J above.</p> |
| Tue  | 06:00 | 00:30  |  |
| Wed  | 06:00 | 00:30  |  |
| Thur   | 06:00 | 00:30  |  |
| Fri  | 06:00 | 00:30  |  |
| Sat  | 06:00 | 00:30  |  |
| Sun  | 06:00 | 00:30  |  |
|  |       |        |  |

# M

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

## a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

We have undertaken our own risk assessment to propose the following steps:-

The steps which we have identified in relation to the four licensing objectives are listed below

## b) The prevention of crime and disorder

No further risks have been identified which need to be addressed, save as below

1. The use of door staff will be risk assessed on an ongoing basis by the licence holder of premises supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.
2. Alcoholic and other drinks may not be removed from the premises save for consumption in the hotel bedrooms and the limited external area identified on the licensing drawing.
3. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.
4. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.

5. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
6. The management of the premises will liaise with police on issues of local concern or disorder.
7. CCTV will be installed with recording facilities such recordings shall be retained for a period of 31 days and made available within a reasonable time upon request by the police, such as to cover the main entrance to the premises.
8. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.

**c) Public safety**

No further risks have been identified which need to be addressed, save as below

1. To comply with the reasonable requirements of the fire officer from time to time.
2. The premises will have adequate safety and firefighting equipment and such equipment will be maintained in good operational order.
3. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
4. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
5. Toughened glasses will be used in the premises where appropriate.
6. Fire Exits and means of escape shall be kept clear and in good operational condition.

**d) The prevention of public nuisance**

No further risks have been identified which need to be addressed, save as below

1. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
2. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises. Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.
3. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
4. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.

**e) The protection of children from harm**

1. The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.
2. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
3. Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult or attending a pre booked function or resident in the hotel.
4. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
5. The premises supervisor or appointed staff member shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.
5. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.

Please tick ☐ Yes

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒
- {Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships} I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☐

**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.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent.** (Please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

|                    |  |
|--------------------|--|
| <b>Declaration</b> | <ul style="list-style-type: none"> <li>{Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership} I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul> |
|--------------------|--|

Signature: John Gaunt & Partners .....

Date: 20<sup>th</sup> December 2018 .....

Capacity: Solicitors.....

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (Please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners .....

Date:.....

Capacity: Solicitors.....

|  |                             |
|--|-----------------------------|
| Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14) |                             |
| <b>John Gaunt &amp; Partners</b><br><b>Omega Court</b><br><b>372 Cemetery Road</b>   |                             |
| Post town<br><b>Sheffield</b>  | Post code<br><b>S11 8FT</b> |
| Telephone number (if any)  | <b>0114 2668664</b>         |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional)<br><b>jgaunt@john-gaunt.co.uk</b>                |                             |

## Notes for Guidance

1. 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.
2. 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:
    - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
    - 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.
    - 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.
    - 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.
    - 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:
    - 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.
    - 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.
    - 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.

- 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:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - 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;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - 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.
- 3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 4. For example the 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.
- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. Please give 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.
- 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 9. Please give 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 or the presence of gaming machines.
- 10. Please list here steps you will take to promote all four licensing objectives together.
- 11. The application form must be signed.
- 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
- 14. This is the address which we shall use to correspond with you about this application.
- 15. **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

  - does not have the right to live and work in the UK; or
  - is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK (please see note below about which sections of the passport to copy).
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A current Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.



|  |  |            |            |            |            |            |            |
|--|--|------------|------------|------------|------------|------------|------------|
| <b>Name of Officer</b>   | Richard French                                   |            |            |            |            |            |            |
| <b>Type of Application</b>   | Grant of Premises Licence - Licensing Act 2003   |            |            |            |            |            |            |
| <b>Name of Premises</b>  | Premier Inn                                      |            |            |            |            |            |            |
| <b>Address</b>   | On the site of 20 Hosier Street                  |            |            |            |            |            |            |
|  | Reading  |            |            |            |            |            |            |
|  | RG1 7JL  |            |            |            |            |            |            |
| <b>Proposed Licensable Activities</b>  | Exhibition of films - Monday to Sunday 1000-0000 |            |            |            |            |            |            |
|  | Late Night Refreshment - Mon to Sun 2300 - 0000  |            |            |            |            |            |            |
|  | Sale of alcohol - Monday to Sunday 1000-0000     |            |            |            |            |            |            |
|  |  |            |            |            |            |            |            |
| <b>Finish Times</b>  | <b>Mon</b>                                       | <b>Tue</b> | <b>Wed</b> | <b>Thu</b> | <b>Fri</b> | <b>Sat</b> | <b>Sun</b> |
|  | 0030   | 0030       | 0030       | 0030       | 0030       | 0030       | 0030       |
| <b>Content of Application:</b>   |  |            |            |            |            |            |            |
| The application was submitted on behalf of Whitbread Group PLC on 21 <sup>st</sup> December 2018   |  |            |            |            |            |            |            |
| The application seeks the grant of a premises licence pursuant to the Licensing Act 2003 for the exhibition of films and sale of alcohol from 1000hrs to midnight; late night refreshment from 2300hrs until midnight and opening hours of 0600hrs until 0030hrs.  |  |            |            |            |            |            |            |
| The premises are within the Council's Town Centre Cumulative Impact Area.  |  |            |            |            |            |            |            |
| <b>Licensing Officer's Comments:</b>   |  |            |            |            |            |            |            |
| The Licensing Authority as a Responsible Authority under the Licensing Act 2003 object to this application as it is contrary to the Council's Cumulative Impact Policy; contrary to the Council's Licensing Policy and therefore undermines the Council's duty to actively promote the four licensing objectives. The application has not addressed the Council's policy or cumulative impact assessment in any sufficient detail and the proposed measures in the operating schedule are not robust enough nor do they address the provisions clearly stated within the Cumulative Impact Assessment. |  |            |            |            |            |            |            |
| 1. The application is contrary to the Council's Cumulative Impact Assessment specifically paragraph 12.7 which states that it is likely that granting further licences or variations to licences would be inconsistent with the Authority's duty to promote the licensing objectives. This is also consistent with paragraph 5A of the Licensing Act 2003. By adopting a Cumulative Impact Policy, the Authority has already deemed it necessary to do so because of the sheer number of premises in   |  |            |            |            |            |            |            |

the town centre and the negative impact that creates are incompatible with it's duty to promote the four licensing objectives. Paragraphs 12.13 and 12.23 also state that it will be the general presumption and policy of the Authority that any applications for the grant or material variation of a premises licence shall be refused if relevant representations are received. We would also refer to paragraphs 12.7; 12.20 and specifically 12.27 which outlines how applications for hotels will be dealt with and the measures we would expect to see in an application for such a premises.

2. The application does not seem to take any cognisance of the Council's Licensing policy - specifically paragraphs 6.28 and 6.29 which deals with the Council's general approach to conditions for hotel applications. No cognisance seems to have been taken in respect of the entirety of Chapter 8 of the licensing policy which deals with child sexual exploitation and the concerns around children and alcohol.

3. The application is inconsistent with the Secretary of State's Guidance to the Licensing Act - current edition dated April 2018. I would specifically point to paragraphs 8.41/8.43 and 8.47. The application seems to be just a set of generic statements with no explanation as to why they may be appropriate.

4. The operating schedule does not contain sufficient measures to actively promote the four licensing objectives.

**Therefore, and due to the above reasons, the granting of this application as it currently is will undermine the promotion of the licensing objectives; add to the cumulative impact within the town centre and is therefore inconsistent with the Authority's duty to promote the licensing objectives.**

I will now take all of the above points in turn:

#### **1. Application contrary to the Council's Cumulative Impact Assessment**

1.1 Reading Borough Council, as the relevant licensing authority, has had a Cumulative Impact area in the town centre since late 2010.

1.2 Paragraph 12.7 and paragraph 5A of the Licensing Act 2003 state that a Cumulative Impact Assessment can be published if the Authority is of the opinion that granting further licences or variations in the town centre area would be inconsistent with the Authority's duty to promote the licensing objectives. **Therefore the Council, by publishing such an assessment, has already reached the conclusion that there are too many licensed premises in the town centre and granting further licences would likely undermine the promotion of licensing objectives.**

1.3 Paragraph 12.10 of the Council's Cumulative Impact Assessment clearly states that it applies to all grants and material variations for premises licences and club premises certificates and relates to the potential impact on the promotion of the licensing objectives of a significant number of premises concentrated in one area - in this case, the town centre. There are currently 181 premises in the town centre cumulative impact area. 142 of the premises have a

licence to operate past 2300hrs and 132 of those premises are licensed to sell alcohol.

1.3 Paragraph 12.13 of the Council's Cumulative Impact Assessment states that the effect of the assessment is to **create a presumption that applications for the grant or material variation of a premises licence will be refused if relevant representations are received.** This is also stated within paragraph 12.23 and reiterates that the policy refers to all licensable activities and to grants and material variations of licences.

1.4 Paragraph 12.14 of the Assessment states that whilst applications will be dealt with on a case by case issue, **the applicant should address issues of cumulative impact within their application and that failure to do this will lead to representations being made with a recommendation for refusal.** This is also consistent with the Secretary of State's Guidance at paragraph 8.43. (below)

1.5 Paragraph 12.21 of the Assessment states Applications for the grant or variation of a premises licence or club premises certificate who wish to operate up to 0000hrs must also **demonstrate how their operation is consistent with the provisions and aims laid out in this assessment and the statements within the main body of the licensing policy.** For example, an off licence would have to demonstrate how their operation is consistent with the Authority's ambition to reduce the sale of super strength alcohol and to reduce incidents of street drinking. If an application for the grant or variation of a premises licence or club premises certificate within the Town Centre Cumulative Impact Area is unable to demonstrate how it will promote the licensing objectives and is inconsistent with the aims within the Council's licensing policy, then it is likely to attract representations. The likely recommendation of that representation is for the application to be refused.

1.6 Paragraph 12.24 of the Assessment does state that applicants will have an opportunity to address the issues of Cumulative Impact but this should be done, in the first instance, within the application. **The applicant in this case has not done this.**

1.7 Paragraph 12.27 of the Cumulative Impact Assessment specifically lays out the Authority's view of applications for hotels:

*12.27 Hotels: Where applications are made for hotels to sell alcohol for the consumption of their bona fide guests only, then it is not envisaged there will be a negative impact on the promotion of the licensing objectives.*

*However, applications that wish to sell alcohol to non guests or provide late night refreshment and regulated entertainment will likely attract representations if it cannot be demonstrated that there will be no negative impact on the Authority's duty to promote the licensing objectives. Hotels operating as late night bars where members of the public, who are not bona fide guests, can attend the premises and purchase alcohol and late night refreshment will also likely attract representations.*

*Hotels will also be expected to demonstrate how they will address and prevent any issues of potential child sexual exploitation and the other provisions laid out in the licensing policy referencing the wider issue of child protection.*

1.8 The approach taken in the Council's Cumulative Impact Assessment and Licensing policy is supported by case law. The Council has clearly stated in the Assessment and Licensing policy its approach to applications within the Town Centre Cumulative Impact Area as noted within the paragraphs above. The case of British Beer and Pub Association (and others) v Canterbury City Council (2005) EWHC 1318 (Admin) is clear on the importance of the licensing policy; its importance in setting out its expectations regarding licensing and guiding applicants in relation to those expectations. Mr Justice Richards stated:

*(Para 82) A policy relating to the decision-making stage under s 18(3) not only guides the decision-maker but also serves to inform an Applicant about what he should consider in preparing his application.... An application that takes account of the matters set out in the policy, for example by including what is referred to in the policy or by giving a reasoned justification for not doing so, is less likely to give rise to relevant representations and more likely to be granted without additional conditions, whether under the administrative procedure in the absence of relevant representations or on a decision by the council under s 18(3) in the event of relevant representations.*

*(Para 83) The council is entitled to indicate in the policy its own expectations with regard to the promotion of the licensing objectives; and I do not think that an Applicant can legitimately complain if a failure to take account of those expectations gives rise to representations.*

1.9 Applicants for grant and variation applications within the Cumulative Impact Area have to rebut the presumption that the application will be refused. It is not incumbent on the Council or police to adduce evidence to prove there will be a negative effect on the promotion of the licensing objectives. The evidence within the Cumulative Impact Assessment has already been produced. The Council - by producing a Cumulative Impact Assessment has, by doing so, already arrived at the conclusion that the town centre is under stress from too many licensed premises and that adding more would be incompatible with the Authority's duty to promote the licensing objectives. The onus is entirely on the applicant to demonstrate that their proposed operation should be the exception that leads to the Council overturning its own policy. This reverse burden was confirmed in the case of (R) on the application of Portsmouth City Council v 3D Entertainment Group (2011) EWHC 507 (Admin) where J Supperstone found that Magistrates had erred in law by incorrectly applying Portsmouth City Council's Cumulative Impact Policy to put the onus on the Council and Police to adduce evidence of a negative cumulative impact. He stated:

*(Para 18) The magistrates, in my judgment, erred in law in concluding that*

*the Appellant (Portsmouth City Council) had to have "hard evidence" from the police and that there was duty upon it to "investigate the cumulative impact". The burden was on the Respondent (3D Entertainment) to persuade the Appellant (Portsmouth City Council) that the operating schedule was such that there would be no cumulative impact. In applying the wrong test, the magistrates fell into error in finding that the Appellant (Portsmouth City Council) had acted unreasonably.*

1.10 The onus is on the applicant to rebut the Council's policy. It is not for the Council or police to adduce any further evidence - which is already contained within the policy. The applicant has failed to sufficiently address the Cumulative Impact Assessment and the granting of the application as is will likely undermine the promotion of the licensing objectives.

1.11 The Licensing Authority must consider each application on its own merits with a view to assessing the likely effect of varying such a licence on the promotion of the licensing objectives (Paragraph 35 (5) of the Licensing Act 2003). This is confirmed in (R) on the application of Hope and Glory Public House v Westminster City Council (2011) EWCA Civ31 where Lord Justice Toulson stated:

*(Para 42) Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance.*

*Although such questions are in a sense questions of fact, they are not questions of the 'heads or tails' variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact.*

1.12 The above approach to grant applications and the prospective nature of the licensing objectives was confirmed in East Lindsey DC v Abu Hanif (2016) EWHC 1265 Admin, where Mr Justice Jay stated:

*(Para 18) The prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.*

1.14 Therefore the application is inconsistent with the Authority's duty to promote the licensing objectives which is the key reason the Council adopted a Cumulative Impact Assessment for the Town Centre Cumulative Impact Area. By adopting this assessment the Council has already determined that granting



further licences or material variations will be detrimental. The Assessment lays out the reasons for this which are entirely consistent with the relevant case law stated above.

## **2. Application inconsistent with the Council's Licensing Policy (April 2018)**

2.1 The Council's Licensing Policy - which came into force on 22<sup>nd</sup> October 2018 - contains a number of provisions that applicants for hotels should take cognisance of. These measures are expected to be addressed by all applicants - this applicant has not addressed a lot of these matters within the application.

2.2 The Licensing Policy also contains specific provisions and expectations in relation to hotels within Chapter 6. Indeed, paragraphs 6.28 and 6.28 are very specific about the Council's expectations:

*6.28 Hotels - where alcohol is predominantly sold to hotel guests - are expected to include measures within the operating schedule in relation to a robust age verification policy; robust staff training procedures and the use of modern, full coverage CCTV. Applicants are expected to take cognisance of this policy and the relevant sections of the Guidance.*

*6.29 The licensing authority believes that Child Sexual Exploitation (CSE) is an issue of serious national importance. This clearly fits under the remit of preventing crime and disorder and protecting children from harm as well as other Council and nationwide policies. It is expected that applicants and existing licence holders have robust measures in place to prevent child sexual exploitation taking place at their premises. The authority may, if it believes the issue has not been adequately addressed in the operating schedule or believes that children are being placed in harms way at a licensed premises, may make representations so as to impose conditions on a licence to address those issues. The authority would expect all licence holders to have robust procedures in place to prevent any potential child exploitation taking place and will take the utmost serious consideration of any representations received by Thames Valley Police or the Council's Safeguarding team that outline that any child or vulnerable person is being placed at risk in any licensed premises.*

2.3 The applicant has failed to address the matters stated in the licensing policy despite the policy being clear on what the Authority expects.

## **3. Application inconsistent with Secretary of States Guidance (April 2018)**

3.1 This application, as set out on previous pages, is inconsistent with the Council's Licensing Policy and the Cumulative Impact Assessment and thus undermines the Authority's duty to promote the four licensing objectives.

3.2 The Secretary of State's Guidance also outlines what applicants should take into account when applying for a licence with an Authority. I draw specific attention to paragraphs 8.41; 8.43 and 8.47.

3.3 Paragraph 8.41 of the guidance clearly states that applicants should have regard to the Council's policy and expectations for the area in which they are applying. The applicant does not appear to have done this:

*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.*

3.4 Paragraph 8.43 is particularly pertinent to applications within a Cumulative Impact Area. The applicant has failed to make any reference at all to the Council's Cumulative Impact Assessment or the area it applies to:

*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.*

3.5 Paragraph 8.47 also states that applicants should not just include a set of standard conditions. They should also state why the measures they have proposed are suitable.

*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.*

3.6 Therefore the applicant also does not seem to have taken cognisance of the Secretary of State's Guidance when submitting the application.

#### 4. Proposed conditions

4.1 The Licensing Authority believe that the below stated conditions may serve to mitigate the issues with the application:

1a) 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 entire licensable area shall be covered by the CCTV. There shall be at least one camera positioned at each entry and exit point to monitor any external areas to the premises. This includes any areas designated for tables and chairs

and/or a designated smoking area. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or Reading Borough Council together with facilities for viewing upon request. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.

1b) Signs shall be placed in prominent positions on the premises notifying customers that CCTV is in operation.

2) The requirement for door supervisors to be employed on a Monday to Sunday shall be risk assessed. A written risk assessment shall be carried out by the DPS or nominated representative and produced upon request to authorised officers of Reading Borough Council and Thames Valley Police upon request.

3) When door supervisors are employed at the premises they shall be easily identifiable and display their badges in high visibility arm bands. One door supervisor shall also be equipped with a body worn camera to record any incident that undermines the promotion of any of the four licensing objectives. A door register shall also be kept and maintained at the premises and produced to authorised officers of Reading Borough Council and Thames Valley Police upon request.

4) A closure and dispersal policy for controlling the closing of the premises and the departure of customers from the premises at the conclusion of licensed activities shall be put in place and shall be actively operated. At the end of licensable activities, staff - including door staff - shall be available to disperse customers away from the premises in line with the dispersal policy. The policy shall be in written format and made available upon request to an authorised officer of Reading Borough Council and Thames Valley Police.

5) All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded;

(a) this record shall be available for inspection by a Police Officer or an authorised officer of Reading Borough Council upon request and shall be retained for one year. The record shall be signed off by the DPS or nominated representative at the end of each trading session;

(b) a weekly review of the incident register shall also be carried out by the DPS.

6) Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not be limited to:

- The premises age verification policy

- The law relating to underage sales
- Dealing with refusal of sales
- Proxy purchasing
- Recognising valid identity documents not in the English language
- Identifying attempts by intoxicated persons to purchase alcohol
- Identifying signs of intoxication
- Conflict management
- How to identify and safeguard vulnerable persons who attend and leave the premises
- Identifying signs of drug usage and prevention
- The four licensing objectives

Such training sessions are to be documented and refreshed every six months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised officer of Thames Valley Police and Reading Borough Council upon request.

7) The Premises Licence Holder and/or Designated Premises Supervisor shall ensure that all staff complete training in Child Sexual Exploitation that is of a standard agreed with Thames Valley Police and Reading Borough Council training package within 28 days of employment and a signed record of their training shall be maintained. Refresher training in relation to CSE shall formally take place once every three months and signed records of this training and signed records of this training shall be maintained. These records shall be kept for a minimum of two years of the date of the training and shall be made available to any authorised officer of Thames Valley Police or an authorised officer of Reading Borough Council.

8) All cash transactions for hotel bookings shall require photographic Identification from the person making the booking. Only a valid British drivers' licence showing a photograph of the person, a valid passport, proof of age card showing the 'Pass' hologram or military identity cards are to be accepted as identification for the purposes of this condition.

9) The premises shall at all times operate an age verification policy of at least Challenge 25 to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, national identity card or proof of age card showing the "PASS" hologram are to be accepted as identification. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premises.

10) The Premises Licence holder shall display in a prominent position a copy of their policy on checking proof of age.

11) All staff involved in the sale of alcohol shall be trained to record refusals of sales of alcohol in a refusals log (whether written or electronic). The log shall contain:

- Details of the time and date the refusal was made;
- The identity of the staff member refusing the sale;
- Any detail or description of the person refused and the reason why

This book /register will be available for inspection by a Police Officer or authorised officer of Reading Borough Council upon request.

12) Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly. After 0000hrs staff shall be available to ensure that customers disperse quietly.

13) No alcohol shall be removed from the premises or consumed outside. The only exception to this would be for service of alcohol to tables in any external area under the control of the premises licence holder.

14) Any hotel bar will cease licensable activities at midnight and all non residents of the hotel will be gradually dispersed and completely off the premises by 0030hrs.

15) No person under the age of 16 years will be permitted on the premises after 2100hrs unless dining in a restaurant under the control of the premises licence holder. Any person under the age of 16 years of age who is on the premises after 2100hrs shall be accompanied at all times.

16) No externally promoted events that involve the sale of alcohol or the provision of regulated entertainment shall take place at the premises at any time.

If the applicant were to agree to all of the measures above, they will be expected to confirm in writing that the measures have been put in place before carrying out any licensable activity at the premises.

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| Date Received | 21/12/2018 | Date Due | 18/01/2019 |
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| Date | 11 | 01 | 2019 |
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## THAMES VALLEY POLICE

Division/Station : Reading Police Station Licensing Dept

From : C2107 Declan Smyth

To : Reading Borough Council

Subject : Ref : Premier Inn, 20 Hosier Street, Reading RG1 7JL Date : 16<sup>th</sup> January 2019Objection

To whom it may concern

I C 2107 Declan Smyth on behalf of the Chief Officer of Thames Valley Police wish to formally object to the proposed application for a premises licence submitted in relation to Premier Inn, 20 Hosier Street, Reading RG1 7JL as it is believed that this application in its current format will undermine the four licensing objectives with specific regard to that of the prevention of public nuisance and the prevention of crime & disorder.

The proposal before the Sub-Committee is for:

- **Films**, Monday to Sunday 10:00 - 00:00
- **Late Night Refreshment**, Monday to Sunday 23:00 - 00:00..
- **The Supply Of Alcohol**, Monday to Sunday 10:00 - 23:00. The premises shall remain open to permit the sale of alcohol to hotel residents 24 hours a day.
- **Hours Premises Are Open To The Public**, Monday to Sunday 06:00 - 00:30. The premises shall remain open 24 hours a day for hotel residents.

Prior to this application Thames Valley Police can confirm contact has been received from the applicant. However the application was advised to complete a pre application meeting with Thames Valley Police and Reading Borough Council in order to discuss any concerns which we may have had in relation to this and to determine any information that could have been supplied relating to our advice on local issues. This pre application meeting never took place.

The Secretary of States Guidance issued under Section 182 Licensing Act 2003 states:

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.

Thames Valley Police believe that in its current format that this application including the proposed operating schedule and hours of operation regarding the sale of alcohol and Late Night Refreshment will undermine the four licensing objectives. The applicant has not sufficiently taken into account concerns relating to public nuisance,

crime and disorder within the local area and in our opinion not therefore provided sufficient steps to promote the licensing objectives.

Thames Valley Police submit the following licence conditions for the consideration of the licensing sub-committee which we feel are appropriate in order to promote the four licensing objectives:-

### **CCTV**

1a) 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 entire licensable area shall be covered by the CCTV. There shall be at least one camera positioned at each entry and exit point to monitor any external areas to the premises. This includes any areas designated for tables and chairs and/or a designated smoking area. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or Reading Borough Council together with facilities for viewing upon request. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.

1b) Signs shall be placed in prominent positions on the premises notifying customers that CCTV is in operation.

### **DOOR SUPERVISORS**

2a) A minimum of 2 SIA licensed door supervisors shall be employed at the premises whenever the sale of alcohol takes place after 00:00 Monday to Sunday. These door supervisors shall be employed on a Monday to Sunday trading period from 2100hrs until the last customer/ resident has left the premises. These licensed door supervisors shall be employed solely for vetting, regulating, controlling and supervising patrons on or within the immediate vicinity of the premises and to ensure the maintenance of good order, public safety and security.

2b) When employed, a register of Door Supervisors shall be kept. The register must include the following details:

- Full SIA registration number.
- Date and time that the Door Supervisor commenced duty, countersigned by the Designated Premises Supervisor or Duty Manager.
- Date and time that the Door Supervisor finished work, countersigned by the Designated Premises Supervisor or Duty Manager.
- Any occurrence or incident of interest involving crime & disorder or public safety must be recorded giving names of the Door Supervisor involved.

The Door Supervisor register shall be kept at the premises and be available for inspection by an authorised officer of Thames Valley Police, or an authorised officer from Reading Borough Council and shall be retained for a period of six months.

2c) When door supervisors are employed at the premises they shall be easily identifiable and display their badges in high visibility arm bands. One door supervisor shall also be equipped with a body worn camera to record any incident that



undermines the promotion of any of the four licensing objectives. A door register shall also be kept and maintained at the premises and produced to authorised officers of Reading Borough Council and Thames Valley Police upon request.

### **DISPERSAL POLICY**

3a) A closure and dispersal policy for controlling the closing of the premises and the departure of customers from the premises at the conclusion of licensed activities shall be put in place and shall be actively operated. At the end of licensable activities, staff – including door staff – shall be available to disperse customers away from the premises in line with the dispersal policy. **Door staff will wear high visibility tabards for the duration of the dispersal period, 00:00-00:30.** The policy shall be in written format and made available upon request to an authorised officer of Reading Borough Council and Thames Valley Police.

3b) Any hotel bar will cease licensable activities at midnight and all non-residents of the hotel will be gradually dispersed and completely off the premises by 0030hrs.

3c) Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly. After 0000hrs staff shall be available to ensure that customers disperse quietly.

### **INCIDENT REGISTER**

4. All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded;

(a) this record shall be available for inspection by a Police Officer or an authorised officer of Reading Borough Council upon request and shall be retained for one year. The record shall be signed off by the DPS or nominated representative at the end of each trading session;

(b) a weekly review of the incident register shall also be carried out by the DPS.

### **STAFF TRAINING**

5) Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not be limited to:

- The premises age verification policy
- The law relating to underage sales
- Dealing with refusal of sales
- Proxy purchasing
- Recognising valid identity documents not in the English language
- Identifying attempts by intoxicated persons to purchase alcohol
- Identifying signs of intoxication
- Conflict management
- How to identify and safeguard vulnerable persons who attend and leave the premises
- Identifying signs of drug usage and prevention
- The four licensing objectives

Such training sessions are to be documented and refreshed every six months.

All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised officer of Thames Valley Police and Reading Borough Council upon request.

6) The Premises Licence Holder and/or Designated Premises Supervisor shall ensure that all staff complete training in Child Sexual Exploitation that is of a standard agreed with Thames Valley Police and Reading Borough Council training package within 28 days of employment and a signed record of their training shall be maintained. Refresher training in relation to CSE shall formally take place once every three months and signed records of this training and signed records of this training shall be maintained. These records shall be kept for a minimum of two years of the date of the training and shall be made available to any authorised officer of Thames Valley Police or an authorised officer of Reading Borough Council.

### **AGE VERIFICATION**

7) The premises shall at all times operate an age verification policy of at least Challenge 25 to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, national identity card or proof of age card showing the "PASS" hologram are to be accepted as identification. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premises.

8) The Premises Licence holder shall display in a prominent position a copy of their policy on checking proof of age.

### **REFUSAL BOOK**

9) All staff involved in the sale of alcohol shall be trained to record refusals of sales of alcohol in a refusals log (whether written or electronic). The log shall contain:

- Details of the time and date the refusal was made;
- The identity of the staff member refusing the sale;
- Any detail or description of the person refused and the reason why

This book /register will be available for inspection by a Police Officer or authorised officer of Reading Borough Council upon request.

### **PUBWATCH**

10) The premises licence holder or nominated representative shall actively participate in the local Pubwatch scheme should one be operating in the area.

### **TOWN SAFE RADIO**

11) The premises licence holder or nominated representative shall participate in the Local Town Radio Scheme when the premises are opened for licensable activities Monday to Sunday inclusive.

## **REMOVAL OF GLASSWARE AND OPEN CONTAINERS**

12) Signs shall be displayed at all exits informing customers that the area outside of the premises is an Alcohol Exclusion Zone.

13) No alcohol shall be removed from the premises or consumed outside. The only exception to this would be for service of alcohol to tables in any external area under the control of the premises licence holder.

14) No person under the age of 16 years will be permitted on the premises after 2100hrs unless dining in a restaurant under the control of the premises licence holder. Any person under the age of 16 years of age who is on the premises after 2100hrs shall be accompanied at all times.

15) No externally promoted events that involve the sale of alcohol or the provision of regulated entertainment shall take place at the premises at any time

