

To: Councillors Woodward (Chair)

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26 April 2019

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NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 2 - 9 MAY 2019

A meeting of the Licensing Applications Sub-Committee 2 will be held on Thursday, 9 May 2019 at 9.30 am in the Council Chamber, Civic Offices, Bridge Street, Reading, RG1 2LU. The Agenda for the meeting is set out below.

<u>ACTION</u>	<u>WARDS AFFECTED</u>	<u>Page No</u>
1. DECLARATIONS OF INTEREST		
(a) Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration; (b) Councillors to declare whether they wish to speak on the grounds they: (i) Have submitted a relevant representation as an interested party; or (ii) Will be speaking on behalf of an interested party.		
2. MINUTES		3 - 4
To confirm the Minutes of the meeting of Licensing Applications Sub-Committee 2 held on 4 April 2019 as a correct record.		
3. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - MARKET HOUSE	ABBEY	5 - 66
To consider an application for the variation of a Premises Licence in respect of Market House, 1-2 Market Place, Reading RG1 2EQ.		

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

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Present: Councillors Woodward (Chair), Maskell (Vice Chair) and Grashoff.

31. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 2 held on 14 February 2019 and 7 March 2019 were confirmed as correct records and signed by the Chair.

32. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - READING PRIDE

The Head of Planning, Development and Regulatory Services submitted a report on an application by Reading Pride Limited for the variation of a Premises Licence in respect of Reading Pride, Kings Meadow, Reading, RG1 8BW.

The report stated that the premises currently had a Premises Licence in force and that a copy of the Premises Licence was attached to the report at Appendix 5.

The application was seeking to vary the Premises Licence to allow an increased capacity on the site from 4999 persons to 9999 persons. The report advised that all other licensable activities, and hours for licensable activities, would remain as per the existing Premises Licence.

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

The applicant stated at the meeting that the capacity on the site would not increase to 9999 persons in 2019 and that incremental increases in capacity would be made over a number of years.

The report stated that during the 28 day consultation process for the application, representations had been received from Thames Valley Police (attached to the report at Appendix 2), Reading Borough Council's Environment Protection (Noise) team (attached to the report at Appendix 3) and Reading Borough Council's Licensing Team (attached to the report at Appendix 4).

The report advised that the representations submitted by Reading Borough Council's Environment Protection (Noise) team and Reading Borough Council's Licensing Team had been withdrawn due to the applicant agreeing to accept their offered conditions.

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

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 4 APRIL 2019

The report set out paragraphs 1.5, 8.41-8.49, 9.11-9.13, 9.42-9.43, 10.4-10.5, and 10.27-10.28 from the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003 (April 2018) and paragraphs 1.1-1.2, 1.6, 3.2, 4.1, 4.5-4.6, 6.1-6.2, 6.33-6.35, 7.6-7.12, 7.14-7.15, 8.2-8.3, 8.16, 9.1-9.8, 9.12, 10.1-10.10 and 11.1 from the Council's Statement of Licensing Policy (October 2018).

The applicant submitted some additional documents prior to the meeting which had been circulated to the Sub-Committee. The applicant also submitted an additional document at the meeting which was accepted by the Sub-Committee.

Mr Martin Cooper, the applicant, was present at the meeting and addressed the Sub-Committee on the application and responded to questions. The applicant was accompanied by Ms Sophia James, who also addressed the Sub-Committee on the application.

Declan Smyth, Licensing Officer, Thames Valley Police, was present and addressed the Sub-Committee on their representations regarding the application as stated in the report.

Resolved -

That, in order to promote the 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) and the Council's Statement of Licensing Policy, the variation of a Premises Licence in respect of Reading Pride Limited, Kings Meadow, be refused for the reason that, at this time, the security element, while in place this year, may not be in place in future years as capacity on the site increases.

(The meeting started at 9.40am and finished at 11.04am)

LICENSING ACT 2003 HEARING THURSDAY 09 MAY 2019 @ 0930HRS

APPLICATION FOR THE VARIATION OF A PREMISES LICENCE

1. Premises:
Market House,
1-2 Market Place,
Reading,
RG1 2EQ

2. Applicant:
The City Pub Group PLC
Essel House, 2nd Floor
29 Foley Street
London
W1W 7TH

3. Premises Licence:
There is currently a premises licence in place which was granted on 1 December 2018. The premises are located in the town centre within the Councils' Cumulative Impact Area. A copy of the current premises licence is shown at **Appendix PN-5**

4. Proposed Variation:
The application was submitted on behalf of City Pub Group PLC and seeks to vary the layout of the premises.

A plan showing the location of the premises and surrounding area is shown at **Appendix PN-6**

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: 12 March 2019
A copy of the application form is attached as **Appendix PN-1**

7. Date of closure of period for representations: 09 April 2019

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

Licensing Team. A copy is attached at **Appendix PN-2**

Environmental Protection noise team is attached at **Appendix PN-3**

Planning team is attached at Appendix PN-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.

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.

14.65 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.

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.

2.8 When licensing applications are determined by officers of the Licensing Authority or by the Licensing Sub Committee, conditions may be imposed upon a licence in order to ensure consistency between the licensing objectives and any measures already determined by the planning authority that could impact the licensing objectives.

2.10 The key issues surrounding the determination of planning permission are as follows:

- Impact on residential amenity through noise, odour, disturbance, litter, etc
- Impact on the viability of the town centre
- Potential financial contribution to a safer borough (CCTV)

These are all matters that are also proper concerns of the licensing authority and will be taken into account when determining applications. If appropriate to the promotion of the licensing objectives, conditions may be added to licences so as to ensure proper integration of Council policies and strategies.

Crime and Disorder Act 1998

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.

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.

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.

12.26 Restaurants: Where applications are made for restaurants to sell alcohol ancillary to the consumption of a substantial table meal, it is not envisaged that there will be a negative impact on the promotion of the licensing objectives. However, this is subject to certain caveats. The Authority believes that a restaurant is a premises that provides one hundred percent seating for its customers and that the sale of alcohol shall only be made with the ordering of a substantial meal. There should be no vertical drinking on the premises and substantial food shall be available at all times the premises is open via waiter and waitress service. Applicants will be expected to include information within their applications in regard to these matters.

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.

12.29 Traditional Public Houses: Experience has shown that traditional public houses tend to appeal to a more mature clientele than bars and night clubs. Pubs that sell substantial food all day; provide substantial seating; sell real ales; do not offer cheap drink promotions and do not provide regular entertainment are unlikely to have a negative impact on the licensing objectives. However, an application will only be granted if the Authority is satisfied that granting the application will not add to the cumulative impact within the town and will not cause undue disturbance to any local residents. The application must also comply with the statements and other provisions of the Council's Licensing policy. Traditional pubs offering cheap drink promotions, regular entertainment and have the potential to undermine the promotion of the licensing objectives through their operation are likely to be refused. The applicant will have to demonstrate how their proposed operation is not inconsistent with the Authority's ability to promote the licensing objectives and safeguard the public as well as the statements and provisions in the Council's licensing policy.

12.33 Night Clubs and Late Night Bars: As stated in paragraphs 12.13 and 12.23, it will be the policy of this Authority to refuse grant and variation applications for night clubs and late night bars. Experience has shown that these types of premises which serve alcohol - often at low prices or through cheap drinks promotions; provide limited seating for customers; provide late night regulated entertainment and which are alcohol led - serving limited or no food - have the strongest potential to have a negative impact on the Authority's duty to actively promote the licensing objectives and to add to cumulative impact within the town. This also applies to material variations for the increase in capacity; the increase in opening hours and any other matter the Authority considers relevant which may have an impact on the promotion of the licensing objectives.

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 its 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 respectfully ask that the application for the variation of a premises licence for be refused for the reasons and rationale stated in their representations. 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.

Therefore granting this variation 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

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

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

Lic/markethouse09.05.2019/pn

Application to vary a premises licence 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.

I/We The City Pub Group Plc

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LP1001051

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Market House 1-2 Market Place			
Post town	Reading	Postcode	RG1 2EQ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£84,000

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Essel House 2 nd Floor 29 Foley Street		
Post town	London	Postcode	W1W 7TH

Part 3 - Variation

Please tick as appropriate

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

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To vary the layout of the premises to include the following:

BASEMENT -

- Ladies and gents toilets have swapped positions
- New plant room to bottom right of plan
- Office to left hand side has increased in size, which has reduced to store room in turn.

GROUND

- Pizza oven position and layout of bakery breakfast kitchen servery
- New glasswash area to left of pizza oven, added
- Franchisee counters reduced from 3 to 2, plus the addition of a small storage area for each between the counter areas.
- Furniture layout in general has changed
- Main bar servery now has access both ends of the counter and is slightly longer
- Sape and length of Gin & Cocktail bar has changed, with the back unit being made slightly longer
- New gate added for security reasons, to the external side passageway

MEZZANINE

- NO changes

FIRST FLOOR

- Bedroom shapes and sizes have changed generally along with corridors.
- Lightwell sizes reduced
- Introduction of managers accommodation
- Add reception area and counter

SECOND FLOOR

- Bedroom shapes and sizes have changed generally along with the corridors
- Managers accommodation removed

THIRD FLOOR

- Disabled toilet position and to double as ladies toilet
- Relocated gents toilet to previous ladies toilet position
- Right hand side fixed seating is now straight and not L shaped
- Counter shape change
- Folding doors have moved down the plan slightly, and now have steps up to external terrace area
- Terrace/roof top garden has increased in size, the skylight is now within the terrace area.

- Booth seating removed from under pergola and fixed seating has been shown in its place.
- Doors to escape staircase and plant room

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

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input 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 Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Tue					
			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 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)	
Day	Start	Finish		
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)	
Tue				
Wed				<u>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</u> (please read guidance note 7)
Thur				
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Wed					
Thur			<u>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</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
			<u>State any seasonal variations for the performance of live music (please read guidance note 6)</u>		
Tue					
			<u>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 7)</u>		
Wed					
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)					
Mon								
Tue								
Wed								
Thur						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 7)		
Fri								
Sat								
Sun								

K

<p>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 10).</p> <p>None.</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	07:00	23:30	<p>Non standard timings. Where you intend 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 7)</p> <p>The roof terrace will open from 0800hrs to 2300hrs daily.</p> <p>Opening hours shall be 24hrs for residents of the hotel and their bona fide guests.</p> <p>From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.</p>
Tue	07:00	23:30	
Wed	07:00	23:30	
Thur	07:00	23:30	
Fri	07:00	23:30	
Sat	07:00	23:30	
Sun	07:00	23:30	

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

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

All existing conditions and restrictions attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

b) The prevention of crime and disorder

All existing conditions and restrictions attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

c) Public safety

All existing conditions and restrictions attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

d) The prevention of public nuisance

All existing conditions and restrictions attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

e) The protection of children from harm

All existing conditions and restrictions attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

Checklist:

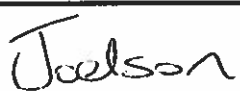
Please tick to indicate agreement

- I have made or enclosed payment of the fee; or X
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ONLINE APPLICATION LA TO SERVE
- I understand that I must now advertise my application. X
- I have enclosed the premises licence or relevant part of it or explanation. X
- I understand that if I do not comply with the above requirements my application will be rejected. X

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	12 March 2019
Capacity	Joelson JD LLP Solicitors for and on behalf of the applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Marilyn Gayle Joelson JD LLP 30 Portland Place			
Post town	London	Post code	W1B 1LZ
Telephone number (if any)	020 7580 5721		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
Marilyn.g@joelsonlaw.com			

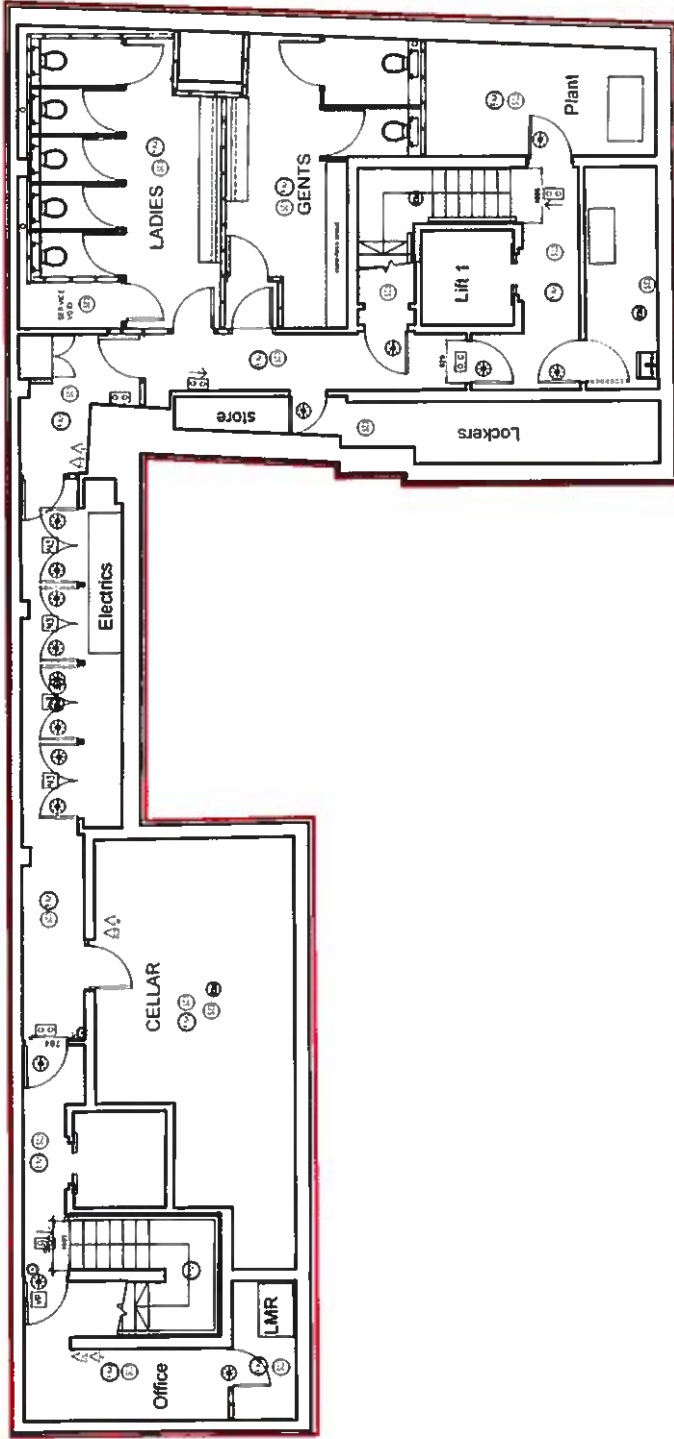
Notes for Guidance

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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. 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.
 9. 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'.
 10. 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.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.

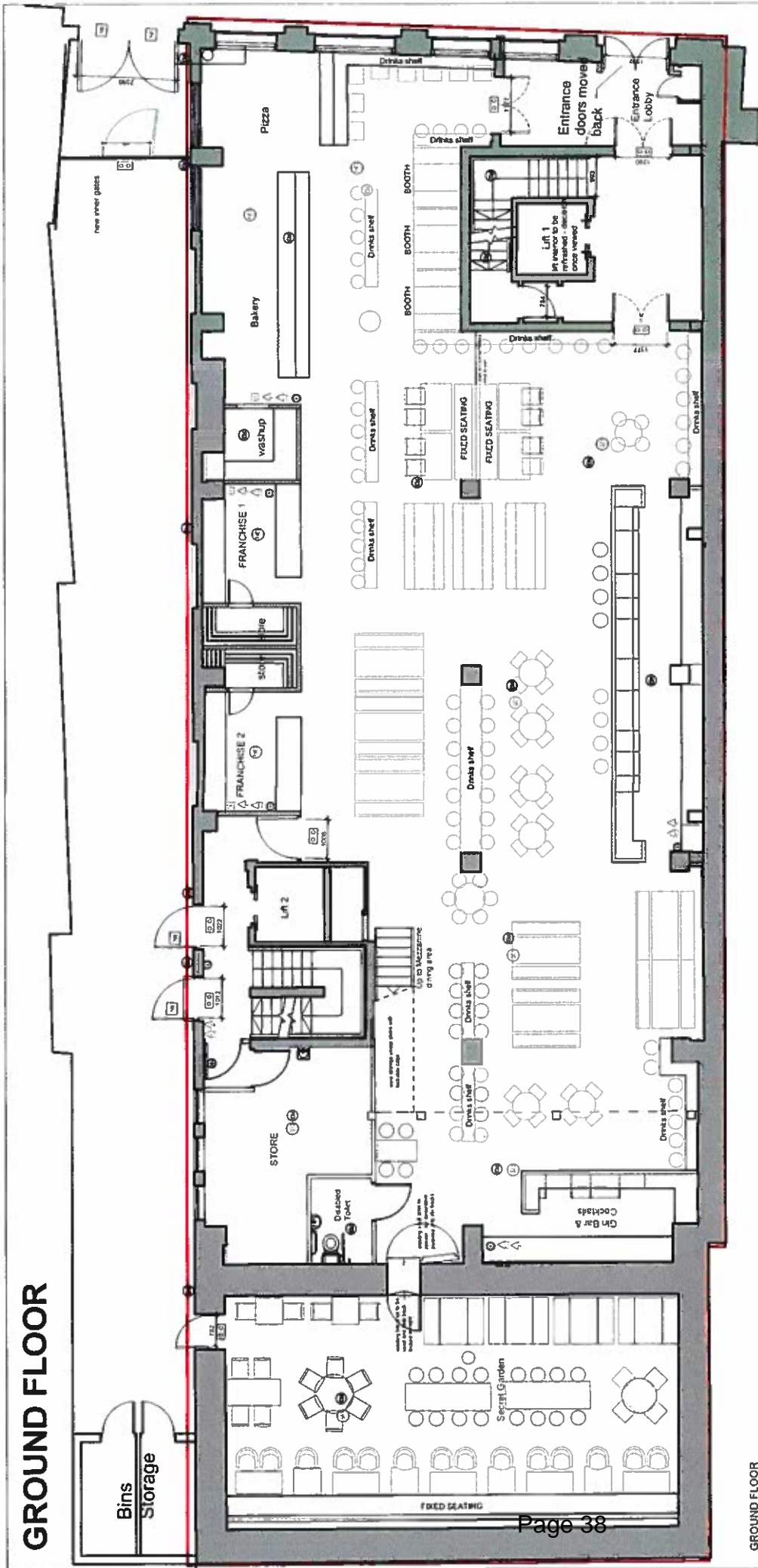
BASEMENT



Red line denotes area to be used for the site of alarm, including regulated environmental and life sign requirements.
 The position of fire safety equipment as shown on the plan or such point on it agreed from time to time in consultation with the authority.

FIRE SAFETY REQUIREMENTS	
	ILLUMINATED EMERGENCY EXIT SIGN (UNACTIVATED)
	EMERGENCY LIGHT FITTINGS
	SMOKE DETECTOR
	HEAT DETECTOR
	FIRE ALARM CALL POINT
	ALARM BELL
	CARBONYL DIOXIDE EXTINGUISHER
	FOAM EXTINGUISHER
	WATER EXTINGUISHER
	FIRE PROCEDURE NOTICE
	FIRE BLANKET
	FIRE RESISTING DOOR
	EXIT DOORS FITTED WITH PUSH BARS AND PANIC BOLTS TO OPEN IN NOTICE TO BE FITTED ABOVE THE PUSH BAR IN 1500mm HIGH POSITION TO BE FITTED ABOVE THE PUSH BAR IN 1100mm HIGH POSITION TO BE FITTED ABOVE THE PUSH BAR IN 1100mm ABOVE CRUSHED FLOOR LEVEL FASTENINGS INSTALLED TO BS 5723 PART 1 1981
	NOTICE FIRE DOOR KEEP LOCKED SHUT IN CASE OF FIRE HIGH WHITE LETTERING ON BLUE BACKGROUND
	NOTICE FIRE DOOR KEEP SHUT IN 50mm HIGH WHITE LETTERING ON BLUE BACKGROUND
	NOTICE FIRE DOOR KEEP CLEAR IN 50mm HIGH WHITE LETTERING ON BLUE BACKGROUND
	VISION PANEL IN DOOR
	Fire fighting Equipment, 9 litre water type fire extinguisher 4.5kg capacity (3.6kg rating) carbon dioxide content extinguisher Extinguishers to be placed on wall brackets so that the top of the extinguisher is about 1m above floor. An approved fire blanket and container should be provided for the kitchen
	EMERGENCY LIGHTS The emergency lighting system should be designed to provide a minimum of 1 hour of illumination in the event of the main supply fails must be fitted in accordance with BS 5266
	FIRE ALARM The fire alarm system should comply with BS 5839 Part 1, 1983 and should be audible throughout the building
	Fire fighting Equipment, 9 litre water type fire extinguisher 4.5kg capacity (3.6kg rating) carbon dioxide content extinguisher Extinguishers to be placed on wall brackets so that the top of the extinguisher is about 1m above floor. An approved fire blanket and container should be provided for the kitchen
	Emergency lighting system should be designed to provide a minimum of 1 hour of illumination in the event of the main supply fails must be fitted in accordance with BS 5266

GROUND FLOOR



GROUND FLOOR

FIRE SAFETY REQUIREMENTS

- ILLUMINATED EMERGENCY EXIT SIGN (MAINTAINED)
- EMERGENCY LIGHT FITTINGS
- SMOKE DETECTOR
- HEAT DETECTOR
- FIRE ALARM CALL POINT
- ALARM BELL

FIRE SAFETY REQUIREMENTS

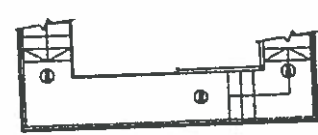
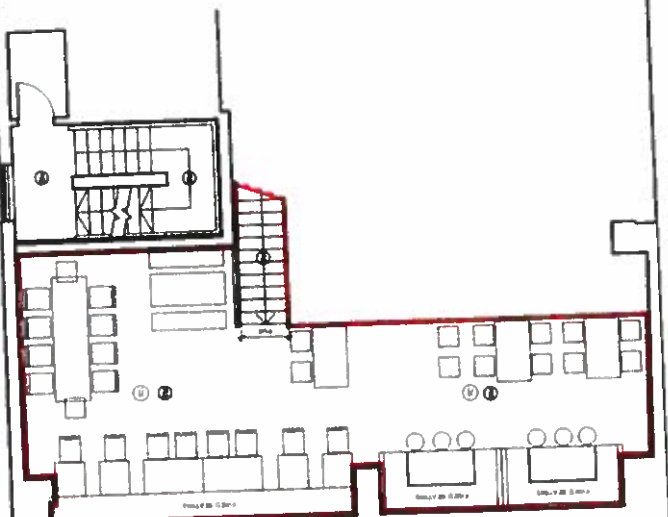
- EXIT DOORS FITTED WITH PUSH BARS AND PANIC BOLTS PUSH BAR TO OPEN 1100mm HIGH BE FITTED ABOVE THE PUSH BAR 1100mm HIGH WHITE LETTERING ON GREEN BACKGROUND PUSH BARS FITTED BETWEEN 800mm & 1100mm ABOVE FINISHED FLOOR LEVEL PASTERINGS INSTALLED TO BS 9725 PART 1 1981
- NOTICE FIRE DOOR KEEP LOCKED SHUT 700mm HIGH WHITE LETTERING ON BLUE BACKGROUND
- NOTICE FIRE DOOR KEEP SHUT 1100mm HIGH WHITE LETTERING ON BLUE BACKGROUND
- NOTICE FIRE DOOR KEEP CLEAR 1100mm HIGH WHITE LETTERING ON BLUE BACKGROUND
- VISOR PANEL IN DOOR

EMERGENCY LIGHTS The emergency lighting system which must illuminate the escape route if the mains supply fails must be fitted in accordance with BS 5266. The fire alarm system should comply with BS 5839 and should be audible throughout the building.

Fire Extinguishers 9 litre water type fire extinguisher 4.5kg capacity (A8 rating) carbon dioxide extinguisher Extinguishers to be placed on wall brackets so that the top of the extinguisher is about 1m above floor. An approved fire blanket and container should be provided for the kitchen.

Fire exit signs conforming to the requirements of BS 5499. Dracobal fire exit signs conforming to the requirements of BS 5499 to be positioned at each change of direction or each part escape route where the exit door are not readily visible to persons using the escape route.

MEZZANINE



Red line indicates areas to be noted for the site of night fire alarm.

The position of the safety equipment is shown on the plan or such position is agreed from time to time in consultation with the fire authority.

FIRE SAFETY REQUIREMENTS

(E)	ILLUMINATED EMERGENCY EXIT SIGN (MAINTAINED)
(EM)	EMERGENCY LIGHT FITTINGS
(ED)	SMOKE DETECTOR
(HD)	HEAT DETECTOR
(A)	FIRE ALARM CALL POINT
(R)	ALARM BELL

(CO2)	CARBON DIOXIDE EXTINGUISHER
(F)	FOAM EXTINGUISHER
(W)	WATER EXTINGUISHER
(NT)	FIRE PROCEDURE NOTICE
(B)	FIRE BLANKET
(R)	FIRE RESISTING DOOR

(P)	EXIT DOORS FITTED WITH PUSH BARS AND PUSH BARS TO GREEN BAR TO OPEN. NOTICE TO BE FITTED ABOVE THE PUSH BAR IN 500mm HIGH WHITE LETTERING ON GREEN BACKGROUND. PUSH BARS FITTED BETWEEN 900mm & 1100mm ABOVE FINISHED FLOOR LEVEL. FASTENERS INSTALLED TO BS 5725 PART 1, 1981.
(M)	NOTICE FIRE DOOR KEEP CLOSED. SHUT THE DOOR. WHITE LETTERING ON BLUE BACKGROUND. 150mm HIGH.
(N)	ACTIVE FIRE DOOR KEEP SHUT. 150mm HIGH WHITE LETTERING ON BLUE BACKGROUND.
(O)	NOTICE FIRE DOOR KEEP CLEAR. 150mm HIGH WHITE LETTERING ON BLUE BACKGROUND.
(V)	VISUAL PANEL IN DOOR

EMERGENCY LIGHTS: The emergency lighting system which must maintain the escape route at the mains supply fails must be fitted in accordance with BS 5266.

FIRE ALARM: The fire alarm system should comply with BS 5839-1 and should be audible throughout the building.

Fire Fighting Equipment: Sites under fire risk extinguisher 4.5.9 Laboratory (A8) (radio carbon dioxide content extinguisher) extinguishers to be placed on wall fixtures at the top of the extinguisher is about 1m above floor. An approved fire alarm and container should be provided for the kitchen.

Fire exit signs: conforming to the requirements of BS 5499. Directional fire exit signs conforming to the requirements of BS 5499 to be provided for each change of direction or risk. Signs should be illuminated in order that they are readily visible to persons using the escape route.

Project



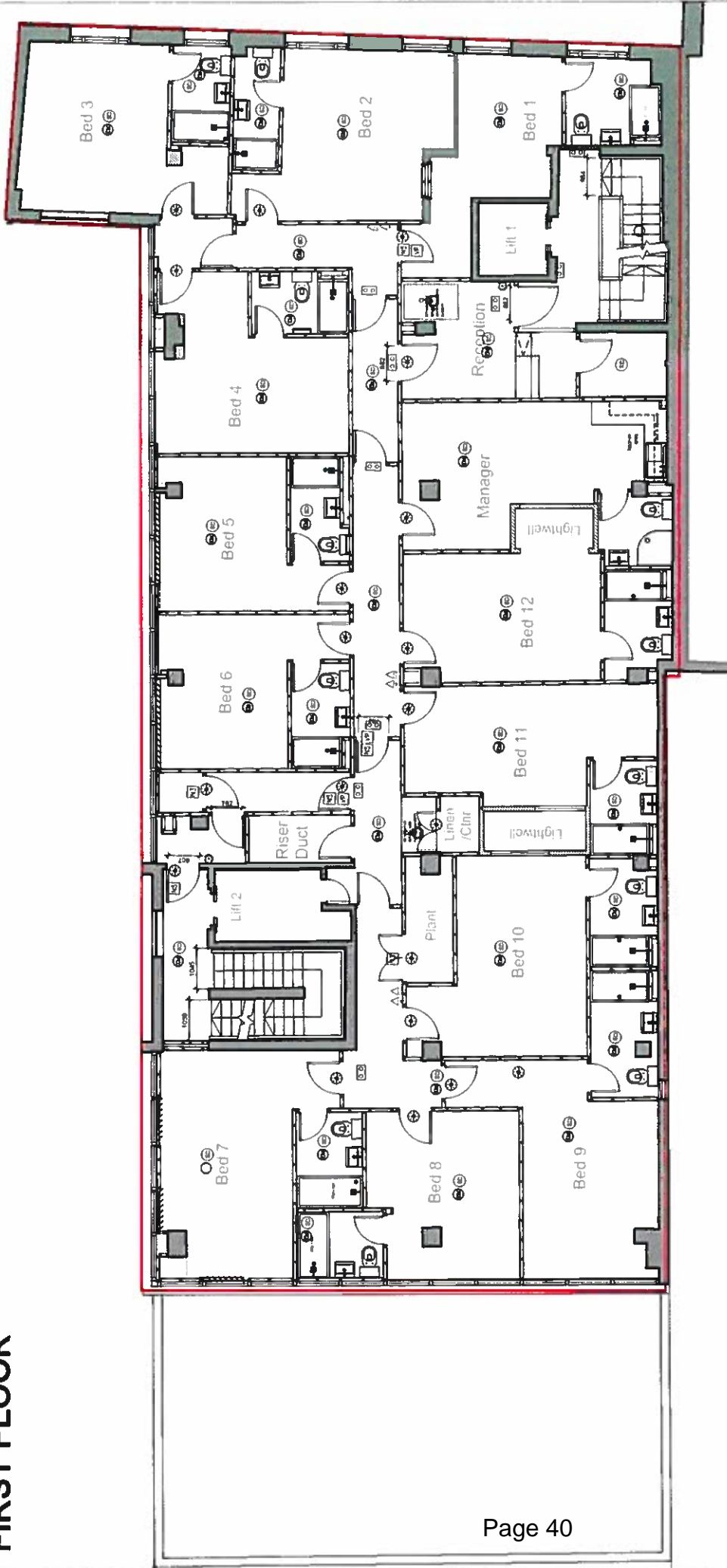
1-2 Market Place, Reading, RG1 2EQ

Date August 2018

Scale: 1:100 @A3

Drawing Number: 3172-82

Rev



Red line denotes area to be used for the sake of a code, including regulated entertainment and late night requirements.
 The position of the safety equipment as shown on the plan or such point on it agreed from time to time in consultation with the fire authority.

FIRE SAFETY REQUIREMENTS	
	ILLUMINATED EMERGENCY EXIT SIGN (MAINTAINED)
	EMERGENCY LIGHT FITTINGS
	SMOKE DETECTOR
	HEAT DETECTOR
	FIRE ALARM CALL POINT
	ALARM BELL

	CO ₂
	CARBON DIOXIDE EXTINGUISHER
	F
	FOAM EXTINGUISHER
	W
	WATER EXTINGUISHER
	NI
	FIRE PROCEDURE NOTICE
	B
	FIRE BLANKET
	⊕
	FIRE RESISTING DOOR

	PD
	EXIT DOORS FITTED WITH PUSH BARS AND PANIC BOLTS PUSH BAR TO OPEN / NOTICE TO BE FITTED ABOVE THE PUSH BAR AT 500mm HIGH WHITE LETTERING ON GREEN BACKGROUND PUSH BARS FITTED BETWEEN 900mm & 1100mm ABOVE FINISHED FLOOR LEVEL FASTENINGS INSTALLED TO BS 5753 PART 1 1981
	N3
	NOTICE FIRE DOOR KEEP LOCKED SHUT IN 500mm HIGH WHITE LETTERING ON BLUE BACKGROUND
	N5
	NOTICE FIRE DOOR KEEP SHUT IN 500mm HIGH WHITE LETTERING ON BLUE BACKGROUND
	N6
	NOTICE FIRE DOOR KEEP CLEAR IN 500mm HIGH WHITE LETTERING ON BLUE BACKGROUND
	VP
	VISION PANEL IN DOOR

EMERGENCY LIGHTS The emergency lighting system which must illuminate the escape route if the power supply fails must be fitted in accordance with BS 5266.

FIRE ALARMS The fire alarm system should comply with BS 5839-1 and BS 5839-2 should be installed throughout the building.

Fire Fighting Equipment 9 litre water type fire extinguisher 4.5kg capacity (A8 rating) carbon dioxide extinguisher 4.5kg capacity (A8 rating) carbon dioxide extinguisher extinguisher to be placed on wall brackets so that the top of the extinguisher is about 1m above floor. An approved fire blanket and container should be provided for the kitchen.

Fire exit signs conforming to the requirements of BS 5499 Directional fire exit signs conforming to the requirements of BS 5499 to be positioned at each change of direction of each part escape route where the exit doors are not readily visible to persons using the escape route.

Project :

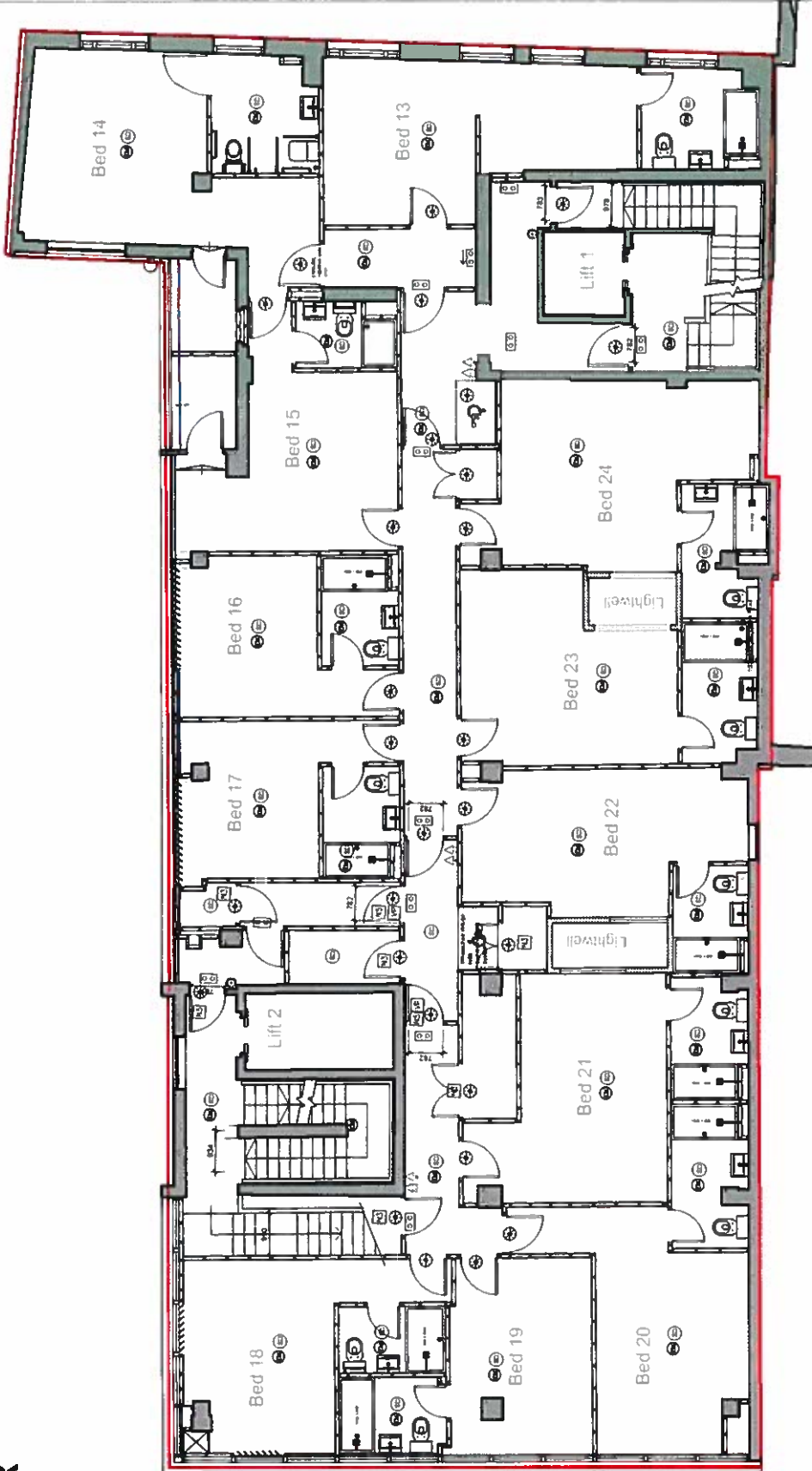
1-2 Market Place, Reading, RG1 2EQ

Date **October 2018**

Scale: **1:100 @A3**

Drawing Number: **3172-83**
 Rev: **B**

SECOND FLOOR



Red line denotes area to be used for the sake of fire safety equipment placement in the event of a fire.

The position of fire safety equipment is shown on the plan in such position as agreed from time to time in consultation with the fire authority.

FIRE SAFETY REQUIREMENTS		FIRE SAFETY REQUIREMENTS	
	ILLUMINATED EMERGENCY EXIT SIGN (MAIN AREA)		CARBON DIOXIDE EXTINGUISHER
	EMERGENCY LIGHT FIXTURES		FOAM EXTINGUISHER
	SMOKE DETECTOR		WATER EXTINGUISHER
	HEAT DETECTOR		FIRE PROCEDURE NOTICE
	FIRE ALARM CALL POINT		FIRE BLANKET
	ALARM BELL		FIRE RESISTING DOOR
	EXIT DOORS FITTED WITH PUSH BARS AND PANIC BOLTS		NOTICE FIRE DOOR KEEP SHUT
	NOTICE FIRE DOOR KEEP SHUT		NOTICE FIRE DOOR KEEP CLEAR
	NOTICE FIRE DOOR KEEP CLEAR		WHITE LETTERING ON BLUE BACKGROUND
	WHITE LETTERING ON BLUE BACKGROUND		VISION PANEL IN DOOR
	FIRE FIGHTING EQUIPMENT		EMERGENCY LIGHTING
	EMERGENCY LIGHTING		FIRE ALARM SYSTEM

Project: 1-2 Market Place, Reading. RG1 2EQ

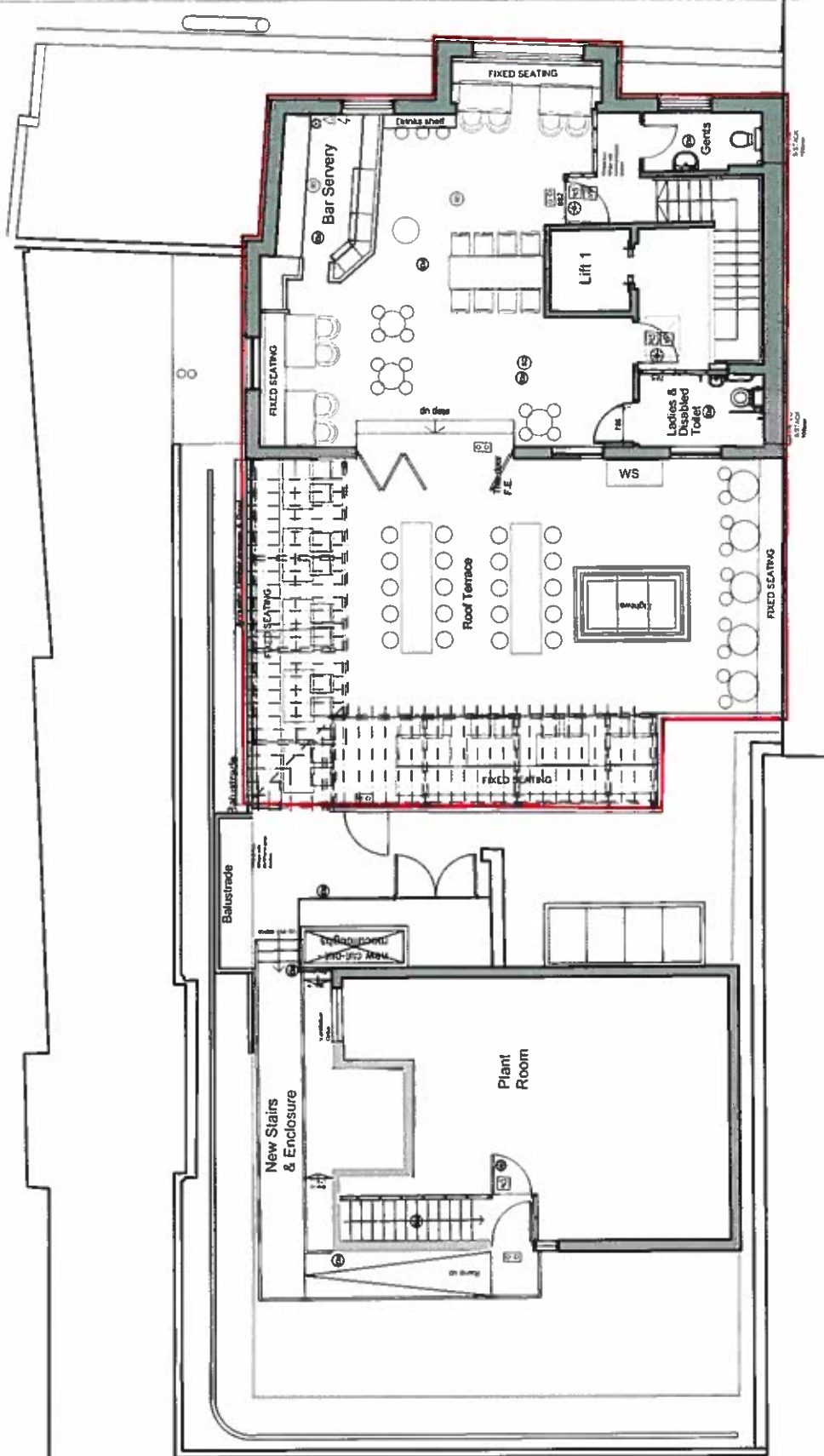
Date: October 2018

Scale: 1:100 @A3

Drawing Number: 3172-84

Rev: B

PembrookDesign
 General House, Newport Road, The Priory, Reading, RG1 2EQ
 Tel: 01179 422000 Fax: 01179 422000



FIRE SAFETY REQUIREMENTS

	ILLUMINATED EMERGENCY EXIT SIGN (MAINTAINED)
	EMERGENCY LIGHT FITTINGS
	SMOKE DETECTOR
	HEAT DETECTOR
	FIRE ALARM CALL POINT
	ALARM BELL

	CARBON DIOXIDE EXTINGUISHER
	FOAM EXTINGUISHER
	WATER EXTINGUISHER
	FIRE PROCEDURE NOTICE
	FIRE BLANKET
	FIRE RESISTING DOOR

	EXIT DOORS FITTED WITH PUSH BARS AND PANIC BOLTS PUSH BAR TO OPEN NOTICE TO BE FITTED ABOVE THE PUSH BAR 150mm HIGH WHITE LETTERING ON GREEN BACKGROUND PUSH BARS FITTED BETWEEN 800mm & 1100mm ABOVE FINISHED FLOOR LEVEL FASTENINGS INSTALLED TO BS 5725 PART 1 1981
	NOTICE FIRE DOOR KEEP LOCKED SHUT 91.50mm HIGH WHITE LETTERING ON BLUE BACKGROUND
	NOTICE FIRE DOOR KEEP SHUT 11.50mm HIGH WHITE LETTERING ON BLUE BACKGROUND
	NOTICE FIRE DOOR KEEP CLEAR 11.50mm HIGH WHITE LETTERING ON BLUE BACKGROUND
	VISION PANEL IN DOOR

EMERGENCY LIGHTS The emergency lighting system which must illuminate the escape route if the mains supply fails must be fitted in accordance with BS 5266

FIRE ALARMS The fire alarm system should comply with BS 5839-1:2002 and should be audible throughout the building

Fire Fighting Equipment 9 litre water type fire extinguisher 4.5kg capacity (5AB rating) carbon dioxide content extinguisher extinguisher to be placed on wall brackets so that the top of the extinguisher is about 1m above floor. An approved fire blanket and container should be provided for the kitchen

Fire exit signs conforming to the requirements of BS 5499 Directional fire exit signs conforming to the requirements of BS 5499 to be positioned at each change of direction or each part escape route where the exit doors are not readily visible to persons using the escape route

Red line denotes area to be used for the sake of record, including required equipment and fire exit sign

The location of fire safety equipment as shown on the plan is subject to approval from fire to be in consultation with the fire authority.

Name of Officer	Clyde Masson						
Type of Application	Variation of Premises Licence - Licensing Act 2003						
Name of Premises	Market House						
Address	Market Place						
	Reading						
	RG1 2EQ						
Licensable Activities (For information)	There is currently a premises licence (LP10001051 dated 01.12.2018) in place for the following Licensable Activities and Hours						
	Sale of Alcohol - Mon to Sun 1000-2300hrs						
	Late Night Refreshment - Mon to Sun 2300 - 0500hrs						
Finish Times	<p><u>Hours Open to Public</u> Mon to Sun from 0700hrs until 2330hrs</p> <p>The roof terrace will open from 0800hrs to 2300hrs daily.</p> <p>The supply of alcohol shall be 24hrs for residents of the hotel and their bona fide guests.</p> <p>From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day</p>						
	Mon	Tue	Wed	Thu	Fri	Sat	Sun
<p>Content of Application: The application was submitted on behalf of The City Pub Group Plc.</p> <p>The application seeks the variation of a premises licence pursuant to the Licensing Act 2003 to vary the layout of the premises.</p> <p>The premises are located within the Council's Town Centre Cumulative Impact Area.</p>							

Licensing Officer's Comments:

This is the second application within six months for these Premises. The Licensing team were not approached for advice regarding this new application. 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.

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 and 12.20.

2. The application does not seem to take any cognisance of the Council's Licensing policy - Under Section 2, Integrating Strategies, Licensing and Planning integration paragraphs 2.1 to 2.10.

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.

4. The Council's records also indicate that the premises does not have the correct planning permission to carry out proposed alterations. Paragraph 7.1 of the Council's long standing and unchallenged Statement of Licensing Policy - which the applicant has seemingly not taken cognisance of - states that the licensing authority will expect all applicants to have achieved the relevant planning permission before applying for any licence.

The applicant is therefore advised to consider withdrawing their application until suitable planning permission has been obtained.

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.

1.4 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.

1.5 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)

1.6 Paragraph 12.20 of the Assessment states - 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.

1.7 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.

1.8 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.

1.9 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.

1.10 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. The applicant has failed to sufficiently address the Cumulative Impact Assessment and the granting of the application as it will likely undermine the promotion of the licensing objectives.

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. 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 22nd October 2018 - contains a number of provisions that applicants should take cognisance of.

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

2.3 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 (paragraph 2.1)

Licensing and Planning integration

2.4 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 (paragraph 2.2)

2.5 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 (paragraph 2.3)

2.6 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 (paragraph 2.4)

2.7 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 (paragraph 2.5)

2.8 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 (paragraph 2.6)

2.9 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 (paragraph 2.7)

2.10 When licensing applications are determined by officers of the Licensing Authority or by the Licensing Sub Committee, conditions may be imposed upon a licence in order to ensure consistency between the licensing objectives and any measures already determined by the planning authority that could impact the licensing objectives (paragraph 2.8)

2.11 The key issues surrounding the determination of planning permission are as follows:

- Impact on residential amenity through noise, odour, disturbance, litter, etc
- Impact on the viability of the town centre
- Potential financial contribution to a safer borough (CCTV)

These are all matters that are also proper concerns of the licensing authority and will be taken into account when determining applications. If appropriate to the promotion of the licensing objectives, conditions may be added to licences so as to ensure proper integration of Council policies and strategies (paragraph 2.10)

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.

Therefore, and due to the above reasons, the granting of this application as it currently is will undermine the promotion of the licensing objectives and the Authority's duty to promote the licensing objectives.

Date Received	12.03.2019	Date Due	09.04.2019
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lic/markethouserep/cm

Date	05	03	2019
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INTERNAL MEMORANDUM

To: Licensing

From: Rebecca Moon

Dept: Licensing

Dept: Environmental Protection & Nuisance

Cc: applicant

Marilyn.g@joelsonlaw.com

Date: 2 April 2019

Urgent



Response required



Further action (see below)



Subject: Application for Premises Licence: our ref - 643583
Premises: Market House, 1-2 Market Place, RG1 2EQ

I refer to the above application.

I have reviewed the application and consulted our records and would like to make representation against the application.

I am concerned that the proposed enlargement of the roof terrace is likely to result in public nuisance to nearby residential premises both existing and consented under planning permissions. This is due to noise from people talking on the terrace, music on the terrace and lighting on the terrace.

A noise assessment was carried out for a proposed roof terrace for this premises under the planning application 180863/FUL for change of use from bank (Use Class A2) and offices (Use Class B1a), to a food hall with bars (Use Class A3/A4) at ground floor level, 24 guest hotel bedrooms (Use Class C1) at 1st and 2nd floor levels and bar (A4 Use Class) at third floor level with alterations to create roof top terrace.

This noise assessment was based on a smaller roof terrace than proposed in this licence variation and it proposed suitable mitigation to ensure the noise levels would be acceptable.

The proposed increase in size of the roof terrace is likely to make the noise mitigation ineffective, and the noise levels may also increase due to more people being able to use the larger terrace. The impact of the noise on residents overlooking the terrace depends on whether they have line of sight of the terrace and whether they are shielded from the noise by barriers and fences. This will change with a larger roof terrace, making the previous noise assessment and proposed mitigation null and void, therefore the noise impact is likely to be unacceptable. The same can be applied to

the lighting on the terrace which was also assessed and mitigated under the planning application.

Please contact me if you require any further information.

Kind regards

Senior Environmental Health Officer

Narancic, Peter

From: Burns, Matthew
Sent: 04 April 2019 14:21
To: Licensing
Cc: Narancic, Peter
Subject: Premises Licence Variation - Market House

Dear Licensing

I refer to the premises licence variation application for Market House.

I have some concerns with the proposed variation in terms of noise and disturbance impacts:

Planning application ref. 180863FUL and listed building consent application ref. 180864LBC for change of use from bank (Use Class A2) and offices (Use Class B1a), to a food hall with bars (Use Class A3/A4) at ground floor level, 24 guest hotel bedrooms (Use Class C1) at 1st and 2nd floor levels and bar (A4 Use Class) at third floor level with alterations to create roof top terrace, were approved at planning applications committee in October 2018, subject to completion of a section 106 legal agreement. The section 106 agreement has not yet been completed and as such planning permission and listed building consent has not yet been formally granted at this stage.

I understand the Council's licensing policy states that applicants should have the appropriate planning permission in place prior to obtaining a licence and that licensed hours should be in line with any restrictions in the planning permission. A set out above planning permission for the proposed use has not formally been granted yet. In addition, the proposed enlargement of the roof top terrace and layout changes to the ground floor would be contrary to the planning permission (should this be granted) with the layout of these areas specifically controlled by conditions. My concerns are set out in more detail below.

- Enlargement of the roof top terrace area - The layout of this area is to be controlled by specific conditions on the planning permission, in terms of external lighting and also submission of a noise assessment prior to first occupation of the terrace. An enlargement to the terrace area would require the applicant to apply to vary the planning permission as this would not be in accordance with the approved plans. These conditions were applied to mitigate the impact of the proposal upon surrounding properties. I have concerns that the enlargement of the terrace area could have potential to worsen the noise impact and impact of the external illumination on surrounding residential properties, particular to the consented residential development at Jackson Corner to the southern boundary of the site and hotel rooms to floors 1 and 2 of the building.
- Amended ground floor layout - this layout in terms of amount of floor space allocated to seating, circulation, bar and servery area is to be specifically controlled by condition no. 17 of the planning permission. Again any change to this layout would require the applicant to apply to vary the planning permission as this would not accord with the approved plans. This condition was applied to control the number of bar areas such that these do not become the dominant use of the premises and also to provide sufficient seating areas such that the potential for large amounts of vertical drinking is reduced. The intention of these controls is to reduce general noise and disturbance associated with people both using and arriving/leaving the premises. The amended ground floor layout appears to reduce the amount of seating, enlarge both bars areas and remove one food servery area. I have concern that these changes make A4 bar use the predominant element of the ground floor and has potential to increase noise and disturbance upon surrounding occupiers within the town centre.

Kind Regards

Matt Burns

Senior Planning Officer - North/Central
Planning Section | Directorate of Environment and Neighbourhood Services

Reading Borough Council
Civic Offices, Level 1 North
Bridge Street
Reading
RG1 2LU

0118 937 3625 (73625 internal extension)
Email: matthew.burns@reading.gov.uk

[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)



Please note that the advice contained within this email (and attachments – if applicable) is that of an officer of the Borough Council and is provided without prejudice to the decision of the Borough Council.



LICENSING ACT 2003 PREMISES LICENCE - PART A

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

Premises Licence Number	LP1001051
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Premises Details

Trading name of Premises and Address	
Market House 1-2 Market Place Reading RG1 2EQ	
Telephone Number	

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

Licensable Activities

Licensable Activities authorised by the Licence
Late Night Refreshment - Indoor Sale of Alcohol by Retail - On the Premises

Authorised Hours for Licensable Activities

The times the licence authorises the carrying out of licensable activities	
Hours for the Provision of Late Night Refreshment	
Monday	from 2300hrs until 0500hrs
Tuesday	from 2300hrs until 0500hrs
Wednesday	from 2300hrs until 0500hrs
Thursday	from 2300hrs until 0500hrs
Friday	from 2300hrs until 0500hrs
Saturday	from 2300hrs until 0500hrs
Sunday	from 2300hrs until 0500hrs
From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day for non-overnight residents.	
Hours for the Sale by Retail of Alcohol	
Monday	from 1000hrs until 2300hrs
Tuesday	from 1000hrs until 2300hrs

Wednesday from 1000hrs until 2300hrs
Thursday from 1000hrs until 2300hrs
Friday from 1000hrs until 2300hrs
Saturday from 1000hrs until 2300hrs
Sunday from 1000hrs until 2300hrs

The supply of alcohol shall be 24hrs for residents of the hotel and their bona fide guests.

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

Opening Hours

Hours the Premises is Open to the Public

Monday from 0700hrs until 2330hrs
Tuesday from 0700hrs until 2330hrs
Wednesday from 0700hrs until 2330hrs
Thursday from 0700hrs until 2330hrs
Friday from 0700hrs until 2330hrs
Saturday from 0700hrs until 2330hrs
Sunday from 0700hrs until 2330hrs

The roof terrace will open from 0800hrs to 2300hrs daily.

Opening hours shall be 24hrs for residents of the hotel and their bona fide guests.

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Alcohol

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

Sale of Alcohol by Retail - On the Premises

Premises Licence Holder

Name, (registered) address of holder of premises licence

Name: The City Pub Group Plc
Address: Essel House, 2nd Floor, 29 Foley Street, London, W1W 7TH

Additional Details

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

Name: Ms Helen Georgina Sprason
Address: [REDACTED]

Designated Premises Supervisor

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

Personal Licence Number: 07/00326/PERS
Issuing Authority: Norwich City Council

This Licence shall continue in force from **01/12/2018** unless previously suspended or revoked.

Dated: 20 December 2018

Signed on behalf of the issuing licensing authority



Giorgio Framallico

Head of Planning, Development and Regulatory Services

Annex 1

Mandatory Conditions

Supply of Alcohol

To be applied where a premises licence authorises the supply of alcohol	
1	No supply of alcohol may be made under the premises licence:- a) at a time when there is no designated premises supervisor in respect of the premises licence, or b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2	Every supply of alcohol made under the premises licence must be made or authorised by a person who holds a personal licence.

Film Exhibitions

To be applied only where a premises licence or club premises certificate authorises the exhibitions of films	
1	The admission of children to any exhibition of any film must be restricted in accordance with section 20 of Part 3 of the Licensing Act 2003.
2	In the case of films which have been classified by the British Board of Film Classification admission of children to films must be restricted in accordance with that classification.
3	In the case of films which have not been classified by the British Board of Film Classification, admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.

Door Supervisors

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

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

1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

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

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

Age Verification Policy (commencement 01/10/2014)

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

Drink Measurements (commencement date 01/10/2014)

1. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Minimum Permitted Pricing (commencement 28th May 2014)

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

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

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

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

where—

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

4. (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2

Conditions Consistent with the Operating Schedule

General

The Ground Floor Market

1. A minimum of two SIA licensed door supervisors shall be employed specifically to monitor and control patrons within the ground floor market. These two door supervisors shall be employed on a Friday and Saturday trading period from 1900hrs until the last customer has left the premises. The requirement for door supervisors to be employed on Sunday to Thursday trading periods shall be determined by written risk assessment. The risk assessment shall be produced to officers of Reading Borough Council and Thames Valley Police upon request. When the capacity of the market exceeds 200, a further door supervisor shall be employed to monitor and control patrons within the market. When the capacity of the market exceeds 300, a fourth door supervisor shall be employed to monitor and control patrons within the market.

2. The Premises Licence Holder (PLH) shall ensure that all door supervisors whilst employed at the premises shall be highly visibility in a design of uniform and colour agreed by the police (such agreement not to be unreasonably withheld), in order that they can be clearly visible and identifiable at all times to the public and via CCTV both internally and externally. If tabards are worn, hi-visibility armbands must also be worn that incorporate displaying SIA badges. If hi-visibility full sleeved jackets are worn the PLH must ensure that all door supervisors badges are also displayed via an easily visible arm band of a different hi-visibility colour to the jacket that is being worn.'

3. 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.

4. 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.

5. Whilst Door Supervisors are employed at the premises a minimum of one Door Supervisor working on the entrance/ exit to the premises, and one internally within the premises will be deployed with digitally recording Body Worn Video (BWV). The BWV will be used to record any incidents which occur inside or outside of the premises involving customers, prospective customers or any staff member that impact on any of the four licensing objectives.

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, subject to the provisions of the Data Protection Act.

6. 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. The policy shall be in written format and made available upon request to an authorised officer of Reading Borough Council and Thames Valley Police.

7. Notices shall be displayed at all exits, requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

8. The Premises Licence Holder shall ensure that all staff employed in the sale of alcohol shall be trained in their responsibilities and a record of their training shall be maintained. Refresher training shall be carried out every six months and documented. These records shall be made available to an authorised officer of Thames Valley Police or an authorised officer of Reading Borough Council.

9. Staff shall be trained on the Premises Licence Holder's policies on intoxication, age verification and customer welfare and vulnerability. Refresher training shall be carried out every six months and documented. These records shall be made available to an authorised officer of Thames Valley Police or an authorised officer of Reading Borough Council.

10. 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 premise.

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. An incident log 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 shall be recorded. This log 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 log shall be signed off by the Designated Premises Supervisor or nominated representative at the end of each trading session.

13. Substantial food shall be available for purchase at all times when the premises is open to members of the public.

14. The permitted maximum capacity for the ground floor market excluding staff will be 360. A minimum of 300 seats shall be available for customer use within the ground floor market and mezzanine area at all times.

15. All customers shall be off the premises by 2330hrs and staff will be available to assist with dispersal from the premises and immediate area outside.

16. Alcohol shall not be permitted to be removed from the premises at any time.

17. No deliveries or contracted waste removal services shall be permitted to attend the premises between 2000hrs and 0800hrs the following day.

18. The premises licence holder or nominated representative shall ensure that the premises actively participates in the local pub watch scheme as well as utilising the Reading Town Safe Radio scheme.

The Roof top bar (Third Floor)

1. Conditions 4 to 12 above as well as conditions 16, 17 and 18 under the heading 'The ground floor market' shall also apply to the roof top bar and any other bar area within the premises known as Market House. The following conditions will also apply to the roof top bar:

2. A minimum of one SIA licensed door supervisors shall be employed specifically to monitor and control patrons within the rooftop bar. This door supervisor shall be employed on a Friday and Saturday trading period from 1900hrs until the last customer has left the premises. The requirement for door supervisors to be employed on a Sunday to Thursday trading periods shall be determined by written risk assessment. The risk assessment shall be produced to officers of Reading Borough Council and Thames Valley Police upon request. When the capacity of the rooftop bar exceeds 100, a further door supervisor shall be employed to monitor and control patrons within the rooftop bar. Whilst on duty Door Supervisors shall be clearly identifiable and display Hi-Vis personalised armbands containing their SIA badge.

3. 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.

4. The permitted maximum capacity for the top floor bar excluding staff will be 120. A minimum of 60 seats shall always be available for customer use within the rooftop bar.

5. All customers shall be off the premises by 2330hrs and staff will be available to assist with dispersal from the premises.

The Hotel

1. Conditions 4 to 13 and conditions 16, 17 and 18 under the heading 'The Ground Floor Market' shall apply to the area defined as the hotel and any associated bars within it. The following conditions will also apply to the hotel and associated bars:

2. The permitted maximum capacity for the hotel excluding staff will be 60.

3. None of the bars within the hotel shall operate beyond 2300hrs and staff shall be available at 2300hrs to ensure that non guests of the hotel leave and disperse in an efficient and orderly manner.

4. The hotel shall not be used for externally promoted events involving the sale of alcohol or regulated entertainment after 2300hrs.

Annex 3

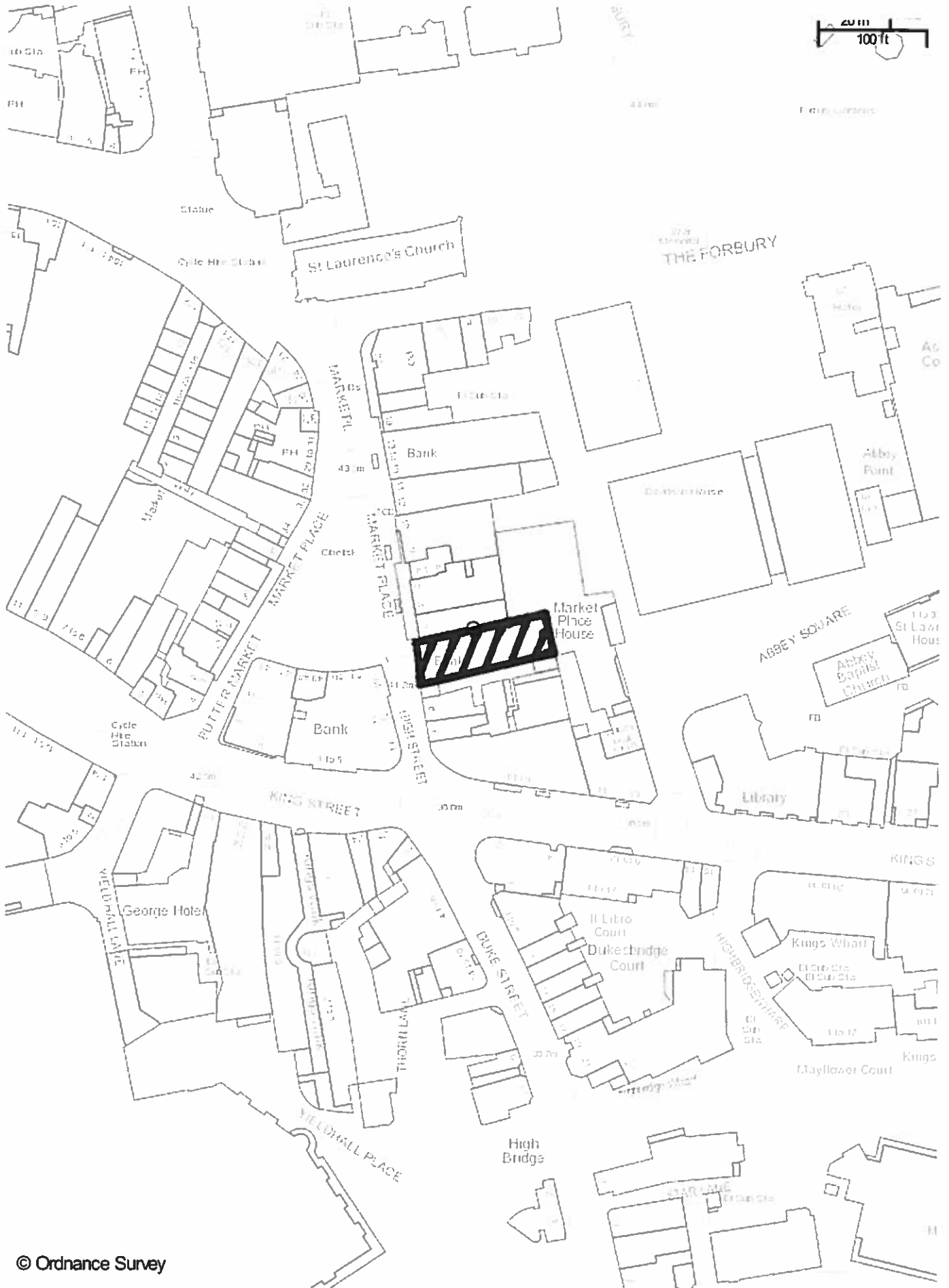
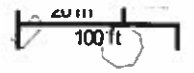
Conditions attached after a hearing by the Licensing Authority

N/A

Annex 4

Plans

As attached plan no. 3172-80, 3172-81, 3172-82, 3172-83, 3172-84, 3172-85



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