

To: Councillor Woodward (Chair)  
Councillors Edwards and Page

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7 February 2024

Your contact is: **Julie Quarmby - Committee Services**

## **NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 15 FEBRUARY 2024**

A meeting of the Licensing Applications Sub-Committee will be held on Thursday, 15 February 2024 at 9.30 am in the Council Chamber, Civic Offices, Bridge Street, Reading, RG1 2LU. The Agenda for the meeting is set out below.

**AFFECTED**    **Page No**  
**WARDS**

### **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; or
  - ii. Will be speaking on behalf of someone who has submitted a relevant representation.

### **2. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE IN RESPECT OF GUN STREET GARDEN, 5 GUN STREET, READING**

**3 - 304**

To consider an application for the review of a Premises Licence in respect of Gun Street Garden, 5 Gun Street, Reading, RG1 2JR.



**LICENSING ACT 2003 HEARING THURSDAY 8 FEBRUARY 2024 AT 1830HRS APPLICATION FOR THE REVIEW OF A PREMISES LICENCE**

**1. Premises:**  
Gun Street Garden  
5 Gun Street  
Reading  
RG1 2JR

**2. Applicants Requesting Review:**  
Mr Declan Smyth on behalf of the Chief Constable of Thames Valley Police

**3. Grounds for review**  
The application is for the review of a premises licence in respect of the above mentioned premises. The application has been submitted by Thames Valley Police who are a named responsible authority under the Licensing Act 2003, in regard to the objectives of Prevention of Crime and Disorder, Prevention of Public Nuisance, Public Safety and Protection of Children from Harm.  
  
This application for review has been submitted in order to address the failure of the premises licence holder to promote the licensing objectives via their insufficient measures to ensure due diligence or compliance with their licence conditions. Application is attached as **appendix TS-1**.

**4. Background:**  
The premises, Gun Street Garden offers patrons vertical drinking and music, as well as VIP areas, across 2 floors of the premisses, on Gun Street within the town centre since September 2019.  
  
The premises benefits from a on and off alcohol sales and late night refreshment licence, which was transferred from Barclub Trading LTD to the current licence holder, GTB Leisure Limited on 05/09/2019. Full licensable activities and hours are listed below.  
  
The designated premises supervisor is Theodore Barber.

**5. Licensable activities and hours:**  
Gun Street Garden is currently licenced for the following activities:

**Hours for the Exhibition of Films**  
Monday to Saturday      from 1000hrs until 0300hrs  
Sunday                      from 1200hrs until 0200hrs

**Hours for the Performance of Live Music**  
Monday to Saturday      from 1000hrs until 0300hrs  
Sunday                      from 1200hrs until 0200hrs

**Hours for the Playing of Recorded Music**  
Monday to Saturday      from 1000hrs until 0300hrs  
Sunday                      from 1200hrs until 0200hrs

**Hours for the Performance of Dance**

Monday to Saturday from 1000hrs until 0300hrs  
Sunday from 1200hrs until 0200hrs

**Hours for anything similar to Live Music, Recorded Music or Performance of Dance**

Monday to Saturday from 1000hrs until 0300hrs  
Sunday from 1200hrs until 0200hrs

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

Monday to Saturday from 2300hrs until 0300hrs  
Sunday from 2300hrs until 0200hrs

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

Monday to Saturday from 1000hrs until 0300hrs  
Sunday from 1200hrs until 0200hrs

All licensable activities to extend on Bank Holiday Sunday 1200hrs to 0430hrs

**Hours the Premises is Open to the Public**

Monday to Saturday from 1000hrs until 0330hrs  
Sunday from 1200hrs until 0230hrs

**6. Date of receipt of application:** 14 December 2023

**7. Date of closure of period for representations:** 11 January 2024

**8. Representations received:**

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

1. Mr Ian Savill - Reading Borough Council - Attached as **Appendix TS-2**
2. Mr Robert Smalley - Reading Borough Council - Attached as **Appendix TS-3**

**9. Powers of the Licensing Authority on the determination of a Review**

The Licensing authority, when determining an application for the review of a premises licence may:

1. take no further action
2. issue formal warnings to the premises supervisor and/or premises licence holder
3. modify the conditions of the licence (including, but not limited to hours of operation of licensable activities)
4. exclude a licensable activity from the scope of the licence
5. remove the designated premises licence supervisor
6. suspend the licence for a period not exceeding three months
7. revoke the licence.

Where the sub-committee takes a step mentioned in 3 or 4 it may provide that the modification or exclusion is to have effect for a period not exceeding three months or permanently.

## **10. 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 decision made in relation to the 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.

In determining this application, the Licensing Authority must also have regard to the representations received, the Licensing Authority's statement of licensing policy and any relevant section of the statutory guidance to licensing authorities.

## **11. The Council's Licensing Policy Statement (2023):**

1.5 This licensing policy aims to make Reading's night-time economy an economy for all. A diverse range of responsibly run premises are to be encouraged. The licensing authority wishes to discourage drunkenness and a move away from alcohol led vertical drinking establishments. We would expect responsibly run premises to actively promote the licensing objectives through promoting extra seating at their premises; instigating effective dispersal from their premises at the conclusion of licensable activities and engagement with the licensing authority and other responsible authorities in policies, initiatives and strategies that promote Reading as a safe, healthy, diverse and vibrant night-time economy suitable for all.

1.6 The predominantly urban nature of Reading as a town means that an appropriate balance needs to be struck between the needs of local business and the needs of local residents. This licensing policy seeks to encourage all stakeholders to engage in the licensing process so that the needs of all can be taken into account and issues dealt with in a spirit of partnership and cooperation.

2.26 Reading's night-time economy has achieved Purple Flag and Best Bar None status. These are nationally recognised schemes meaning the town has achieved a level of excellence and we would expect all licence holders and potential applicants to take cognisance of these standards and practices. The Authority and its partners shall seek to work with all stakeholders in the town to maintain these standards. The town also has a very successful and well attended Pubwatch scheme both in the town centre and in the outer areas of Reading. This scheme is supported by Thames Valley Police and Reading Borough Council and is a particularly useful forum for licence holders to share information, best practice and work in a collaborative manner so as to make the night-time economy as vibrant and safe as possible for all. The Authority would expect all prospective applicants and current licence holders to make use of their local Pubwatch scheme and engage fully in any relevant initiatives that stem from it.

## **3. Licensing and integration with other legislation**

3.1 Many other pieces of legislation impact directly or indirectly on the licensing regime. The Licensing Authority must have regard to the following when it discharges its responsibilities under the Licensing Act 2003 and in relation to the promotion of the four licensing objectives:

#### 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 it 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.

#### Other Legislation that the Licensing Authority will consider

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

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

#### Review of a premises licence or club premises certificate

5.13 Any premises that has a premises licence or club premises certificate may have that licence reviewed by any of the named Responsible authorities – including the Licensing Authority in its role as a Responsible Authority. Thames Valley Police may also submit a Summary Review if there is a premises associated with serious crime and disorder. When the Licensing Authority instigates a review it will ensure that there is a clear separation of functions between the officer acting as the licensing authority

and the officer acting as a responsible authority.

5.15 The Act provides strict guidelines, timescales and procedures for review applications and hearings and the Authority will deal with every review application in accordance with these rules.

## 6. Licensing Conditions

### General Approach

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

6.5 Any conditions imposed upon a premises licence or club premises certificate will be tailored to that type of premises and the style of operation. Consideration will also be given to the locality of the premises; issues in the locality; the issues set out in the Guidance and any policy, initiative or other matter the licensing authority wishes to take into account in order to promote the four licensing objectives.

6.27 The licensing authority is of the opinion that premises that are alcohol led; provide limited seating for customers; provide little food and provide entertainment facilities have the strongest potential to undermine the promotion of the licensing objectives. The licensing authority believes that venues that encourage up right vertical drinking and the sale of alcohol – often at cheap prices – leads to a negative impact on the town and only serves to promote drunkenness and crime and disorder. Any applicant who wishes to operate such a venue will have to demonstrate that its proposed use does not undermine the promotion of the licensing objectives and the authority would expect any operating schedule to contain stringent policies and procedures to achieve this. Measures such as CCTV, employment of door supervisors and the use of a club scan device will be expected as a minimum requirement. Door staff will also be expected to wear high visibility jackets and armbands so that they can be easily identified as well utilising – where appropriate – body worn video to help promote the prevention of crime and disorder licensing objective. The use of breathalysers is also to be encouraged in venues that are alcohol led and should – where appropriate - be advertised as a condition of entry to a licensed premises – particularly given the current prevalence for pre-loading.

### Drinking up/Winding down time/Dispersion

7.14 Premises that provide licensable activity that may undermine the promotion of the four licensing objectives; cause disturbance to residents or in any way exacerbate issues of anti-social behaviour and crime and disorder, are expected to adopt, implement and maintain a robust dispersion policy. Licensed premises in residential areas or within the Council's Cumulative Impact Areas (if there are any in force – see

4.3) are also expected to outline measures such as a suitable wind down time where licensable activities will come to a gradual conclusion before closing time to allow for a gradual and orderly dispersal from the premises and area. It is expected that all staff will be aware of any dispersal policy and wind down times so as to ensure that customers actively leave the premises and area within permitted hours and with the minimum of disturbance to local residents.

7.15 In the case of nightclubs, dance venues and similar premises, it is expected that licence holders and designated premises supervisors instigate and operate a wind down time starting at least thirty minutes before closing time. During this time, the pace, volume and type of music played should be slowed down and reduced to background levels. The sale of alcohol should also cease and staff should be available to assist in the gradual dispersal of patrons from the premises and the immediate area. It is expected that door supervisors should also assist with the gradual dispersal of patrons from the premises and the area and direct people to public transport if appropriate.

## 9. Enforcement

### Enforcement Approach

9.12 Where offences are found to have been carried out on licensed premises, the Authority has a number of enforcement options available to it. The Authority will work with partner agencies to determine which enforcement option is appropriate for the promotion of the licensing objectives. The seriousness of the offences found will be taken into consideration as well as any previous issues of non compliance or criminality that have taken place at the licensed premises.

9.13 The enforcement options available to the Authority are wide-ranging. The Authority may consider, for example, that a letter detailing the issues found during an inspection followed by a period of time to rectify them is sufficient to promote the licensing objectives. Similarly, the Authority may consider that the breaches are sufficiently serious to warrant an immediate performance meeting with a licence holder so that a discussion can take place about the adequacy of the processes in place at the premises. This could, for example, lead to recommendations being put to the licence holder to implement much more robust conditions and processes to avoid a repeat of the breaches found. The authority may also decide to prosecute relevant persons for offences being carried out on licensed premises. Licence holders should note that the authority can take one or more of these options available to it at the same time for the same offences should it be deemed appropriate to do so.

9.15 Licensed premises that have a history of non compliance over a period of months and years and/or incidents of serious crime taking place at that premises, will likely find that the Authority will initiate a review with a view to asking for the licence to be considered for revocation.

9.16 When considering what enforcement action to take, the Authority will always consider what is the most appropriate and proportionate step to promote the licensing objectives. The Authority is not required to wait for offences to occur before deciding it needs to take appropriate action. Case law – notably *East Lindsey District Council v Abu Hanif* – states that the promotion of the licensing objectives requires a prospective



consideration of what is warranted in the public interest having regard to the twin considerations of prevention and deterrence. Similarly, the Secretary of State's Guidance to the Licensing Act makes clear that there is no requirement for the Authority to wait for the outcome of any criminal proceedings before it initiates any enforcement action. This is the approach that the Authority will take when considering what, if any, action should be taken when condition breaches and other criminal activity is found at licensed premises.

9.18 Any responsible authority or person defined as 'any other person' within the Act can initiate a review of any premises licence or club premises certificate. When another responsible authority or other person initiates a review, the Authority will deal with it as the Licensing Authority and may also wish to make representation in support of the review within its role as a responsible authority if it has relevant information.

9.20 The Authority shall endeavour to work with licence holders and applicants where it is believed that steps can be taken to rectify issues identified at licensed premises. However it cannot merely continue that approach if it has previously failed or the licence holder is unresponsive. It is the responsibility of all licence holders and responsible authorities to ensure that licensed premises are not undermining the promotion of the licensing objectives and that licensable activity is carried out lawfully. The Authority will work with partners to determine what action is appropriate for each premises where issues are discovered. Each premises and the action required for each will be assessed on its own individual merits.

## 10. Administration, Exercise and Delegation of Functions

10.1 The powers of the Licensing Authority under the Licensing Act 2003 may be carried out by the Licensing Committee; by a Sub Committee or by one or more officers acting under delegated authority. The Licensing Committee will consist of between 10-15 members and the committee may establish one or more sub-committees consisting of two or three members.

10.3 A Licensing Sub-Committee shall hear all applications where relevant representations have been received and applications for the review of a premises licence that may have been submitted by Responsible Authorities or any other persons.

## **12. Amended Guidance issued under section 182 of the Licensing Act 2003 (December 2023)**

### Licensing Objectives and Aims:

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

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.

## 2. The licensing objectives

### Crime and disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.7 The objective to crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking. This list is not exhaustive:

- Putting alcohol into someone’s drink without their knowledge or permission
- Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission
- Injecting another person with prescription or illegal drugs without their knowledge or permission
- Putting prescription or illegal drugs into another person's food without their knowledge or permission
- Putting prescription or illegal drugs into another person's cigarette or vape without their knowledge or permission

### Licensing authorities acting as responsible authorities

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 area<sup>5</sup>. 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.

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.

#### Hearings

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

#### Determining actions that are appropriate for the promotion of the licensing objectives

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations

should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

## Reviews

### The review process

11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise a review application.

11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address

those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation

#### Powers of a licensing authority on the determination of a review

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)<sup>10</sup>;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

#### Reviews arising in connection with crime

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to

attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

### **13. Relevant Case law for consideration:**

(R) on the application of Hope and Glory Public House v Westminster City Council (2011) EWCA Civ31 illustrates that licensed premises, and the activities that take place in those premises, exist in a dynamic environment and should not be looked at entirely in isolation and confirms that this can include the impact that licensable activities have on a range of factors such as crime, the quality of life for residents and visitors to the area, and demand for licensed premises.

East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant) (2016) this underpins the principles widely acknowledged within the Licensing Act 2003 that the licensing objectives are prospective, and that 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.

R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin) This case, referred to as 'the Thwaites case', is important because it emphasises the important role that Responsible Authorities have in providing information to decision makers to contextualise the issue before them. The purpose of the Act is to prevent problems from happening. Decisions can and should be based on well-informed common sense. The case recognises that Responsible Authorities are experts in their fields, and that weight should be attached to their representations.

### **14. Appendices**

**Appendix TS-1: Premises Licence Application Form**

**Appendix TS-2: Representation by Mr Ian Savill – Principal Trading Standards Officer, Reading Borough Council**

**Appendix TS-3: Representation by Mr Robert Smalley – Licensing Officer, Reading Borough Council**

*Reading Borough Council*

**Application for the review of a premises licence or club premises certificate 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 Declan Smyth, on behalf of the Chief Constable of Thames Valley Police**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in part 1 below:**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Gun Street Garden, 5 Gun Street	
<b>Post town</b> Reading	<b>Post code (if known)</b> RG1 2JR

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
GTB Leisure Limited

<b>Number of premises licence or club premises certificate (if known)</b>
LP2002988

**Part 2 - Applicant details**

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)



**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Thames Valley Police C/O Reading Licensing Dept Reading Police Station Castle Street Reading RG1 7TH
Telephone number (if any) <b>101</b>
E-mail address (optional) <a href="mailto:Licensing@thamesvalley.police.uk">Licensing@thamesvalley.police.uk</a>

**This application to review relates to the following licensing objective(s)**

- Please tick one or more boxes ✓
- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

**Please state the ground(s) for review** (please read guidance note 2)

Thames Valley Police (TVP) as a responsible authority under the Licensing Act 2003 and under the objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm make an application for the review of Premises Licence No. **LP2002988**, Gun Street Garden, 5 Gun Street, Reading, RG1 2JR

The premises is situated on Gun street in an area which suffers high levels of crime, anti-social behaviour including street drinking and the consumption of super strength alcohol, drug usage and other associated signal crimes such as graffiti and assaults of all levels. Gun Street Garden is a destination venue within the Reading Night Time Economy footprint.

On Saturday 2<sup>nd</sup> December at approximately 02:40 hours (INC202312020249 & Nice Number - 43230541145) Thames Valley Police attended the premises known as the Gun Street Garden. The attending officers' intention was to assist a female as the caller stated that her friend had been punched in the face and is bleeding.

A female customer became involved in an incident within the venue and was removed by the premises security. On reaching the front door of the premises and during the ensuing melee' a door supervisor has assaulted the female by throwing a punch to her head & face causing her to fall to the ground.

The victim had to attend hospital due to injuries to her face and pain in her leg which was injuries she sustained when punched by the suspect.

The Gun Street Garden has suffered a high number of disorders and incidents involving violence over the years linked to high risk events/evenings. Thames Valley Police and Reading Borough Council have made a number of interventions via performance meetings with the premises in order to reduce this type of incident, and to attempt to prevent the premises from undermining the licensing objectives.

Thames Valley Police submit this application for review in order to address the failures of the premises licence holder to promote the licensing objectives via their insufficient measures to ensure due diligence, best practice and promote the licensing objectives. The scale of incidents occurring at the premises, the actions of the Premises Licence Holder, DPS, staff and security team at this premises is alarming and steps need to be taken to safe guard the late night economy and the local community visiting the premises and area.

The above mentioned incident that has triggered this review was both predictable and preventable and had the premises licence holder, management team staff and security team adhered to police warnings and previous interventions this may have been averted.

Thames Valley Police believe that it is imperative for licensed premises to act both responsibly, and in a manner that promotes the licensing objectives.

Thames Valley Police have taken the reasonable step to submit this premises licence review rather than a summary review.

## Secretary of States Section 182 Guidance

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

Furthermore Thames Valley Police recommend that when considering what enforcement action to take, the Authority will always consider what is the most appropriate and proportionate step to promote the licensing objectives. Thames Valley Police suggest that the authority is not required to wait for offences to occur before deciding it needs to take appropriate action. Case law – notably *East Lindsey District Council v Abu Hanif* – states that the promotion of the licensing objectives requires a prospective consideration of what is warranted in the public interest having regard to the twin considerations of prevention and deterrence and respectfully ask that the

licensing Sub-Committee take cognisance of this factor with regards to this review application.

A full transcript of this Case Law is provided below.

**QBD, ADMINISTRATIVE COURT**

Neutral Citation Number: [2016] EWHC 1265 (Admin)

CO/345/2016

**IN THE HIGH COURT OF JUSTICE**

**QUEEN'S BENCH DIVISION**

**THE ADMINISTRATIVE COURT**

Royal Courts of Justice

Strand

London WC2A 2LL

Thursday, 14 April 2016

**B e f o r e:**

**MR JUSTICE JAY**

**Between:**

**EAST LINDSEY DISTRICT COUNCIL**

**Appellant**

v

**ABU HANIF**

**(TRADING AS ZARA'S RESTAURANT AND TAKEAWAY)**

**Respondent**

Computer- Aided Transcript of the Stenograph Notes of

WordWave International Limited trading as DTI

165 Fleet Street London EC4A 2DY

Tel No: 020 7404 1400 Fax No: 020 7404 1424

(Official Shorthand Writers to the Court)

**Mr P Kolvin QC & Mr D Dadds** (instructed by David Dadds LLP) appeared on behalf of the **Appellant**

The **Respondent** did not appear and was not represented

J U D G M E N T

(Approved)

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1. MR JUSTICE JAY: This is an appeal by way of case stated from the decision

of the Lincoln Magistrates' Court, District Judge Veits, given on 23 June 2015, whereby he allowed an appeal from the revocation of a premises licence by the licensing authority.

2. The appellant, the East Lindsey District Council, is the licensing authority. The

Magistrates' Court in the usual way is not a party to these proceedings. The respondent, Mr Abu Hanif, trading as Zara's Restaurant and Takeaway, is the licence holder. He through a licensing consultant has submitted correspondence making various limited points, but indicating that he would not be taking any part in these proceedings.

3. The premises in question are Zara's Restaurant and Takeaway situated in North Summercoates on the Lincolnshire coast. They are licensed to sell alcohol ancillary to the supply of food. The restaurant is owned and managed by the licensee, Mr Hanif. On 29 April 2014, the premises were the subject of a joint visit by the police and immigration officers, and it was discovered that Mr Miah was working in the kitchen as a chef. It was common ground that Mr Miah had no current entitlement to remain in the UK, let alone to work. I was told that he arrived here illegally some years ago. Furthermore, it was also accepted by the respondent that he (i) employed Mr Miah without paperwork showing a right to work in the United Kingdom; (ii) paid Mr Miah cash in hand; (iii) paid Mr Miah less than the minimum wage; (iv) did not keep or maintain PAYE records; (v) purported to deduct tax from Mr Miah's salary; and (vi) did not account to HMRC for the tax deducted.
4. The police then applied for a review of the respondent's licence under section 51 of the Licensing Act 2003 and the matter came before the appellant's subcommittee on 30 June 2014. The subcommittee decided to revoke the respondent's licence. Its reasons were as follows:
5. "The subcommittee were satisfied that Mr Hanif did not take the appropriate checks of staff members having knowledge that there were problems previously at the other premises with overstayers, and that he continued to allow staff to work at Zara's restaurant without making appropriate checks.
6. The subcommittee were satisfied that Mr Hanif had not undertaken the relevant checks to ensure the employee concerned was eligible to work in the United Kingdom. Instead of not allowing employees to work if they had not provided the correct documentation he allowed them to work and paid cash in hand. With all this in mind the subcommittee were satisfied that Mr Hanif had knowingly employed person/s unlawfully in the United Kingdom.

7. The subcommittee considered the evidence by Mr Kheng on behalf of Mr Hanif and the Home Office section 182 Guidance to Licensing Authorities. The subcommittee were of the view that the premises licence should be revoked and that revocation was an appropriate step with a view to promoting the crime prevention licensing objective."

8. The respondent then appealed to the Magistrates' Court. There was a hearing on 27 March 2015, and on 23 June the district judge decided to allow the respondent's appeal. On 1 September 2015, the district judge determined the issue of costs and on 7 January 2016 he stated the case. The appeal to the district judge was de novo, but he accepted that he could only allow the appeal if the subcommittee's decision was "wrong", the burden being on the appellant before him to establish that.

9. Looking now at the stated case, the district judge noted that the respondent had received a civil penalty for employing an illegal worker under section 15 of the Immigration, Asylum and Nationality Act 2006. An immigration officer gave evidence to the effect that although by virtue of section 21 a criminal offence was committed, such proceedings were rarely brought. The district judge also noted that the police and the Council's licensing officer were no longer saying that the respondent was a serial offender, but a redacted report which was placed before the subcommittee still gave the impression that he "was in a much worse position than he actually was". As for the failure to pay the minimum wage, the district judge said this:

A. "In his evidence before me Mr Hanif accepted that he had not paid the minimum wage and this in itself can be a criminal offence. I found that this was not the main basis of the subcommittee's decision however and again there was no evidence that he had been reported for that alleged offence. It would appear from their reasons that the subcommittee used the evidence of paying cash in hand as justification for the finding that he knowingly employed Mr Miah. The prosecuting authority however appear to have taken a different view in offering the civil penalty."

10. The district judge's core reasoning was that no crime had been committed. As he put it:

A. "It appeared to me that no crime had been committed as a result of the visit to the premises in April of last year. A civil penalty had been imposed rather than prosecution for the section 21 offence and no other crime had been reported in relation to not paying the minimum wage."

11. In the district judge's view, the crime prevention objective was not engaged.

12. The district judge also criticised the subcommittee for adopting an inconsistent approach because in other similar cases only warnings were issued. Finally, he considered that the subcommittee may have been influenced by comments

in the police report, leading them to believe that they were dealing with a serial offender.

13. At the conclusion of the stated case, the district judge posed two questions for my determination. I will address these at the end of my judgment.

14. I was taken by Mr Philip Kolvin QC to various provisions of the Licensing Act 2003 as amended. Under section 4(1)and(2) a licensing authority must carry out its licensing functions with a view to promoting the licensing objectives, which include "the prevention of crime and disorder". The provisions dealing with the review application brought by the police are contained in sections 51 and 52. Under section 52(3), the licensing authority (and on appeal the Magistrates' Court):

A. "... must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives."

15. The epithet "appropriate" was introduced by amendment in 2011. Previously the test had been stricter. In my judgment, it imports by necessary implication the concepts of proportionality and relevance.

16. Mr Kolvin submitted that the district judge erred in a number of respects. First, he wrongly held that, given that criminal proceedings were never brought, the crime prevention objective (see section 4(2)) was not engaged. The statute is concerned with the prevention rather than the fact of crime. Secondly, and in any event, the interested party had committed criminal offences in relation to tax evasion, the employment of an illegal worker, and employing an individual at remuneration below the minimum wage. As for the employment of an illegal worker, Mr Kolvin accepted that this requires knowledge on the part of the employer, and he also accepted that it is not altogether clear whether the district judge found as a fact that the respondent possessed the requisite knowledge. However, the core question is the promotion of the licensing objectives, not the fact of anterior criminal activity, and in this regard a deterrence approach is appropriate.

17. Thirdly, Mr Kolvin submitted that there was no evidence of an inconsistent approach by the subcommittee in giving warnings in some cases because all cases turn on their own facts. Finally, Mr Kolvin submitted that there was no basis for the district judge's conclusion that the subcommittee may have been influenced by a suggestion that the respondent was a serial offender.

18. I accept Mr Kolvin's submissions. In my view the district judge clearly erred. The question was not whether the respondent had been found guilty of criminal offences before a relevant tribunal, but whether revocation of his licence was appropriate and proportionate in the light of the salient licensing



objectives, namely the prevention of crime and disorder.

This requires a much broader approach to the issue than the mere identification of criminal convictions. It is in part retrospective, in as much as antecedent facts will usually impact on the statutory question, but importantly 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. The district judge's erroneous analysis of the law precluded any proper consideration of that issue. In any event, I agree with Mr Kolvin that criminal convictions are not required.

19. To the extent that the analysis must be retrospective, the issue is whether, in the opinion of the relevant court seized of the appeal, criminal offences have been committed. In the instant case they clearly had been: in relation to tax evasion (see the common law offence of cheating the Revenue and the offence of fraudulent evasion of tax contrary to section 106A of the Taxes and Management Act 1970); and the employment of Mr Miah at remuneration below the minimum wage (see section 31 of the National Minimum Wage Act 1998). Moreover, given the evidence that Mr Miah never provided the relevant paperwork, notwithstanding apparent requests, the obvious inference to be drawn is that the respondent well knew that he could not, and that no tax code and National Insurance number had been issued. The corollary inference in my judgment is that the respondent well knew that Mr Miah could not provide the relevant paperwork because he was here illegally.
20. I also accept Mr Kolvin's submission that each case must turn on its own facts. As a matter of law, unless it could be said that some sort of estoppel or related abuse of process arose in the light of warnings given in other cases, the alleged inconsistent approach led nowhere. In my judgment, it could not be so said.
21. Finally, I agree with Mr Kolvin that there is nothing in the point that the subcommittee could have been misled about the interested party being a serial offender. The point that the subcommittee was making was the fact that the respondent had worked at premises where illegal workers were also employed meant that he should have been vigilant to the issue.
22. Thus the answer to the district judge's two questions are as follows:
  - A. Q. "Was I correct to conclude that the crime prevention objective was not engaged as no crimes had been proceeded with, the appellant only receiving a civil penalty?"
  - B. No.
  - C. Q. "Was I correct in concluding that the respondent had been inconsistent in

similar decisions in not revoking the licence [sic]?"

D. No.

23. Having identified errors of law in the district judge's decision, the next issue which arises is whether I should remit this case for determination in the light of my ruling or whether I have sufficient material to decide the issue for myself. I should only adopt the latter course if satisfied that the issue is so obvious that no useful purpose would be served by remission. I am so satisfied. Having regard in particular to the twin requirements of prevention and deterrence, there was in my judgment only one answer to this case. The respondent exploited a vulnerable individual from his community by acting in plain, albeit covert, breach of the criminal law. In my view his licence should be revoked. Another way of putting the matter is that the district judge had no proper basis for overturning the subcommittee's assessment of the merits.
24. It follows in my judgment that the only conclusion open to the district judge in the present case was to uphold the revocation of the respondent's licence. This appeal must be allowed and the respondent's licence must be revoked.
25. MR KOLVIN: My Lord, I'm very grateful. Can I deal with the question of costs, both here and below.
26. MR JUSTICE JAY: Yes.
27. MR KOLVIN: Should I start with here.
28. MR JUSTICE JAY: Yes.
29. MR KOLVIN: My Lord, we would ask for the costs before this court. I just want to pray in aid four very brief points. The first is the result. The second is that the district judge's approach was expressly urged on him by the respondent's legal team. Thirdly, that the respondent was expressly urged to concede this appeal to stop costs running, he was given that opportunity at pages 42 and 43 of the bundle. Fourthly, perhaps a little bit tugging at the heart strings, but there's no reason why the Council Tax payers of East Lindsey should bear the cost of establishing what has been established in this court. So we would ask for the costs up here.
30. There is a schedule and the schedule has been served upon Mr Hanif by letter dated 16 March of 2016. I don't know whether the schedule has found its way to my Lord, if not I can hand up a copy.

31. MR JUSTICE JAY: It has.
32. MR KOLVIN: It has. My Lord, I can see that VAT has been added on. It doesn't need to be because of course the Council can retrieve the VAT, so my application is for £16,185. I know there's not a lot of explanation around my fee, but it was taken on a single fee for all work involved in relation to the case stated; advice, the skeleton argument and attendance today, so it's one single - -
33. MR JUSTICE JAY: What about your junior's fees?
34. MR KOLVIN: My learned junior is also my instructing solicitor, he wears two hats.
35. MR JUSTICE JAY: I see.
36. MR KOLVIN: He has his own firm which is Dadds LLP, and he is also a member of the bar, so although he has appeared as my junior, his fee is wrapped up in the solicitors' fees set out in the schedule.
37. MR JUSTICE JAY: Okay. What about the costs below?
38. MR KOLVIN: My Lord, I'm just trying to ascertain what the position is.
39. MR JUSTICE JAY: I thought there was no order for costs below.
40. MR KOLVIN: There was no order for costs below, that was on the basis that the appeal had been allowed. The situation in relation to costs of licensing appeals are set out in section 181 of the Act, which enables the court to make such order as it thinks fit. Normally when appeals are dismissed there is no real question about it, costs follow the event. When appeals are allowed, some further considerations come into play, which are expressed by the Master of the Rolls in a case which you may have come across called City of Bradford v Booth, which is the case where the Master of the Rolls said that local authorities shouldn't be put off from trying to make honest and reasonable decisions in the public interest. And so one has to take account additionally of the means of the parties and their conduct in relation to the dispute, but in this case of course the appeal has now been dismissed, and so we would say that the ordinary rule is that the costs should follow the event, the appeal having failed. I'm just trying to ascertain whether schedules were ever served below, in the light of the way the case came out. **(Pause)**
41. My Lord, I'm really sorry that we don't actually have the schedule here, apparently it was £15,000. If you were minded to order costs below the options are either I suppose to wait and we will have the thing emailed up, or

to say, "Look, it was below, it's a little bit more complex, they should be assessed if not agreed."

42. MR JUSTICE JAY: This is going to wipe him out, isn't it?
43. MR KOLVIN: Well he has already said, I have to say, I'm just telling you frankly what I've been told this morning, that when the bundles and the schedules were served on him, he had clearly read them, but he said, "If you win in the High Court and get costs against me, then I'm just going to declare myself bankrupt." So there may well be a bit of football(?) about this, but nonetheless it was his appeal, his team raised a point which in retrospect was very surprising, and caused an awful lot of costs to be incurred.
44. MR JUSTICE JAY: Yes. Well I am going to assess the costs here in the round figure of £15,000.
45. MR KOLVIN: Thank you.
46. MR JUSTICE JAY: If there was a schedule, which you tell me there was, below, it is proportionate that I assess those costs rather than put you to the trouble of a detailed assessment, so if you could have that emailed to my clerk in due course, I will assess the costs below.
47. MR KOLVIN: Thank you, my Lord.
48. MR JUSTICE JAY: On the basis of that schedule.
49. MR KOLVIN: We're not trying to be too ambitious, but we would like to see what we can - -
50. MR JUSTICE JAY: I'll take a broad brush approach to that.
51. MR KOLVIN: Thank you.
52. My Lord, the only other thing to mention is that this isn't the only case which is kicking around the east of England where licensing subcommittees are being urged to take no action because there has been no prosecution in these immigration cases. Although I appreciate that this is hardly stellar law making, it's an application of pretty well established legal principles to the facts, I'm asking whether my Lord would be minded to certify this so that we can adduce the authority in other cases, because it's a clear statement of the law that there doesn't need to have been a prosecution. So with the practice direction in mind, would my Lord be minded to - -

53. MR JUSTICE JAY: Just remind me of the practice direction.
54. MR KOLVIN: Yes, can I hand it up?
55. MR JUSTICE JAY: Yes. **(Handed)**
56. MR KOLVIN: If Mr Hanif had come I wouldn't need to make the application. It's paragraph 6.1. The judgment has to clearly indicate that it purports to establish a new principle or extends the present law and that has to take the form of an express statement to that effect, and then 6.2 says what categories of judgment we're dealing with, which include applications attended by one party only.
57. So that's the situation we're in. In reality these judgments get around anyway, because we're dealing with administrative tribunals and not courts, but sometimes the point is taken, "Ah yes, but the court didn't certify".
58. MR JUSTICE JAY: But where's the new principle I've established?
59. MR KOLVIN: My Lord, what you have said clearly, which hasn't been said before, by dint of the fact that not many licensing cases reach the lofty heights of this building, is that there does not need to have been a prosecution in order for the crime to have - -
60. MR JUSTICE JAY: Oh, I see. Well that's so obvious it almost goes without saying, that's why it hasn't been said before.
61. MR KOLVIN: My Lord, it was obvious to everyone except the district judge, the appellant and other licensees in the east of England.
62. MR JUSTICE JAY: Okay.
63. In terms of the logistics, if you want a copy of the judgment, don't you have to pay for it?
64. MR KOLVIN: We may have to, and we would be obviously very pleased to do so.
65. MR JUSTICE JAY: Because I'm not sure that all judgments are, in the Administrative Court, they're not all transcribed and published.
66. MR KOLVIN: That is correct, and I have no doubt that my client would be -

this isn't a matter about the costs of the judgment.

67. MR JUSTICE JAY: No, fortunately it doesn't cost that much. But I will give the certification. I have never been asked to do so before, I must confess.

68. MR KOLVIN: Yes.

69. MR JUSTICE JAY: Because these cases are referred to almost willy nilly, if they're available on Lawtel or wherever.

70. MR KOLVIN: Yes, they are.

71. MR JUSTICE JAY: Then they're just provided.

72. MR KOLVIN: They get into the textbooks and they - -

73. MR JUSTICE JAY: No- one objects.

74. MR KOLVIN: Yes. It has happened once before, in relation to the meaning of the Court of Appeal judgment in Hope and Glory, and Lindblom J, as he then was, was asked repeatedly would he certify in relation to the meaning of Hope and Glory, which is an important test, and he was pretty engaged in the practice direction. But since then that judgment, there's always an argument in court about whether it can be cited or not. The difference between licensing and some other fields of law is that very few cases reach here, so when they do, the judgments of High Court judges are gold dust.

75. MR JUSTICE JAY: Yes, well I'm happy to make the certification.

76. MR KOLVIN: Thank you very much indeed.

77. MR JUSTICE JAY: We wouldn't want this point to be taken again successfully.

78. MR KOLVIN: No.

79. MR JUSTICE JAY: Now as a matter of courtesy, is the judgment, once available, sent to the district judge, or is it something that I should do informally?

80. MR KOLVIN: I don't know, my Lord, what the normal practice is. I don't think that I have previously been on a legal team which has sent judgments,

but we're very happy to undertake to do so.

81. MR JUSTICE JAY: Yes, I think if you're going to get a copy, obviously you're going to send it to the respondent - -
82. MR KOLVIN: Indeed.
83. MR JUSTICE JAY: - - so he can ingest it. I think you should send it to the district judge, just saying that the judge directed that out of courtesy he should see it.
84. MR KOLVIN: We're very happy to do that. Thank you very much indeed.
85. MR JUSTICE JAY: Thank you very much.

Thames Valley Police respectfully ask the Licensing Sub – Committee to consider the immediate revocation of the premises licence relating to Gun Street Garden, 5 Gun Street, Reading RG1 2JR as the only proportionate and necessary step available to prevent the undermining of the four licensing objectives.



As stated within the case law within East Lindsey District Council v Abu Hanif, “the promotion of the licensing objectives requires a prospective consideration of what is warranted in the public interest having regard to the twin considerations of prevention and deterrence”.

It is in response to this scenario that Thames Valley Police are making this application for the review of this premises licence in order that the licensing sub-committee may have the opportunity to assess both the impact of this premises licence and the ability of the premises licence holder to promote the licensing objectives.

**Thames Valley Police submit the following sections from within the Reading Borough Council statement of licensing policy and the current Secretary of States section 182 guidance as relevant to our review application.**

### **Secretary of States Section 182 Guidance**

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- **revoke the licence.**

11.20 In deciding which of these powers to invoke, **it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify.** The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.22 **Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented.** Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence

financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises.

**But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.**

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

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.

9.14 Licence holders should be aware that some criminal activity on licensed premises is considered to be of such seriousness to warrant a licence being reviewed straight away. There is certain criminal activity stated within the Secretary of State's Guidance that should be taken particularly seriously and where revocation of a licence, even in the first instance, should be seriously considered. This can include the sale or storage of smuggled alcohol or cigarettes on a licensed premises; the employment of an illegal worker at a licensed premises and the use of a licensed premises to sell or distribute drugs and weapons. Clearly if a premises is found to be committing such serious offences, then the premises and licence holder is severely undermining the licensing objectives. It is likely, under such circumstances, that a licence review will be initiated by the Authority or colleagues within Thames Valley Police, Home Office Immigration Enforcement or the relevant responsible authority with a view to having the licence revoked.

9.15 Licensed premises that have a history of non-compliance over a period of months and years and/or incidents of serious crime taking place at that premises, will likely find that the Authority will initiate a review with a view to asking for the licence to be considered for revocation.

9.16 When considering what enforcement action to take, the Authority will always consider what is the most appropriate and proportionate step to promote the licensing objectives. The Authority is not required to wait for offences to occur before deciding it needs to take appropriate action. Case law – notably *East Lindsey District Council v Abu Hanif* – states that the promotion of the licensing objectives requires a prospective consideration of what is warranted in the public interest having regard to the twin considerations of prevention and deterrence. Similarly, the Secretary of State's Guidance to the Licensing Act makes clear that there is no requirement for the Authority to wait for the outcome of any criminal proceedings before it initiates any enforcement action. This is the approach that the Authority will take when considering what, if any, action should be taken when condition breaches and other criminal activity is found at licensed premises.

Appendices currently provided:

- **TVP1 -Gun Street Garden -Premises Summary Report**
- **TVP2 - Drug Results Letter - Gun Street Garden**

**Please tick ✓ yes**

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day    Month    Year

--	--	--	--	--	--	--	--

**If you have made representations before relating to the premises please state what they were and when you made them**

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**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 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature *D.Smyth*  
.....

Date 14<sup>th</sup> December 2023  
.....

Capacity **Thames Valley Police (Licensing officer) Reading LPA on behalf of the Chief Constable of Thames Valley Police.**  
.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.





Gun Street Garden,  
5 Gun Street,  
Reading,  
RG1 2JR

**Declan Smyth**  
Licensing Officer  
Reading

Police Station  
Castle Street  
Reading  
Berkshire  
RG1 7TH

Tel: 01865 845249  
Fax:  
declan.smyth@thamesvalley.pnn.police.uk  
[www.thamesvalley.police.uk](http://www.thamesvalley.police.uk)

7<sup>th</sup> February 2020

### Licensing Act 2003

**Premises Licence Number: LMV000361**

**Premises:** Gun Street Garden

**Premises Address:** 5 Gun Street, Reading, RG1 2JR

On the 23<sup>rd</sup> January 2020 a performance meeting with the DPS, Theodore Barber was held at Reading Police Station. The meeting was called to discuss URN 389 - 29/12/19 @ 03:00 (43200019464)

Summary of URN: **The aggd and the suspect spoke and the aggd did not want to listen, she pushed the suspect as to move him, he struck her in the face causing her nose to bleed - Aggd is only 17 and therefore under age to be in the premise. Aggd is only 17**

### Advisories

1) **ECHO TANGO RADIO**. The use of the town safe radio is a major benefit to all premises in the town center to aid in the prevention of crime and disorder. You are advised to make use of this scheme.

2) **Refusals Log**. Thames Valley Police would recommend that as a minimum the premises management team have documentation to show that the staff are using a log and that the management are using the information to show any trends.

3) **Incidents Log**. Thames Valley Police would recommend that as part of the daily routine that the staff, door staff and management document any and all incidents. It was stated that on this occasion the female had possibly used her sisters' driving licence. If incidents like this were to become a common occurrence (School Holidays) it would be beneficial to be able to prove a pattern and what action was or is been taken by the site to show prevention of crime and disorder and Protecting Children from Harm.

Serving with Pride and Confidence

**4) Door Staff/ Training.** Thames Valley Police would recommend that the premises train all security and staff on a regular basis (every 4 months) to aid in increasing the levels of scrutiny required to ensure that incidents of this nature do not happen again. These training sessions should be documented and signed by the trainer and staff members who attend, this would prove to show good due diligence.

**5) Admissions Policy.** Thames Valley Police would recommend additional measures to assist in the management of admissions. Currently you are using a Scanning system to aid in the Challenge 25 age verification policy for all potential customers and their admissions. Recommended minimum steps:

- a) All ID's must be in date and be a valid form of ID. No expired passports allowed.
- b) All ID's must be checked by hand before being processed through the ID Scanner.
- c) A second form of ID should be required or requested from individuals who appear young or picture image looks different. A Credit/ debit card or social media verification on their personal phone would assist in making a more informed decision to the validity of the ID in question.
- d) The premises management should validate all door supervisors' actions, if the door supervisor has a questionable ID being produced for admissions.
- e) Implement the usage of the Reading PubWatch Bailment Form. Thames Valley Police would recommend that you have a number of copies printed and be made available to all security at the front door. These forms can be located on DISC.

Whilst we are considering what, if any, further actions needs to be taken in relation to the meeting on the 23<sup>rd</sup> January 2020, you are advised to rectify the above as soon as possible. I expect that all the above will be address with immediate effect.

Yours faithfully



Mr Declan Smyth  
Licensing Officer





Any serious incidents are to be attended by a manager where possible.

An assessment will be made of the incident with 3 possible outcomes:

- **Eject** – Walker supervises ejection, customer handed to front door team
- **Police** – Customer is taken to holding area police contacted
- **Welfare** – Customer is taken to a quiet area and looked after by a member of staff until they are able to leave safely via an agreed method – Friend, Taxi, Parent.

All Ejections should take place via the main entrance to the club, where multiple parties are involved then the decision may be made by the Manager or Walker to eject one party via the secondary exit route to help keep parties separate, this route is covered by camera and notified to the front door team. The security team should walk with the party until they are out of the loading area and back on the public roadways.

All ejections are communicated to the front door, this will allow them to halt ingress if required and ensure the exit route out of the premises is clear of other customers and a clear flow out of the venue can be achieved.

The front door will take over situations once outside to aid in defusing them, where required Echo Tango will be used to request assistance to aid to defuse and disperse the situation.

Where the decision is made that the police is required and someone is detained then the parties will be detained at the top of the secondary exit route between the fire exit doors, covered by CCTV, this area is away from the general flow of people.

Welfare incidents will be dealt with on an individual basis, where someone is deemed to be intoxicated or require intervention then a check will be made to who they are with and how they are getting home, if necessary then they will be taken to a quiet location and spoken to by a manager so that a safe outcome for them getting home safely can be achieved.

A note of every Incident should be completed for every ejection in the door book after it has occurred with an in-depth Incident report being completed at the end of every night for any major incidents have occurred or staff have needed to restrain customers or emergency services have had to be called.

All incident reports should include where possible

- customer's name
- Date of Birth (this can be obtained from the scanners)
- A Description,
- Location of the Incident
- Outcome



- Time of the Incident.

Where required or issued bans should be noted in the incident report.

All ejections and incidents in the door book are to be discussed between the head of security after the shift and any trends or further action identified.



- Condition 6 on page 9 of your licence which relates to recording refusals was not being fully complied with. The time of refusals and details of the alcohol attempting to be purchased were not being recorded.
- Condition 13 on page 10 of your licence which relates to staff training was not being fully complied with. There was no training being provided on: Proxy Purchasing - Identifying signs of intoxication - Conflict Management - How to identify and safeguard vulnerable persons who attend and leave the premises - Identifying signs of drug use and prevention. Please ensure these areas are added into your training material.
- Condition 16 on page 10 of your licence which relates to producing a written risk assessment to manage the queuing of patrons outside of the venue was not being complied with. There was no written risk assessment. Please rectify this immediately. Whilst observing the premises on 13/05/2022, the queue for the premises was large and stretched across the frontage of other businesses.
- Condition 19a on page 11 of your licence which relates to producing a written risk assessment to decide on the employment of SIA registered door staff was not being complied with. There was no written risk assessment.
- Condition 23 on page 11 of your licence which relates to illegal drug and weapon searches was not being fully complied with. There were no notices informing customers that searches may be conducted as a condition of entry.

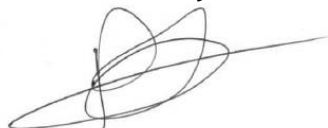
#### Advisories

- Whilst Body Worn Video (BWV) is being used at the premises, as per condition 22, no log of recordings and any action taken based on recordings, or lack thereof, was being kept. It is recommended that, when reviewing the incident register and door log, a check is made to see if any incident recorded in those logs has corresponding BWV footage and what action, if any, will be taken by the manager/DPS. This will assist you in being able to check if BWV is being used effectively and also to address any issues with staff not utilising BWV as they should be.

**Whilst we consider what, if any, further action to take in respect of the findings detailed in this letter, please rectify all of the above within 14 days. Once you believe all of the above has been rectified, please contact me so that we can arrange a re-inspection.**

If you have any questions in relation to the contents of this letter then please contact me.

Yours faithfully

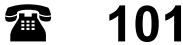


Robert Smalley  
Licensing Enforcement Officer



Theodore Barber  
Gun Street Garden  
5 Gun Street  
Reading  
RG1 1EP

Licensing Department  
Thames Valley Police  
E-Block, TVP Headquarters South  
Oxford Road  
Kidlington  
OX5 2NX  
licensing@thamesvalley.police.uk



2<sup>nd</sup> January 2024

Dear Licensee,

As you may be aware, on Friday 22<sup>nd</sup> December 2023 your premises was swabbed for traces of drugs.

I have listed the full set of results in the table below but based on this result overall, in relation to drugs misuse, we consider your premises to currently be of **concern**.

Because of this, it is vital that you give the matter your urgent attention. Advice and guidance is available to assist you in addressing the issue (see below).

It should be noted that if such advice is declined or ignored and the problem persists, then the police will seriously consider taking licensing enforcement action.

LOCATION	RESULTS
<b>Gents Toilets:</b>	
Sink Area	Pass/No Trace Of Drugs Found
Cubicle No.1	Cocaine
Cubicle No.2	Cocaine
Cubicle No.3	Cocaine
<b>Ladies Toilets ONE:</b>	
Cubicle No.1	Cocaine/Oxycodone
Cubicle No.2	Cocaine/Oxycodone
Cubicle No.3	Cocaine
Cubicle No.4	Cocaine/Oxycodone
Sink Area	Cocaine/Oxycodone

**Ladies Toilets TWO:**

<b>Cubicle No.1</b>	<b>Cocaine/Oxycodone</b>
<b>Cubicle No.2</b>	<b>Cocaine</b>
<b>Sink Area</b>	<b>Cocaine/Oxycodone</b>

Overleaf you will find some advice on combatting the misuse of drugs on your premises.

Should you wish to discuss the above results or seek further advice, then please feel free to make contact either with your local police licensing officer or a member of your local neighbourhood policing team.

Yours sincerely,



Declan Smyth  
On behalf of the Licensing Team  
Thames Valley Police

## **About Drug Swabbing**

Few licensees would welcome, much less condone, drugs on their premises. However, since it is rare for drug users to be open about it in public, the problem tends to be hidden and licensees can be forgiven for believing that – particularly in the absence of much other criminality – it doesn't exist.

Although drug swab results (positive and negative) can be used as part of formal proceedings such as licence reviews, Thames Valley Police's drug swabbing programme is primarily intended to inform the licensee of the extent of drug misuse on their premises so that they can do something about it.

Powdery materials – in this case illicit drugs – leave behind particulate contamination which is not visible to the naked eye and which is only removed after vigorous and/or repeated cleaning.

The swabbing process simply involved firmly wiping a swab across the relevant surface (we focus on smooth, level areas which are larger than the size of a credit card) before sending it to be analysed using a sophisticated drugs itemiser that tells us which drugs are on the swab.

## **Combating Drugs**

A more comprehensive range of advice can be found in our document "Combating Drugs: A Guide For Licensees" - if you don't already have a copy, please contact your local police licensing officer.

Generally, vigilance and proactivity are key, which you can achieve by doing (amongst other things) the following:

- Frequent glass collection/table wiping to allow staff to monitor customers
- Regular checks of all toilet, car park and garden areas
- Train staff in unobtrusive monitoring techniques and what to look out for
- Ensure staff inform you immediately, but discreetly, of any suspicious activity
- If you have a separate disabled toilet, keep it locked with the key behind the bar so patrons have to ask for it

Another useful technique is to grease the flat surfaces in your toilet areas - drugs will stick to the grease and the user will be unable to take them.

There are two vital points to remember though:

- DO NOT use WD40 or any other solvent-based product as you could be liable if someone snorts it and causes themselves harm! Vegetable oil is most commonly used.
- Check the toilets more frequently because once attempted, the drug residue will stick to the grease, and will therefore be visible to other customers.

As an alternative to the greasing, you can 'design out' drug use by ensuring there are no suitable surfaces available. This can be done by blocking in cisterns and toilet tissue dispensers, or by giving them sloping tops that are at an angle of at least 45 degrees, as well as removing toilet seats etc.

To: Licensing

Date: 19/12/23

From: Trading Standards

Ref: GSG Review

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## **Representations to support the licence review of Gun Street Garden made by Thames Valley Police on behalf of the Chief Inspector of Weights & Measures**

Trading Standards is a responsible authority under the Licensing Act 2003 and makes the follow representation regarding the review application by Thames Valley Police of the Gun Street Garden, Gun Street, Reading, RG1 2JR.

The review by Thames Valley Police, in essence, draws attention to the general poor management of the venue over a relatively sustained period. This representation sets out the experience the Service had with the venue during covid controls in 2020.

In 2020 and 2021, the Trading Standards Service was responsible, with other Council Services, for the implementation of the various covid/coronavirus controls.

It is acknowledged that this was a challenging time for all businesses, particularly the hospitality sector, but stipulations were in place to try to control the spread of the Covid 19 virus. The incident to which this representation cites took place during October 2020 and it is perhaps pertinent to note that the UK went back into lockdown measures in January 2021.

At the end of October 2020, the Service received complaints from a number of sources relating to noise emanating from the venue during the period which venues could be open, but music, which was permitted, had to remain at “background levels”. Whilst this is a relatively subjective term, guidance issued around the time indicated that conversations should be able to take place without voices being raised to be heard. The complaints indicated that the volume of music was excessive in the circumstances.

Around the same time, social media footage of an event that took place at the venue on the 31<sup>st</sup> October 2020 emerged that, whilst isolated in nature, indicated breaches of the controls in place at the time, which included a ban on dancing, with patrons having to remain seated. The sound on the social media footage suggests that the volume was beyond what could be described as a background level. Two clips are produced at Annex 1.

On the 2/11/2020, in order to verify the allegations, a request was made to the venue to provide CCTV footage, under its licence conditions, of the event on the 31 October 2020, which ran during the day time (due to early closing restrictions), and it was duly provided and assessed. The email conversation is produced at Annex 2.



It is relatively evident, as the event progresses and even without the benefit of sound, that the music was not maintained at background level. It does not take a body language expert to conclude that the behaviour of the patrons and some of the staff members is indicative that the music was not at background level as a close proximity between people was required to determine what was being said. There is also evidence of patrons singing along to the songs, which it is submitted, would be unlikely behaviour if the music was at background levels. Two clips of the CCTV are attached at Annex 3.

There are some attempts by staff to stop patrons from dancing but as the event progresses this becomes futile and, it is further submitted, the volume of the music is a significant contributing factor to the deterioration in the control of the event.

It is assumed that this was a decision made by the management of the venue, or as a result of a lack of controls/ instructions to staff on duty. As a consequence, an email was sent to the Designated Premises Supervisor, produced at Annex 4, essentially advising/ warning about future conduct.

The Trading Standards Service has had no cause to interact with the business since then, but as is evidenced by this and the review application by Thames Valley Police, this appears to be a business prepared to take unacceptable risks with the safety of patrons and the public. As such, the Trading Standards Service supports the recommendation of Thames Valley Police to revoke the premises licence.

**From:** [Savill, Ian](#)  
**To:** [REDACTED]  
**Subject:** RE: Saturday 31st October 2020  
**Date:** 10 November 2020 17:11:00

---

Ok, smashing, yes, I wondered! Thanks, I'll try and collect on Friday.  
Ian

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**From:** TheoGSG <theo@gunstreetgarden.co.uk>  
**Sent:** 10 November 2020 17:09  
**To:** Savill, Ian <ian.savill@reading.gov.uk>  
**Subject:** Re: Saturday 31st October 2020

Hi Ian, I have burnt of some CCTV footage for you already as requested. I am not in Reading much at the moment due to being back on lockdown however I am passing through next week on Wednesday evening and can pop it into the Civic offices for you.  
The memory sticks should work fine on your laptop, if any issues let me know.

Regards,  
Theo Barber  
Gun Street Garden

On 10 Nov 2020, at 09:45, Savill, Ian <[ian.savill@reading.gov.uk](mailto:ian.savill@reading.gov.uk)> wrote:

Hi Theo  
Is this Friday (13<sup>th</sup>) any use?  
Thanks  
Ian

---

**From:** TheoGSG [REDACTED]  
**Sent:** 02 November 2020 18:01  
**To:** Savill, Ian <[ian.savill@reading.gov.uk](mailto:ian.savill@reading.gov.uk)>  
**Subject:** Re: Saturday 31st October 2020

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

Hi Ian, I am well.  
Hope you are well too.  
As always we are happy to comply with your request. I hope you can understand that small video clips can be miss leading and once you have watched the cctv from Saturday you will see that we are continuously monitoring customers to ensure we are complying with the government guidelines. This request is going to take me a long time due to the length of footage you have requested, I am also not back in the venue until Friday. I shall contact you when I have completed it. Where would you like me to take the footage? It shall be on a few memory sticks.

Regards,  
Theo Barber  
Gun Street Garden

On 2 Nov 2020, at 15:32, Savill, Ian <[ian.savill@reading.gov.uk](mailto:ian.savill@reading.gov.uk)> wrote:

Dear Theo

I trust you are well.

It has been drawn to our attention, via video clips, that your event on Saturday 31<sup>st</sup> October 2020 may not have been implementing Covid controls, as required by Regulations, Gov't guidance and your own risk assessment.

In order to clarify matters, one way or the other, this is a formal request, as required by Condition 1b of your premises licence, to provide CCTV footage of the event on the 31<sup>st</sup> October 2020 for further assessment.

Please could you let me know as soon as possible in what format you are able to provide the footage.

Kind regards

<image001.png>

Ian Savill LLB(Hons) DTS, DCA, Chartered Practitioner

Principal Trading Standards Officer

Regulatory Services | Directorate of Environment & Neighbourhood Services

Reading Borough Council

Civic Offices

Bridge Street

RG1 2LU

0118 9372477

0780 3760627

[ian.savill@reading.gov.uk](mailto:ian.savill@reading.gov.uk)

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

<image002.jpg>

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**From:** TheoGSG [REDACTED]

**Sent:** 12 August 2020 23:20

**To:** Savill, Ian <[ian.savill@reading.gov.uk](mailto:ian.savill@reading.gov.uk)>

**Subject:** Gun Covid-19.xlsx

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

Hi Ian, I missed our general COVID risk assessment off the previous email.

Please see attached.

If you would like to contact me at any time you can also contact me on my mobile number.

[REDACTED]

Regards,  
Theo Barber  
Gun Street Garden

The information in this e-mail is confidential to the intended recipient to whom it has been addressed and may be covered by legal professional privilege and protected by law. Reading Borough Council does not accept responsibility for any unauthorised amendment made to the contents of this e-mail following its dispatch. If received in error, you must not retain the message or disclose its contents to anyone. Please notify us immediately quoting the name of the sender and the addressee and then delete the e-mail. Reading Borough Council has scanned for viruses. However, it is your responsibility to scan the e-mail and attachments (if any) for viruses. Reading Borough Council also operates to the Protective Document Marking Standard as defined for the Public Sector. Recipients should ensure protectively marked emails and documents are handled in accordance with this standard (Re: Cabinet Office - Government Security Classification).

Click [here](#) to report this email as spam.

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**From:** [Savill, Jan](#)  
**To:** [REDACTED]  
**Subject:** Footage from the 31st October 2020  
**Date:** 09 December 2020 17:02:00  
**Attachments:** [image001.png](#)  
**Importance:** High

---

Good afternoon Theo

Apologies for the delay, for various covid related reasons, it's taken me until this week to make a proper assessment of the footage.

I've been mindful not to get too carried away with over judging situation, as it does seem that we've become the anti-fun police during the pandemic, but we are continuing to take our public health role particularly seriously at the moment as we certainly don't want to see us moving into Tier 3.

Notwithstanding the different rules on the 31<sup>st</sup> October 2020, when this event took place, I am of the view that the footage you provided does give us cause for concern.

There are numerous examples of dancing "breaking out", as it seems the customers just can't quite sit still, though I recognise that plenty attempt to dance from their seats, so it is reasonably evident that instructions have been given to them about acceptable behaviour. I can also see that the customer liaison officers do try and keep on top of things by getting customers to sit back down again but it gradually becomes more futile and harder to manage as the time goes on.

Probably more telling though, while I accept we've not got the sound via the CCTV, is that both the staff and customers when trying to be understood/ heard are leaning into one another, to the extent that they are speaking directly into the ear of the person they're trying to communicate with and, based on the sample footage we received from the complaint, the volume of the music suggests that they're not whispering but actually having to talk/ shout loudly.

One customer liaison officer in particular spends a significant time with his face covering around his neck but leaning in very closely to speak to customers. Accepting the "what if" scenario, had he had the virus, I'm pretty sure everyone would've had it by the time they left the venue. Music levels, at the time of the event should've been background only. I'm afraid the footage suggests it was far from that, which is also reflected in the behaviour of the customers when dancing and singing along, even recognising that this was probably lubricated due to the consumption of alcohol.

As such, in discussion with RBC Licensing, you are to regard this email as something of a strong recommendation (if in doubt, read "warning") to reflect on the management of risk for your events, in particular to the propensity for the customers to want to begin dancing, which is intrinsically linked to the volume of music. I'd suggest that if the music was at background levels we may not have seen the response of the customers that we did.

If we become aware of similar transgressions at future events, we will consider invoking some of the new tools available:

<https://www.legislation.gov.uk/ukxi/2020/1375/contents/made>

Or some of the old ones, such as a licence review. I am, of course happy to discuss these conclusions but please don't doubt that we need to see improvement in compliance from your venue.

Kind regards



Ian Savill LLB(Hons) DTS, DCA, Chartered Practitioner  
Principal Trading Standards Officer  
Regulatory Services | Directorate of Environment & Neighbourhood Services  
Reading Borough Council  
Civic Offices  
Bridge Street  
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0118 9372477  
0780 3760627  
[ian.savill@reading.gov.uk](mailto:ian.savill@reading.gov.uk)  
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)



<b>Name of Officer</b>	Robert Smalley						
<b>Type of Application</b>	Review of a Premises Licence – Licensing Act 2003						
<b>Name of Premises</b>	Gun Street Garden						
<b>Address</b>	5 Gun Street						
	Reading						
	RG1 2JR						
<b>Premises Licence No.</b>	LP2002988						
<b>Licensable Activities</b>	Sale of Alcohol by Retail – On & Off the Premises						
	Exhibition of Films						
	Performance of Live Music						
	Playing of Recorded Music						
	Performance of Dance						
	Anything similar to Live Music, Recorded Music or Performance of Dance						
	Late Night Refreshment						
<b>Finish Times</b>	<b>Mon</b>	<b>Tue</b>	<b>Wed</b>	<b>Thu</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
	0300	0300	0300	0300	0300	0300	0200

**Content of Application:**

The application was submitted on **14/12/2023** by Mr Declan Smyth on behalf of the Chief Constable of Thames Valley Police (TVP) for the review of the premises licence at the above address. The review has been submitted in order to address the failures of the premises licence holder to promote the licensing objectives via their insufficient measures to ensure due diligence, best practice and promote the licensing objectives. The scale of incidents occurring at the premises, the actions of the Premises Licence Holder, DPS, staff and security team at this premises is alarming and steps need to be taken to safeguard the late night economy and the local community visiting the premises and area.

On **02/12/2023** at approximately 0240hrs Thames Valley Police attended the premises known as the Gun Street Garden. The attending officers' intention was to assist a female as the caller stated that her friend had been punched in the face and is bleeding. A female customer became involved in an incident within the venue and was removed by the premises security. On reaching the front door of the premises and during the ensuing melee a door supervisor has assaulted the female by throwing a punch to her head & face causing her to fall

to the ground. The victim had to attend hospital due to injuries to her face and pain in her leg which were injuries she sustained when punched by the suspect. It is imperative for licensed premises to act both responsibly, and in a manner that promotes the licensing objectives. The premises management and staff are currently openly failing to prevent crime and disorder.

During the 4 years they have traded Gun Street Garden has suffered a high number of disorders and incidents involving violence linked to high risk events/evenings. Thames Valley Police and Reading Borough Council have made a number of interventions via performance meetings with the premises in order to reduce these types of incidents, and to attempt to prevent the premises from undermining the licensing objectives.

Thames Valley Police submit that this review is necessary in order to promote all 4 licensing objectives: The Prevention of Crime and Disorder, The Prevention of Public Nuisance, Public Safety and The Protection of Children from Harm.

The police are a named responsible authority under the Licensing Act 2003.

**Licensing Officer's Comments:**

The premises currently has the benefit of a premises licence (**LP2002988**) attached as **Appendix RS-1** held by GTB Leisure Limited that authorises:

**Sale of Alcohol by Retail – On & Off the Premises**

Monday to Saturday – 1000hrs to 0300hrs  
Sunday – 1200hrs to 0200hrs

**Exhibition of Films**

Monday to Saturday – 1000hrs to 0300hrs  
Sunday – 1200hrs to 0200hrs

**Performance of Live Music**

Monday to Saturday – 1000hrs to 0300hrs  
Sunday – 1200hrs to 0200hrs

**Playing of Recorded Music**

Monday to Saturday – 1000hrs to 0300hrs  
Sunday – 1200hrs to 0200hrs

**Performance of Dance**

Monday to Saturday – 1000hrs to 0300hrs  
Sunday – 1200hrs to 0200hrs



**Anything similar to Live Music, Recorded Music or Performance of Dance**

Monday to Saturday – 1000hrs to 0300hrs

Sunday – 1200hrs to 0200hrs

**Late Night Refreshment**

Monday to Saturday – 2300hrs to 0300hrs

Sunday – 2300hrs to 0200hrs

**Hours the Premises is Open to the Public**

Monday to Saturday – 1000hrs to 0330hrs

Sunday – 1200hrs to 0230hrs

The premises licence holder utilises this licence to operate as a nightclub, with the predominant activities of vertical drinking, playing music and dancing.

Reading Borough Council, acting as a responsible authority, support the application to review the premises licence for Gun Street Garden with the aim to revoke the premises licence. We believe that no other powers available to the sub-committee, namely, a suspension of the premises licence, modification of conditions, exclusion of licensable activities and the removal of the Designated Premises Supervisor are sufficient to prevent the undermining of the Licensing Objectives at this premises.

The premises is situated on Gun Street in Reading Town Centre which is an area that suffers from high levels of crime and anti-social behaviour. Between 01/01/2022 and 27/04/2023, Gun Street ranked as the 5<sup>th</sup> highest road in the town centre for number of offences of the following types: Violence without injury, public order, violence with injury, ASB, Criminal damage and arson (CD&A) and Sexual offences (when excluding offences committed at the police station on Castle Street) and ranked 2<sup>nd</sup> in the town centre for violence with injury and Rape and Serious Sexual Offences (RASSO), 72% of these offences were committed in the night time economy (NTE), specifically. For the purposes of this representation, the NTE is considered to be Friday - 1700hrs to 2359hrs, Saturday - 0000hrs to 0500hrs & 1700hrs to 2359hrs and Sunday - 0000hrs to 0500hrs.

As can be seen in **Appendix TVP1**, Gun Street Garden has had over 40 calls to service for a range of issues including minor and major assaults, underage drinking, and disorder amongst others. When spoken to on these matters, the premises licence holder appeared willing to engage with Thames Valley Police and Reading Borough Council, however, this has not materialised into any substantial improvement at the premises, nor a reduction in the types and seriousness of incidents. Of particular concern at this premises, which has previously been highlighted to the premises licence holder, is the poor quality

of SIA door supervision. 15 of the incidents listed in **Appendix TVP1** record the premises' response to the given incidents as negative due to the actions or inaction of the door supervisors. This includes admitting an underage drinker, allowing intoxicated persons into the premises, refusing to deal with incidents, ineffective queue management and ejecting people en masse leading to serious disorder and police officers being assaulted. Had the premises had effective management and door supervisors then a number of these incidents would likely not have occurred.

#### **Licensing team's interactions with the premises:**

GTB Leisure Limited has been the licence holder since **04/09/2019**. During his time as licence holder, 2 licensing inspections have been conducted by licensing officers from Reading Borough Council. Below is a summary of these inspections:

**Appendix TVP6** contains a letter sent by licensing enforcement officer Robert Smalley to the licence holder following an inspection on **11/05/2022**. This inspection identified 8 breaches of the premises licence, including: Not all pages of Part B of the premises licence on display, no Section 57 notice on display, only partial compliance with the requirement to record refusals, only partial compliance with the requirement to train staff, CCTV that did not cover the entire licensable area, failure to have a written policy on managing queuing, failure to have a written risk assessment to decide on the required numbers of door supervisors and no notices informing customers that searches may be conducted as a condition of entry in relation to illegal weapons and drugs. On **30/06/2022** a follow-up visit was made that only recorded 1 breach of the premises licence, namely a failure to have a written risk assessment to decide on the required numbers of door supervisors. On **19/07/2022** the premises was deemed to be compliant with its premises licence conditions.

On **13/05/2022** licensing enforcement officer Robert Smalley and Thames Valley Police licensing officer Declan Smyth visited Gun Street Garden while the premises was open and operating in order to conduct SIA door supervisor checks. All licences checked during this visit showed that the SIA operatives held valid licences, however, 2 offences were committed by one of the door supervisors in that he failed to surrender his badge when asked to do so and did not have his badge correctly on display. The door supervisor in question, which is also the door supervisor at the centre of the incident that took place on **02/12/2023**, acted unprofessionally, spoke in a confrontational manner, displayed a lack of knowledge in relation to the requirements placed on him when being inspected by an officer with delegated authority from the SIA and ultimately failed to surrender the badge for a physical inspection, only allowing

the badge to be observed while it remained in its armband holder on the arm of the door supervisor. Theodore Barber was working at the premises on **13/05/2022** and our concerns about the conduct of said door supervisor were expressed to Theodore when he spoke to us outside the venue. Theodore was shocked to hear about the conduct of said door supervisor and confirmed to me that he would no longer be employing him. As is evidenced by the incident on **02/12/2023**, Theodore did not follow through with dismissing said door supervisor, neither after this conversation on **13/05/2022** nor after the incident on **02/12/2023** as the door supervisor logbook for the premises shows that said door supervisor continued working at the premises on subsequent nights.

The approach of the Licensing Team:

The Responsible Authorities named in the Licensing Act 2003 must ensure that the licensing objectives are all actively promoted to prevent crime and disorder, prevent public nuisance, ensure public safety and protect children from harm. All four licensing objectives are of equal importance.

**The Council's Statement of Licensing Policy (2023):**

5.13 Any premises that has a premises licence or club premises certificate may have that licence reviewed by any of the named Responsible authorities – including the Licensing Authority in its role as a Responsible Authority. Thames Valley Police may also submit a Summary Review if there is a premises associated with serious crime and disorder. When the Licensing Authority instigates a review it will ensure that there is a clear separation of functions between the officer acting as the licensing authority and the officer acting as a responsible authority.

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.

9.15 Licensed premises that have a history of non-compliance over a period of months and years and/or incidents of serious crime taking place at that premises, will likely find that the Authority will initiate a review with a view to asking for the licence to be considered for revocation.

9.16 When considering what enforcement action to take, the Authority will always consider what is the most appropriate and proportionate step to promote the licensing objectives. The Authority is not required to wait for offences to occur before deciding it needs to take appropriate action. Case law – notably *East Lindsey District Council v Abu Hanif* – states that the promotion of the

licensing objectives requires a prospective consideration of what is warranted in the public interest having regard to the twin considerations of prevention and deterrence. Similarly, the Secretary of State's Guidance to the Licensing Act makes clear that there is no requirement for the Authority to wait for the outcome of any criminal proceedings before it initiates any enforcement action. This is the approach that the Authority will take when considering what, if any, action should be taken when condition breaches and other criminal activity is found at licensed premises.

### **Secretary of State's Guidance (December 2023)**

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- **revoke the licence.**

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

**Summary of Representation:**

Reading Borough Council Licensing and Thames Valley Police have worked with the premises licence holder with the aim of assisting them to promote the 4 licensing objectives. This has included performance meetings, inspections and multiple visits, however, the premises consistently has issues with crime and disorder, despite the most recent inspection showing that, on paper, the premises is compliant with the conditions of the premises licence. This is evidence that the premises is poorly managed and is incapable of operating while promoting the 4 licensing objectives. We propose that the only measure to ensure the licensing objectives are promoted is to revoke the premises licence.

We appreciate that the determination of this review is solely down to those members of the sub-committee at the hearing, however, we respectfully provide the following breakdown of the powers available to the sub-committee, each accompanied by an explanation as to whether we consider the power appropriate or not to address the current undermining of the licensing objectives:

- **the modification of the conditions of the premises licence;**

We do not consider the addition or amendment of the conditions attached to the licence to be a pragmatic solution due to the licence already containing robust conditions and the premises was, at the conclusion of the most recent inspection, compliant with their premises licence conditions, showing that it is the poor management of the premises which is in fact leading to the undermining of the licensing objectives.

- **the exclusion of a licensable activity from the scope of the licence;**

We do not consider the exclusion of licensable activities to be an effective measure because to remove anything other than the sale of alcohol and the playing of live and recorded music would have no impact on the premises and to remove alcohol and the playing of live and recorded music would simply act as a punitive measure and in real terms would be the same as the revocation of the licence because the premises could not function as a nightclub without alcohol and music.

- **Revocation of the licence;**

For the previously stated reasons, we believe this is the only way to prevent further undermining of the licensing objectives.

- **the suspension of the licence for a period not exceeding 3 months;**

We do not believe that this option would serve as anything other than a punitive measure with the premises likely to return to how it currently operates at the end of the suspension period.

- **the removal of the designated premises supervisor;**

The designated premises supervisor (Theodore Barber) is one of the directors of GTB Leisure Limited, and, along with his brother, George Barber, are actively involved with the business, attending and working at the premises on a regular basis. To simply remove Theodore as the DPS would be unlikely to lead to the promotion of the licensing objectives because the premises would still be directly managed by Theodore and George.

**Relevant Case law for consideration**

East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant) 2016

R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin)

R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others (2011) EWCA Civ 312

**Appendices**

**Appendix RS-1: Copy of the current premises licence**

<b>Date Received</b>	14/12/2023	<b>Date Due</b>	11/01/2024
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<b>Date</b>	10	01	2024
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**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.

<b>Premises Licence Number</b>	<b>LP2002988</b>
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**Premises Details**

<b>Trading name of Premises and Address</b>	
Gun Street Garden 5 Gun Street Reading RG1 2JR	
<b>Telephone Number</b>	<b>0118 958 6839</b>

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

**Licensable Activities**

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

**Authorised Hours for Licensable Activities**

<b>The times the licence authorises the carrying out of licensable activities</b>	
<b>Hours for the Exhibition of Films</b>	
Monday	from 1000hrs until 0300hrs
Tuesday	from 1000hrs until 0300hrs
Wednesday	from 1000hrs until 0300hrs
Thursday	from 1000hrs until 0300hrs
Friday	from 1000hrs until 0300hrs
Saturday	from 1000hrs until 0300hrs
Sunday	from 1200hrs until 0200hrs
<b>Hours for the Performance of Live Music</b>	
Monday	from 1000hrs until 0300hrs
Tuesday	from 1000hrs until 0300hrs
Wednesday	from 1000hrs until 0300hrs
Thursday	from 1000hrs until 0300hrs
Friday	from 1000hrs until 0300hrs



Saturday from 1000hrs until 0300hrs  
Sunday from 1200hrs until 0200hrs

#### **Hours for the Playing of Recorded Music**

Monday from 1000hrs until 0300hrs  
Tuesday from 1000hrs until 0300hrs  
Wednesday from 1000hrs until 0300hrs  
Thursday from 1000hrs until 0300hrs  
Friday from 1000hrs until 0300hrs  
Saturday from 1000hrs until 0300hrs  
Sunday from 1200hrs until 0200hrs

#### **Hours for the Performance of Dance**

Monday from 1000hrs until 0300hrs  
Tuesday from 1000hrs until 0300hrs  
Wednesday from 1000hrs until 0300hrs  
Thursday from 1000hrs until 0300hrs  
Friday from 1000hrs until 0300hrs  
Saturday from 1000hrs until 0300hrs  
Sunday from 1200hrs until 0200hrs

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

Monday from 1000hrs until 0300hrs  
Tuesday from 1000hrs until 0300hrs  
Wednesday from 1000hrs until 0300hrs  
Thursday from 1000hrs until 0300hrs  
Friday from 1000hrs until 0300hrs  
Saturday from 1000hrs until 0300hrs  
Sunday from 1200hrs until 0200hrs

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

Monday from 2300hrs until 0300hrs  
Tuesday from 2300hrs until 0300hrs  
Wednesday from 2300hrs until 0300hrs  
Thursday from 2300hrs until 0300hrs  
Friday from 2300hrs until 0300hrs  
Saturday from 2300hrs until 0300hrs  
Sunday from 2300hrs until 0200hrs

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

Monday from 1000hrs until 0300hrs  
Tuesday from 1000hrs until 0300hrs  
Wednesday from 1000hrs until 0300hrs  
Thursday from 1000hrs until 0300hrs  
Friday from 1000hrs until 0300hrs  
Saturday from 1000hrs until 0300hrs  
Sunday from 1200hrs until 0200hrs

All licensable activities to extend on Bank Holiday Sunday 1200hrs to 0430hrs

## Opening Hours

### Hours the Premises is Open to the Public

Monday from 1000hrs until 0330hrs  
Tuesday from 1000hrs until 0330hrs  
Wednesday from 1000hrs until 0330hrs  
Thursday from 1000hrs until 0330hrs  
Friday from 1000hrs until 0330hrs  
Saturday from 1000hrs until 0330hrs  
Sunday from 1200hrs until 0230hrs

## Alcohol

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

Sale of Alcohol by Retail - On & Off the Premises

## Premises Licence Holder

### Name, (registered) address of holder of premises licence

Name: GTB Leisure Limited

Address: Brent House, 382 Gloucester Road, Cheltenham, Gloucester, GL51 7AY

### Registered number of holder, for example company number or charity number [where applicable]

12006392

## Additional Details

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

Name: Theodore Barber

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: 19/02621/PERL

Issuing Authority: Cheltenham Borough Council

This Licence shall continue in force from **03/06/2023** unless previously suspended or revoked.

Dated: 8 June 2023

### Signed on behalf of the issuing licensing authority



Emma Gee  
Interim Executive Director for Economic Growth and Neighbourhood Services

## **Mandatory Conditions**

### **Supply of Alcohol**

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

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

### **Film Exhibitions**

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

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

### **Door Supervisors**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Age Verification Policy (commencement 01/10/2014)**

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

**Drink Measurements (commencement date 01/10/2014)**

1. The responsible person must ensure that—

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

(i) beer or cider: ½ pint;

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

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

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

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

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

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

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

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

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

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

where—

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

**Conditions Consistent with the Operating Schedule**

**General**

Conditions attached via Variation October 2018

1. The premises licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping.

- a) The entire licensable area shall be covered by CCTV.
- b) Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or Reading Borough Council subject to the provisions of the Data Protection Act, together with facilities for viewing upon request.
- c) Recorded images shall be of such quality as to be able to identify the recorded person in any light.
- d) 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.

2. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or a nationally approved proof of age card showing the 'Pass' hologram (or any other similarly nationally recognised scheme) are to be accepted as identification.

3. When employed, a register of Door Supervisors shall be kept. The register must show the following details:

- Full SIA registration number.
- Date and time that the door supervisor commenced duty, countersigned by the DPS or Duty Manager.
- Date and time that the door supervisor finished work, countersigned by the DPS or Duty Manager.
- Any occurrence or incident of interest impacting on any of the four licensing objectives must be recorded giving names of the door supervisor involved.

a) 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 twelve months.

4. The premises and area immediately outside the premises shall be kept clear of all forms of litter whilst the premises is open for licensable activities.

5. Clearly legible and suitable notices shall be displayed at all exits, requesting customers to respect the needs of local residents and to leave the premises and area quietly. Staff shall be available to ensure that customers disperse quietly.

6. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book /register. The book/ register shall contain:

- Details of the time and date the refusal was made;
- The identity of the staff member refusing the sale;
- Details of the alcohol the person attempted to purchase.

This book /register will be available for inspection when requested by a Police Officer or authorised officer of Reading Borough Council and shall be retained for six months.

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

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

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

8. All incidents that are recorded in the incident register shall be signed off by the Designated Premises Supervisor or nominated representative. A weekly review of the incident register shall also be carried out by the Designated Premises Supervisor.

9. The placing of refuse - such as bottles - into receptacles shall not cause a noise nuisance at any time.

10. An entry, closure and dispersal policy for controlling the opening and closing of the premises and the departure of customers from the premises at the conclusion of the 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.

11. The licensee shall take all reasonable precautions and exercise all due diligence to ensure that no patron removes glasses or open bottles from the premises. The licensee shall display notices advising that glasses and bottles must not be removed from the premises at all exit points normally used by patrons.

12. All cashiers involved in the sale of alcohol shall be trained to record refusals of sale 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;
- Details of the alcohol the person attempted to purchase.



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

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

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

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

14. An active policy shall be put in place at the premises in relation to the searching and detection of illegal drugs and weapons. This shall include detection on the way into the premises and active monitoring of all areas of the premises for illegal drug use when the premises is open to members of the public. Any incidents or findings are to be documented in writing.

15. The premises licence holder shall ensure that advertising or promotional material for licensable activities at the premises is not placed on any street furniture, structure or public highway not belonging to the premises licence holder. Failure by the premises licence holder to remove any promotional material illegally displayed will be a breach of this condition and any other legislation that applies in Reading in relation to unlawful advertising on street furniture.

16. A written risk assessment shall be put in place to manage the queuing of patrons outside of the venue on the public highway. This risk assessment shall be reviewed on a regular basis, be provided in written form and be made available for inspection to officers of Reading Borough Council and Thames Valley Police upon request.

17. Children shall only be permitted on the premises when accompanied by a responsible adult. No children shall be permitted on the premises after 2100hrs.

18. The last permitted entry time to the premises on any given night shall be one hour prior to the venue's closing time, with the exception of the re-entry of smokers.

19. A minimum of two Security Industry Authority (SIA) registered door staff shall be employed at the premises on a Friday and Saturday night from 21:00 . Door

staff shall be employed from 21:00 hours until 03:00 hours or until all customers have dispersed from inside and outside the premises, whichever is later, and at least two door staff will remain outside the premises during this time;

a) At all other times, SIA registered door staff shall be employed at the premises in accordance with a written risk assessment, to be carried out by the Designated Premises Supervisor. The risk assessment shall be produced to an authorised officer of Reading Borough Council or Thames Valley Police.

b) When employed, door staff will wear clearly visible clothing that clearly distinguishes them from patrons. Hi visibility armbands shall be worn at all times displaying their SIA badge. The uniform worn by door staff must be suitable to ensure that they are clearly visible via both internal and external CCTV camera systems. Hi visibility fluorescent tabards must be worn by door staff at any time when stationed at the entry/exit of the premises and whenever on the public highway, and during dispersal.

c) When employed, door staff shall monitor customers as they queue and enter the premises.

20. A scanner type ID system will be in operation when licensable activities are permitted at the point of entry to be used by the premises to promote the licensing objective.

21. There should at all times be available a breathalyser test for use at the discretion of the premises licence holder on customers entering the premises.

22. A body worn video camera will at all times be used by one member of the SIA door team, during the times in which the premises are open for licensable activities.

23. An active search policy shall be put in place to prevent illegal drugs and weapons being brought on to the premises. The policy shall include, but not be limited to, methods of search, detection, confiscation and disposal 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. Notices shall also be put in place informing customers that the management reserve the right to conduct an outer body search and or bag as a condition of entering the premises.

24. Regular checks of high risk areas for drug use (including the toilets) shall be carried out by door staff and premises staff when door staff are not available. A written record of all checks shall be maintained and made available upon request by an authorised officer of the Thames Valley Police and Reading Borough Council.

25. The premises licence holder shall participate in the Local Town Radio Scheme when the premises are opened for licensable activities Monday to Sunday inclusive.

26. The licensee shall monitor the audience numbers and must ensure that the maximum permitted occupancy of 350, including all staff members, is not exceeded.

27. The premises licence holder or duly nominated representative shall be an active member of the local pub watch scheme if such a scheme is operative.

28. Noise from amplified music or voices shall not such as to cause a noise nuisance to occupants of nearby premises.

29. The exterior of the building shall be cleared of litter at regular intervals.

30. Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly. After 00:00 staff shall be available to ensure that customers disperse quietly.

31. Doors and windows at the premises are to remain closed after 11pm save for access and egress.

### 32. Dispersal Policy

a) At the end of the evening management and staff shall assist with the orderly and gradual dispersal of patrons in line with the written dispersal policy;

b) Staff members (including door personnel when employed) shall advise patrons to leave the premises quickly and quietly out of respect for neighbours;

c) Notices shall be displayed requesting customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention shall be drawn to these notices by members of staff;

d) Bottle and drinking receptacles shall be removed from any patron before exiting the premises;

e) Customers shall be actively discouraged from assembling outside the premises at the end of the permissible hours.

33. Any outside area used by the customers wishing to drink or smoke shall be clearly delineated and covered by the CCTV system which shall be installed at the premises;

a) The outside area shall be monitored by staff or door staff (when employed);

b) The area shall be cleaned regularly;

c) Suitable receptacles shall be provided for smokers to dispose of cigarette butts;

d) Signs shall be displayed in the area requesting customers to keep noise to a minimum;

e) Patrons who disregard signage and verbal instructions regarding noise shall be asked to move inside and/or leave the premises;

f) Open containers of alcohol shall not be permitted to be taken beyond the boundary of the outside area.

34. The emptying of bins into skips, and refuse collections shall not take place between 11pm and 8am.

35. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

### **Annex 3**

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

N/A

### **Annex 4**

#### **Plans**

As attached plan dated 30.06.2021

**READING BOROUGH COUNCIL**

**LICENSING SUB-COMMITTEE**

**8<sup>th</sup> FEBRUARY 2024**

**APPLICATION FOR REVIEW OF PREMISES LICENCE**

**SUBMITTED BY THAMES VALLEY POLICE**

**PREMISES LICENCE HOLDER**

**GTB LEISURE LIMITED**

**PREMISES NAME - GUN STREET GARDEN**

**PREMISES ADDRESS - 5 GUN STREET, READING RG1 2JR**

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**LICENSING SUB-COMMITTEE HEARING 8<sup>th</sup> FEBRUARY 1830**

**CASE SUMMARY ON BEHALF OF**

**PREMISE LICENCE HOLDER**

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**1. Documents submitted on behalf of the Premises Licence Holder.**

- A. Section 182 Guidance Licensing Act 2003 - December 2023 - Part 11 reviews.
- B. Reading Borough Council Statement of Licensing Policy (Section 9 enforcement 37-41).
- C. Premises Licence Holder and Thames Valley Police contact.
- D. Gun Street Garden proposed additional operating measures.

- E. Gun Street Garden Operations Manual.
- F. Gun Street Garden Analysis of TVP Summary of Incidents.
- G. PING Security.
- H. RBC 30/6/22

## 2. Background

1. On the 14<sup>th</sup> December 2023 Thames Valley Police (“TVP”) submitted an application under s51 Licensing Act 2003 (“LA03”) for a review of premises known as Gun Street Garden, 5 Gun Street, Reading. The Premises Licence holder for these premises is GTB Leisure Limited (‘PLH’).
2. This Case Summary is submitted on behalf of the PLH. Any reference to documents contained in the Gun Street Garden Committee Report will be referenced by (“CR”) and any reference submitted on behalf of the Premises Licence holder will be referenced by (“PLH”).
3. The application for the review is contained in the CR at **TS1** and a summary of the grounds for review is contained at the front of the CR in the Reading Borough Council Summary document.
4. TVP review application (**CR-TS-1**) sets out that the review is brought under all four objectives of LA03 (the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm). On the first full page of the review the following points are made:-

- The premises is situated in an area which suffers high level of crime and antisocial behaviour including street drinking.
  - On the 2<sup>nd</sup> December officers attended the premises to assist a female who it is alleged became involved in an incident within the venue and was removed by the premises security.
  - The premises have suffered a high number of disorders and incidents over the years linked to high risk events/evenings.
  - TVP and RBC have made a number of intervention via performance meetings with the premises to reduce this type of incident.
  - TVP submit the application in order to address failures of the PLH to promote the licensing objectives.
  - The incident on the 2<sup>nd</sup> December that triggered the review was predictable and preventable.
5. The review application continues by setting out the s182 Guidance, the High Court case of Abu Hanif, extract from paragraph 9 of RBC Statement of Licensing Policy and the following appendices are provided:-
- Gun Street Garden Premises Summary Report (**TVP1**).
  - Drug results letter (**TVP2**).
  - **TVP1** and **TVP2** are contained in the CR.
6. The premises in question, Gun Street Garden are owned and operated by GTB Leisure Limited which is a family owned business. Theo Barber and George Barber own the business with their father and it is Theo and George who are responsible for the premises. Theo and George will be present at the Licensing Sub-Committee hearing.
7. Theo Barber has over 11 years experience in the leisure industry having previously worked for national operator The Fever Group. He has been the designated premises

supervisor at four premises namely Newbury, Redditch, Aylesbury and Basingstoke and is an experienced operator. George Barber is also experienced in the leisure industry and works with Theo in running these premises.

8. The premises operate as a nightclub. Customer numbers can average 200 on a Thursday, 250 on a Friday and 400 on a Saturday but can however often total 1000 customers for the week. The premises generally only open on Thursday, Friday and Saturday evenings.
9. The premises generally trade to those 18 plus and during term time are very popular with students who are generally the main customer at the premises. Theo Barber is currently the designated premises supervisor.

### **3. Section 182 Guidance.**

10. The LA03 requires the Security of State to issue guidance under s182 to Licensing Authorities with regard to the discharge of their functions and of this Act. The guidance is a significant consideration in any licensing application. In R (on the application of *Daniel Thwaites Plc -v- Wirral Borough Magistrates Court (2008)*) Mrs Justice Black commented obiter “there is no doubt that regard is to be had to the guidance .... But that’s its force is less than that statute.. the guidance contains advice on varying degrees of specificity”.
11. Part 11 of the guidance deals with reviews against premises licences and is submitted as **PLH Doc A**.



12. Paragraph 11.10 sets out the procedure to be adopted by responsible authorities who have concerns about problems at premises, “it is good practice for them (RA’s) to give licence holders early warning of their concerns and the need for improvements and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns”. “Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation”.
13. In **TS-1-CR** TVP state that “TVP and RBC have made a number of interventions via performance meetings with the premises in order to reduce this type of incident”.
14. The evidence will show that this is absolutely not the case. There has not been any form of intervention for over 18 months and no indication given that TVP have any concerns replicating the ones set out in **TS-1**. The relevance of this point is not to criticise TVP or RBC but to evidence that neither have expressed any concerns about the premises that would lead to any form of intervention which makes it somewhat strange and evidentially not supported that they do now.

#### **4. RBC Licensing Policy**

15. The Reading Borough Council Statement of Licensing Policy effective from 2023 until 21<sup>st</sup> October 2028 is submitted as **PLH Doc B**. Section 9 at pages 37-41 specifically deals with enforcement and section 6 page 25 deals with the imposition of conditions.
16. At para 9.12 - 9.16 the policy sets out the approach and options taken to enforcement and reiterates the guidance issued under s182 LA03.

17. TVP operate performance reviews in circumstances in which TVP have concerns about licensed premises. Performance reviews take place when TVP or RBC or both have concerns about premises. **TVP 4 - CR** is an example of a report of a performance meeting by TVP. This refers to a performance meeting on the 23<sup>rd</sup> January 2020 at which TVP set out some concerns and suggested measures to resolve such concerns. The Premises Licence holder was advised to rectify matters as soon as possible and such matters were rectified. This is the last performance review.
18. TVP and RBC also carry out inspections of licensed premises and write to the licensed premises following any re-inspection. An inspection took place in June 2022 and RBC notified Theo Barber of issues that needed rectifying. On the 30<sup>th</sup> June 2022 RBC emailed Theo confirming “I am pleased to see that most issues have been rectified”
- PLH Doc H.**
19. Apart from a conversation on 24<sup>th</sup> July 2022 with Declan Smith ( TVP) there has been no further correspondence regarding any performance meeting or inspection since 30<sup>th</sup> June 2022.

**5. TVP / RBC contact with PLH up to the Review Application.**

A summary of all the main contact TVP/RBC have had with the Premises Licence holder is submitted **PLH Doc C**. This document refers to the email of the 30<sup>th</sup> June 2022 following up on the visit of 20<sup>th</sup> May 2022 and a meeting on the 24<sup>th</sup> July 2022 following the incident on the 3<sup>rd</sup> July 2022. There has been no contact of any note between TVP/RBC and the Premises Licence holder since July 2022.

Declan Smith did visit the premises and drop off some High Vis tabards a few months ago and did not mention anything about concerns or potential issues.

**6. Amandus and Gen40.**

20. The TVP review application is supported by document **TVPI-CR** Licensed Premises Summary Report Gun Street Garden events dated between 1<sup>st</sup> January 2019 and 14<sup>th</sup> December 2023.
21. It is further supported by document **TVPI3** which is a selection of Gen40 forms.
22. TVP have confirmed that TVP use a system called Amandus to record incidents reported to TVP that are linked to a licensed premises (*it is noted that the link to the licensed premises will be generated by the call itself i.e. it depends exactly what the caller says as to whether there is a potential link to a particular licensed premises*).
23. The Licensed Premises Summary Report **TVPI1** appears to be based on reports to TVP made on Amandus and the Summary Report indicates if a Gen40 has been received from an attending officer. TVP have confirmed that not all incidents recorded will have a Gen40 as depending on the nature of the incident the Police might not attend if the incident in question is not ongoing, suspects or those calling the matter in may have left the premises and the investigation may be dealt with by others.
24. The **TVPI1** Licensed Premises Summary Report is therefore based on incidents that are reported to TVP but this Summary Report is wholly reliant on the way in which the matter is reported and the description of the matter in the report. The reporting of an incident does not mean either that the incident happened or that the premises is somehow at fault. The report could of course be an incident that did happen.

25. The Gen40 documents are more precise in that they are specifically generated by a Police Officer.
26. The Licensed Premises Summary Report **TVP1-CR** also offers TVP's view on the premises response. Each summary incident refers to TVP's view of the response.
27. On behalf of the Premises Licence holder an analysis of the summary of incidents has been undertaken both in terms of assessing the incident and its relevance to the premises and this application but also to the Gen40 which has been submitted in respect of some of the incidents.
28. The analysis document on behalf of the Premises Licence holder is **PLH Doc F** and from this analysis the following can be seen:-
- The TVP note of the premises response is not always supported and is sometimes contradicted by the Gen40. As an example Incident 31/1/20 TVP note on the Incident Summary the premises response as "mixed". In contradiction Gen40 confirms "Staff were excellent, door staff were incredibly professional".
  - Incident 29/12/19 TVP note on the Incident Summary that the premises response was "negative". Gen40 confirms "Door staff intervened, staff held victim back until suspect had left and walked her to the car".
  - Incidents unconnected to licensable activities are included in the Licensed Premises Summary Report. On example is 2/11/20 burglary outside of licensed premises.
  - There are several summaries in which door staff and the premises do their job correctly and yet TVP note on the Incident summary that the premises response is negative or mixed. 5/12/20 there is a report that there are people who the caller doesn't know inside the venue (this is covid related) but there is absolutely

no evidence of this and yet the Police immediate view is that because a caller has reported something it must have happened and therefore the premises response is “negative”. Unsubstantiated and unfair.

- Some incidents occurred away from the premises in Gun Street and are unconnected to the premises. 9/7/21 there is an incident on the street not connected to the premises and security therefore do not deal with it. TVP say that the Premises response is “negative”.
- 22/8/21 Police view the premises response as “negative”. In this instance a customer who has been problematic in the past was refused entry and became aggressive to the door team who had to use reasonable force to calm him down. The door staff and management are doing their job and the Police view this as negative. Same could be said of the incident on the 19/9/21 and other incidents.
- It is not clear although it is the PLH case that some incidents actually refer to other premises on Gun Street. 4/11/22 incident included on the Licensed Premises Summary Report. Gen40 confirms it is at the cocktail club next door. 12/10/23 the club was not open. No Gen40 submitted.
- Other incidents are based on a caller reporting something to the Police which is never brought to the attention of the club and never substantiated by the Police.

29. The PLH does not argue that incidents do not occur in late night venues or indeed that incidents have occurred in these premises and it is accepted in the summary report that some incidents could have been dealt with better. However TVP are asking the Licensing Sub-Committee to revoke this Premises Licence based amongst other things on the Licensed Premises Summary Report which is not only inaccurate and misleading but also contradictory at times to the Police Gen40 evidence which has now been submitted.

## 7. The Premises.

30. Theo Barber is an experienced designated premises supervisor who at all times works in partnership with the Police and Local Authorities. The premises can trade up to 1000 customers who are principally students and younger people (over 18) and as with any late night premises comes challenges.
31. The premises work with PING Security who are well known to Theo and George Barber and who have worked at the premises since the Barbers took over in 2019. PING Security document is **PLH Doc G**.
32. If TVP and RBC had concerns about the premises then the PLH would have responded immediately and worked with them and the review application was certainly a surprise given the lack of performance related meetings or otherwise.
33. There is reference in the Licensing Authority representation to a licensing inspection on the 13<sup>th</sup> May 2022 in which SIA door supervisors were asked to provide licences and a door supervisor was not helpful in doing so. It is suggested that Theo Barber spoke to Robert Smalling and said that this door supervisor would be removed from the front door. Theo Barber does not agree and has a clear recollection of the evening. Theo did apologise to Robert Smalling on behalf of the premises for the door supervisors behaviour and explained that it was the first time some of them had been approached and asked for their badges and Theo confirmed that he would sit down with all door supervisors and in particular this one in question to explain the importance of the situation. Theo denies ever suggesting that this door staff would be removed for this matter.

34. The incident which appeared to lead to the review of the Premises Licence by TVP is still a matter in which the Police are investigating. The allegation made by the customer is not accepted by the member of door staff who is supported by other witnesses. The incident book at the premises confirms the following:-

- A female became aggressive in the venue and door staff situated in the venue walked the female to the front door so as to eject the female. During the ejection the female assaulted a door supervisor in the process of refusing to leave despite being asked on a number of occasions.
- Door supervisors were using reasonable force and trying to eject the female who was very strong to get her passed the barriers safely. The female's friends also got involved and as the door supervisors were trying to deal with the situation we understand that the door supervisor accepts that he had to use some force to restrain the female and this resulted in the female's injury. The door supervisor and other door supervisors say that the force was reasonable and proportionate.
- This matter is still under investigation by the Police. It is of course accepted that the Licensing Committee does not need to wait for a person to be charged with an offence and/or convicted but it still must attach the appropriate weight to the submissions made about any incidents.
- We understand that this is supported by management of Purple Turtle some of whom witnessed the incident.
- This incident on the 2<sup>nd</sup> December started with a female/group of females behaving inappropriately in the venue. Door staff in the venue took correct and appropriate action to try and eject the female and her friends. Door staff on the front door supported other door staff in trying to eject the female and her friends

who at all times were behaving aggressively and in a dangerous manner and during the ejection door staff say that reasonable force was used.

- During the ejection the female in question constantly told door supervisors that she was going to punch them, had folded keys in between her fingers and a clenched fist and was aggressive at all times.
- Since the incident the door supervisor in question has subsequently been suspended from working at Gun Street Garden although we understand that this person still retains his SIA badge and still works elsewhere.

## **8. Proposed additional measures.**

35. Whilst the Premises Licence holder does not accept as set out above some of the evidence submitted by TVP the Premises Licence holder does of course note now as a review has been brought that TVP and RBC have concerns.

36. The PLH has therefore analysed all of its operational measures and has produced the following:-

- Gun Street Garden proposed additional operating measures **PLH Doc D.**
- Gun Street Garden proposed operations manual **PLH Doc E.**

37. The PLH does not accept that the Summary of incidents report shows a level of incidents of disorder at the premises that requires additional remedial action and that additional remedial action would not be proportionate. The PLH has not been made aware of concerns or given an opportunity to address such concerns as there may be. At no time in the last 16 months have TVP or RBC ever stated such.



38. The review application has been submitted to ‘address failings’ and after 16 months of no relevant licensing contact TVP simply say that the licence should be revoked.
39. The review application states that the incident on the 2<sup>nd</sup> December 2023 was predictable and preventable. Door staff and management had to deal to the best of their abilities with an incident inside the venue and did so. The decision made inside the venue to ask the group to leave was correct. The decision to escort the group to the front door was correct. The decision to try and make them leave was correct. What is the cause of this incident is one door supervisor using force - whether the force was reasonable is disputed by witnesses and not for the Licensing Sub Committee to decide but the cause of the incident was the action of one door supervisor.
40. There has been no early warning of any concerns expressed in the review application. The evidential value of this is that the only conclusion can be that TVP nor RBS had any such concerns. The Licensing Act Guidance requires parties to work in partnership and for a PLH to be given an opportunity to resolve concerns.
41. The PLH has always had and will continue to have a good relationship with TVP and in particular Declan Smith.
42. It is submitted on behalf of the PLH that the proposed additional operating measures and operations manual would be in the circumstances the appropriate way to deal with this review application and to impose the additional operating measures as conditions which includes operating the premises in accordance with the operations manual.

## 9. Summary

43. Theo and George ( **PLH**) have always been and remain wholly committed to working in partnership with the Police and licensing authority. As a family business they are very much hands on and the impact of revocation of other significant action would lead the premises to close.
44. Reading was chosen as the place for their first venture and they continue to employ local people wherever possible.
45. They have continued to work with the Police very closely since the review application was submitted. A male and female police officer on duty in Gun Street commented to them during the first weekend in January that dispersal was extremely smooth and on 24th January 2024 an e mail was received from TVP thanking Theo for his help and cooperation. A further e mail was received from a different officer on 1<sup>st</sup> Feb 2024 again thanking them for the CCTV. ( **PLH - DOC H**).
46. It is necessary given the way in which TVP make the review application to look at the summary of incidents provided by TVP and it is submitted that this summary does not establish that this venue has the level of incidents stated by TVP , that the summary report is misleading at times and contradicted at times by the GEN 40s. This analysis is not intended to be confrontational but a fair assessment of the evidence against them given that the TVP request is revocation.
47. The incident of the 2nd December 2023 is still under investigation and the door supervisor in question is suspended and will not work at the premises.
48. The Licensing Sub Committee are invited to assess closely the evidence submitted and to apply the s182 Guidance approach to Licensing ACT 2003 reviews and to conclude

that the new operational manual and PLH additional proposed measures is the proportionate remedial action in this matter.

## **Gun Street Index**

- a. Section 182 Guidance Licensing Act 2003 - December 2023 - Part 11 reviews
- b. Reading Borough Council Statement of Licensing Policy (Section 9 enforcement 37-41)
- c. Premises Licence Holder and Thames Valley Police contact
- d. Gun Street Garden proposed additional operating measures
- e. Gun Street Garden Operations Manual
- f. Gun Street Garden Analysis of TVP Summary of Incidents
- g. PING Security
- h. RBC 30.6.22 & TVP 24.01.24 & TVP email 01.02.24



Home Office

# **Revised Guidance issued under section 182 of the Licensing Act 2003**

December 2023

# **Revised Guidance issued under section 182 of the Licensing Act 2003**

December 2023



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# 11. Reviews

## The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise a review application.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should



achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as relevant unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, consideration may be given as whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the licensing authority may be asked to consider whether it would be appropriate to publish a cumulative impact assessment. Further guidance on cumulative impact assessments can be found in Chapter 14 of this Guidance.
- 11.9 Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

## **Repetitious grounds of review**

- 11.12 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or
  - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order or illegal working compliance order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

## **Powers of a licensing authority on the determination of a review**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account

when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
  - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)<sup>10</sup>;
  - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - suspend the licence for a period not exceeding three months;
  - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough

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<sup>10</sup> See chapter 16 in relation to the licensing of live and recorded music.

action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

## **Review of a premises licence following closure order or illegal working compliance order**

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

## **Review of a premises licence following persistent sales of alcohol to children**

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

# Licensing Policy

## STATEMENT OF LICENSING POLICY

Licensing Policy effective from: 22nd October 2023 until 21st October 2028

Reading Borough Council  
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Bridge Street  
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### Our Vision

To promote Reading as a safe and healthy environment in which responsible operators provide lawful and responsible facilities for the enjoyment of all of the town's residents and visitors.



## 1. Introduction

1.1 This policy sets out how the Council as the Licensing Authority for Reading aims to promote the four licensing objectives stated in the Licensing Act 2003. The four licensing objectives, as outlined in Section 4 (2) of the Licensing Act 2003, are of equal importance and the Council along with other named Responsible Authorities, stakeholders, residents and licence holders shall work together in order to actively promote them. Those four licensing objectives are:

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

1.2 The Council must have regard to the four licensing objectives when carrying out its functions under the Licensing Act 2003. The Licensing Authority will also have regard to other Council policies which have been introduced to tackle issues that may undermine crime and disorder or any of the other licensing objectives. The Licensing Authority will have regard to the contents of this policy as well as the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003. It may also depart from this policy and the Secretary of State's Guidance if there are exceptional circumstances and it is appropriate to do so to promote the licensing objectives. If the Licensing Authority departs from the Secretary of State's Guidance it will give reasons as required by the Guidance.

1.3 The legislation also supports other key aims and purposes. These are outlined in paragraph 1.5 of the guidance and should be principal aims for all parties involved in licensing for the promotion of the licensing objectives. The licensing authority will have regard to these key aims in its decision making. They are:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance associated and caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area;
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

1.4 The Council has shaped its policies in line with the aims stated previously. The Licensing Authority will also have regard to other policies, strategies and initiatives that have been adopted to promote the licensing objectives. Such policies include a 'Reducing the Strength' initiative to tackle the consumption of super strength beers and ciders (above 6.5% ABV) by persons known to be street drinkers. Street drinking and excessive consumption of super strength products has been shown to undermine the licensing objectives and cause anti-social behaviour - as well as being damaging to health. Other policies, initiatives and strategies which will be taken into account may include the Council's Drug and Alcohol policy as well as policies to do with general health and wellbeing and public health. The Council also places the highest priority when dealing with the potential exploitation of children and vulnerable people, including violence against women and girls - whether that is through their attendance at licensed premises or their employment at those premises. The licensing authority would expect all licence holders and everyone involved in licensing to take cognisance of these policies, strategies and initiatives.

1.5 This licensing policy aims to make Reading's night-time economy an economy for all. A diverse range of responsibly run premises are to be encouraged. The licensing authority wishes to discourage drunkenness and a move away from alcohol led vertical drinking establishments. We would expect responsibly run premises to actively promote the licensing objectives through promoting extra seating at their premises; instigating effective dispersal from their premises at the conclusion of licensable activities and engagement with the licensing authority and other responsible authorities in policies, initiatives and strategies that promote Reading as a safe, healthy, diverse and vibrant night-time economy suitable for all.

1.6 The predominantly urban nature of Reading as a town means that an appropriate balance needs to be struck between the needs of local business and the needs of local residents. This licensing policy seeks to encourage all stakeholders to engage in the licensing process so that the needs of all can be taken into account and issues dealt with in a spirit of partnership and cooperation.

## 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.

2.2 We have high expectations of our licence applicants. Alcohol consumption is a major factor behind violent crime and disorder with serious consequences to victims, businesses and local communities. We are also painfully aware of the links between poor health and excessive alcohol consumption, and the occasional conflict between the needs of our business community and those of our residents who have a right to live peacefully within their homes and community.

2.3 We therefore welcome applications that are aware of the Reading Borough Council Antisocial Behaviour Policy which has as a key aim "Ensure a partnership approach is taken to tackle Anti-Social Behaviour". This work is guided through Reading's Community Safety Partnership and its response to the annual strategic assessment.

2.4 The Reading Climate Emergency Strategy 2020-25, sets out the action required during this critical period to work towards the objective of a net zero carbon Reading by 2030 so we expect applicants to rigorously promote environmental protection.

2.5 The Council Corporate Plan 2022 to 2025 reported the three-year Community Safety and Serious Violence Strategy had been approved following a needs assessment and public consultation, and involving key agencies such as the police and probation. Seven priorities were identified including reducing community based drug activity, reducing knife violence and tackling violence against women and girls. The Community Safety Partnership has developed a three-year action plan to tackle these priorities. The plan will deliver a number of actions through working in partnership across these key areas. We expect applicants to dovetail with these actions and our broader aspirations.

2.6 Alongside all of this, we recognise our shared legal duties to uphold the licensing objectives and to adhere to key legislation, including the prevention of immigration crime as set out in the Immigration Act (2016) and the Modern Slavery Act (2015), and we are committed to working in partnership to ensure a responsive licensing approach which strikes the right balance, supports the diversity of our borough and ensures that businesses can thrive while residents and visitors can enjoy what's on offer in a safe, inclusive and welcoming environment.

## Licensing and Planning integration

2.7 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.

2.8 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 re-run 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.

2.9 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.**

2.10 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.

2.11 Where the planning authority has granted a planning consent that contains conditions that, if not complied with, 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.

2.12 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.

2.13 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.

2.14 The Council's 'Reading Borough Local Plan' identifies in more detail those issues relating to licensed premises, the 24 hour economy and the general organisation of retailing within the town centre. It can be accessed here - [New Local Plan - Reading Borough Council](#)

2.15 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.

### **Reducing the Strength Initiative**

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

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

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

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

### **Licensing and Public Health**

2.20 The Licensing authority recognises the potential impact of alcohol on the public health of the residents of Reading. This can have a massive impact on the National Health Service and medical providers locally. Public Health are a responsible authority under the Licensing Act 2003 and can make representations on licence applications as well as calling for reviews on premises that undermine the licensing objectives.

2.21 The Secretary of State's Guidance states that health bodies can make representations based on any of the four licensing objectives. The licensing authority considers that data around hospital admissions due to alcohol consumption; data that shows a correlation between anti-social behaviour and excessive alcohol consumption in different localities, data that violence related to alcohol or the night-time economy in general; data that links high alcohol consumption to a particular area and data that undermines the

physical, moral and psychological of children and vulnerable persons to all be relevant to the promotion of the licensing objectives. Any or all of this data would be grounds for public health exercising their right to participate in the licensing process.

2.22 The Licensing authority takes the issue of public health extremely seriously and would expect applicants and licence holders to familiarise themselves with any local issues that may be detrimental to the public health of the people of Reading. The licensing authority will take cognisance of the issues raised by public health to do with licensed premises and issues surrounding alcohol and will determine applications in line with ensuring that all of the licensing objectives are actively promoted for the safety of the local communities in which a licensed premises operates. The Council's 'Joint Strategic Needs Assessment' which outlines the health and wellbeing of the local population can be accessed here -<https://www.reading.gov.uk/about-reading/joint-strategic-needs-assessment-jsna/>

The Council's 'Berkshire West Drug and Alcohol Needs Assessment' also highlights issues around licensed premises, street drinking and health outcomes and this can be accessed here:

<https://westberkshire.berkshireobservatory.co.uk/wp-content/uploads/2023/03/Berkshire-West-Drug-and-Alcohol-needs-assessment-2022-v0.4.pdf>

## Alcohol Harm Reduction Strategy

2.23 The Council must have regard to the Government's Alcohol Harm Reduction Strategy when formulating this licensing policy and discharging its functions under the Licensing Act 2003. The strategy outlines measures proposals to cut binge drinking, cut alcohol related violence and cut the number of people drinking to damaging levels.

## Vulnerability & Violence Against Women and Girls

2.24 The Council are committed to ensuring Reading is a safe and welcoming town for everyone, regardless of their gender, ethnicity, sexuality, beliefs or background.

The national focus on reports of drink spiking and the demand for welfare and police services indicate that there is important work to be done in developing Reading's night-time economy to improve actual and perceived safety for visitors, residents and those who work in the town at night.

This policy aims to ensure that vulnerability and women's safety is an important consideration in decision-making in the night-time and late-night economy throughout the town. The licensing authority will keep the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence under review.

Operators are expected to develop a harm-reduction policy for their business, especially at the types of premises where incidents of physical and sexual violence are most frequently reported. This policy shall include sufficient measures to protect and provide support to customers in spiking, coercive control and other vulnerability incidents.

The Council aims to promote best practices, including the Night-time Industry Association (NTIA) standards of good practice for dealing with spiking and having a duty of care for customers as well as integrate with other safety-related initiatives in the town:

- Promoting Reading's Women's night-time safety charter and supporting the delivery of WAVE training across licensed premises
- 'Night Angels' - SIA licensed door supervisors that patrol the town during the evening and night-time economies
- Street Pastors
- The 'First Stop' service offering medical and other support during weekends and peak times like the Christmas & New Year periods
- Safer Street 4 funding which, in part, being spent on improving night-time safety for people working and socialising in the town. Running community safety campaigns, working with bars, pubs and clubs and promoting safe routes home for those enjoying the town at night
- Safer Students Partnership - Bringing together the Council, the University, Students' Union (RUSU) and Reading College to address key safety issues for students (16-25 years old)
- Regular taxi and private hire enforcement to reduce risks to public safety
- Partnership working with Thames Valley Police, Reading's PubWatch, Reading's Business Improvement District, Reading's Economy and Destination Agency amongst others

2.25 The licensing authority delivers free ACT (Action Counters Terrorism) Awareness counter terrorism training and SCan (See Check and Notify) courses for licensed premises and their staff. We strongly encourage licensed premises to incorporate the freely accessible ACT E-learning as part of wider staff training packages.

The licensing authority also expects that:

- Steps are taken to ensure all people employed at the premises whose job includes being alert to the terrorist threat are aware of:
  - the current terrorist threat level
  - what that level means in relation to the possibility of an attack.
- Risk assessments for public entertainment venues include consideration of the risk of a terrorist attack and the different types of attack.
- All persons responsible for security are briefed at every event about the current threat level and risk of terrorist attack.
- All public-facing staff must be clear about what to do if the public report suspicious activity or unusual behaviour to them. All suspicious behaviour by customers or members of the public close to the venue must be noted and be reported promptly so that investigations can be made, and action taken, if appropriate.
- Where hostile reconnaissance is suspected it needs to be properly recorded and reported back to the police. If unnecessary reports are made, the remedy should be to train staff better to recognise suspicious behaviour, rather than criticise them for making the report. Suspicious behaviour should only be ignored when an innocent explanation has been verified. Briefings to security staff need to include details of the suspected hostile reconnaissance - this is so staff know what has happened and know what to look out for.
- The venue has robust procedures and relevant training in place and staff are knowledgeable of those procedures to be taken and the necessity of following them in the event of a terrorist incident, such as firearms or weapons attack, including:
  - Evacuation/Invacuation/Lockdown
  - RUN/HIDE/TELL principles
  - How customers will be safeguarded.
- Applying the 4 C's protocol (Confirm, Clear, Communicate, Control) when dealing with suspicious items.
- Staff are knowledgeable of the HOT principle (Hidden, Obvious, Typical) for identifying suspicious packages.
- Staff understand how to identify suspicious behaviour.



- Staff are knowledgeable of the mETHANE principle (Major Incident, Exact Location, Type of Incident, Hazards, Access, Number of Casualties, Emergency Services) for reporting incidents, including suspicious activity.
- First aid kits are fully stocked, staff are aware of where they are kept, and staff are first aid trained.
- Measures to alert staff and visitors of any immediate threat or incident.
- Rehearsal requirements for emergency procedures (no less than six months).
- Provision of PACT (Public Access Trauma) kits in strategic locations on the premises.

## Other Initiatives

2.26 Reading's night-time economy has achieved Purple Flag and Best Bar None status. These are nationally recognised schemes meaning the town has achieved a level of excellence and we would expect all licence holders and potential applicants to take cognisance of these standards and practices. The Authority and its partners shall seek to work with all stakeholders in the town to maintain these standards. The town also has a very successful and well attended Pubwatch scheme both in the town centre and in the outer areas of Reading. This scheme is supported by Thames Valley Police and Reading Borough Council and is a particularly useful forum for licence holders to share information, best practice and work in a collaborative manner so as to make the night-time economy as vibrant and safe as possible for all. The Authority would expect all prospective applicants and current licence holders to make use of their local Pubwatch scheme and engage fully in any relevant initiatives that stem from it.

### **3. Licensing and integration with other legislation**

3.1 Many other pieces of legislation impact directly or indirectly on the licensing regime. The Licensing Authority must have regard to the following when it discharges its responsibilities under the Licensing Act 2003 and in relation to the promotion of the four licensing objectives:

#### **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.

#### **Immigration Act 2016**

3.4 Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 and made Home Office Immigration Enforcement a Responsible Authority concerned with the licensing objective of prevention of crime and disorder. They will exercise their power both in respect of being a consultee on new licence applications and having right of entry to licensed premises with a view to seeing whether an offence under any of the Immigration Acts is being committed on a licensed premises. This will primarily involve the detection and prevention of illegal working on premises that have an alcohol licence or a late night refreshment licence. The offence of employing people at a licensed premises who have no right to work in the UK is also now listed in the Secretary of State's guidance under Section 11.27 which covers criminal activity deemed to be particularly serious and where a licensing authority should consider revoking a premises licence even in the first instance. This Act clearly supports and actively promotes the licensing objective of preventing crime and disorder and the licensing authority will work with colleagues in the Immigration service and Thames Valley Police to enforce this.

### **Human Rights Act 1998**

3.5 The Council has a duty under the European Convention on Human Rights to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licence holder to operate their business without undue interference (Article 1 of the First Protocol). This promotes the need for the licensing authority to reach a balance between these two principles when making decisions.

### **Equality Act 2010**

3.6 The Act places a legal obligation on public authorities to have regard to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between persons who share a protected characteristic and those who do not. Protected characteristics include age, disability, race, religion and sexual orientation. When making a decision, the licensing authority will have regard to this due to the goal of ensuring that the night-time economy is safe and accessible to all.

### **Business & Planning Act 2020 & Coronavirus Legislation**

3.7 Throughout the Coronavirus pandemic, the Government passed and amended legislation with the goal of stimulating the economy. This included measures to temporarily allow premises with an on-licence only to sell alcohol for consumption off the premises (within certain conditions), a temporary increase in the number of Temporary Event Notices that may be given per year and a temporary, faster and cheaper process for obtaining pavement cafés. Information on, and the procedures on how to apply for, these measures shall be available on Council's website for as long as legislation is in force.

3.8 The Government has indicated that it wishes to replace the Highways Act 1980, which governs the pavement café permissions (other than those under the Business & Planning Act 2020), with new legislation that includes fixed fees and allows for pavement café licences with a duration of up to 2 years. If this legislation comes to pass, this policy shall be updated accordingly.

3.9 The Government has indicated that it may make the changes to off-sales and Temporary Event Notices (mentioned in paragraph 3.7) permanent. At the time of writing there is a public consultation on this matter. If any change in legislation comes to pass, this policy shall be updated accordingly.

### **Other Legislation that the Licensing Authority will consider**

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

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

## 4. Scope of the Licensing Policy

### Consultation

4.1 In drawing up and reviewing this policy, the licensing authority consulted with the bodies designated as Responsible Authorities within the Licensing Act 2003. The Authority also consulted with licence holders, local residents groups and groups representing the trade including licensing solicitors and Pubwatch.

- The chief officer of the police for the Reading local authority area
- The fire authority of the Reading local authority area
- The Public Health authority for the Reading local authority area
- Reading Borough Council Environmental and Nuisance team
- Reading Borough Council Environmental Health/Food Safety team
- Reading Borough Council Trading Standards team
- Reading Borough Council Planning Authority
- Brighter Futures for Children
- Alcohol licensing team at the Home Office
- All premises licence holders who hold a licence with Reading Borough Council
- Local organisations who are representative of local holders of premises licences
- Persons or bodies representative of local residents
- Licensing solicitors representing multi-site operators

4.2 This policy statement will remain in effect for a period of five years from the date it is approved by the Council. During this period it will be reviewed if necessary.

4.3 Cumulative Impact Assessments form part of the Council's Licensing policy when one is in place. They will remain in force for a period of three years from the date it is approved by the Council. At the current time there is no cumulative impact policy (CIP) in place, although this is subject to potentially change as it is being consulted on. If a CIP is approved then it will sit under this policy.

4.4 This policy document is prepared in accordance with Section 5 of the Licensing Act 2003 having regard to the Secretary of State's Guidance issued under Section 182 of the Licensing Act.

4.5 The Licensing Authority shall, as required by Section 4 of the Licensing Act, have regard to this policy in its decision making. The policy may be departed from in the individual circumstances of any case where it is in the interests of promoting the licensing objectives. In such cases, the Licensing Authority shall give full reasons for departing from this policy.

4.6 The Licensing Authority has a duty under the Licensing Act 2003 to carry out its functions so as to promote the four licensing objectives. All four licensing objectives are of equal importance.

4.7 This policy addresses the principles behind the decisions in respect of all applications for:

- Premises Licences
- Club Premises Certificates
- Community Premises
- Personal Licences
- Temporary Event Notices
- Variation of conditions attached to licences
- Review of premises licences and club premises certificates

## Fundamental Principles

4.8 The Licensing Authority recognises that persons who meet the requirements as set out in the Licensing Act 2003 can apply for a premises licence, club premises certificate and temporary event notice and carry out licensable activities in accordance with that authorisation.

4.9 The Licensing Authority recognises that bodies designated as Responsible Authorities and 'Other persons' under the Act can make representations in relation to any application for the grant/variation or review of a premises licence or call for the review of any premises licence or club premises certificate that has been granted by the authority.

4.10 The Licensing Authority recognises that in relation to a premises licence or club premises certificate that it cannot:

- a) Modify conditions attached to a premises licence or club premises certificate unless it has received a relevant representation about the application and then only to the extent that granting such application would undermine the promotion of the licensing objectives
- b) Exclude a licensable activity from the scope of a premises licence or club premises certificate unless it has received a relevant representation about the application and then only to the extent that granting such application would undermine the promotion of the licensing objectives
- c) Refuse to specify a person on a premises licence as the Designated Premises Supervisor unless it has received a relevant representation about the application and then only to the extent that granting such application would undermine the promotion of the licensing objective of crime and disorder
- d) Refuse an application for a grant or variation - unless it has received a relevant representation about the application and then only to the extent that granting such application would undermine the promotion of the licensing objectives. Minor variations will be determined on the basis of their impact on any of the licensing objectives.

e) Refuse an application to transfer a licence unless it has received a relevant representation about the application and then only to the extent that granting such application would undermine the promotion of the licensing objective of prevention of crime and disorder.

f) Attach conditions to a premises licence or club premises certificate unless those conditions are consistent with the operating schedule of an application form, they have been agreed with the applicant during the application process, or they have been placed upon a licence by the licensing sub-committee in order to promote the licensing objectives.

g) Modify the mandatory conditions attached to all licences.

4.11 The Licensing Authority recognises that in relation to Temporary Event Notices and Personal Licences that it cannot:

a) Refuse an application for a personal licence unless the applicant is shown to have a relevant conviction that the local police believe will undermine the crime and disorder licensing objective.

b) Suspend for three months or revoke a personal licence unless that person has a relevant conviction or has been convicted of an immigration penalty.

c) Refuse a temporary event notice unless a relevant representation is received from the police or the body within the council that deals with noise nuisance.

4.12 The Licensing Authority recognises that in relation to representations that it cannot:

a) Reject a representation unless it is deemed frivolous, vexatious or irrelevant to the promotion of the licensing objectives. In considering whether a representation is frivolous, vexatious or irrelevant, the Authority will follow the steps as outlined in the Secretary of State's Guidance at paragraphs 9.4 to 9.10. If a representation is rejected, then reasons shall be given to the person who made that representation.

4.13 The Licensing Authority will carry out all of its functions with a view to promote the four licensing objectives and to ensure, as far as is practicable, that there is integration with all Council policies, strategies and initiatives.

4.14 It is recognised that the licensing function is only one means of securing the delivery of the active promotion of the licensing objectives and should not therefore be seen as a panacea for solving all problems within local communities. The licensing process can only seek to control measures within the control of a licence holder or potential licence holder. The Licensing authority will continue to work in partnership with other bodies within the Council and outside the Council to ensure that the licensing objectives are actively promoted through any relevant strategy, initiative or policy.

## Licensable Activities

4.15 This policy relates to all applications for the following licensable activities:

- The sale of alcohol by retail
- The supply of alcohol to club members
- The provision of regulated entertainment:
  - Performance of a play
  - Performance of a film
  - An indoor sporting event
  - Boxing or wrestling
  - Performance of live music
  - Performance of recorded music
  - Performance of dance
- The provision of late night refreshment (the sale of hot food and drink between 2300hrs and 0500hrs)

4.16 There have been numerous bills put through Parliament to deregulate certain licensable activities. This includes the Live Music Act 2012 and various deregulation bills. The Secretary of State's Guidance covers at length examples of regulated entertainment that have been deregulated.

4.17 This policy cannot list all instances of deregulation. However, some key examples are as follows:

a) Live music - no licence is required for a performance of unamplified live music between 0800hrs and 2300hrs on any premises. Further, no licence is required for a performance of amplified live music between 0800hrs and 2300hrs on premises that have a licence to sell alcohol on the premises (subject to other criteria).

b) Recorded music - no licence is required for a performance of recorded music between 0800hrs and 2300hrs on any day on premises that have a licence to sell alcohol on the premises and is performed to an audience of no more than 500 persons.

4.18 Applicants, licence holders or members of the public who are unclear whether an activity is licensable or not should contact that licensing authority for information.

## 5. Licensing Applications

### Grant and Full Variations

5.1 All licensing applications for the grant or full variation of a premises licence or club premises certificate must be served on the licensing authority. Applications can be served electronically via the gov.uk portal or via hardcopy. All applications must be accompanied by a plan of the premises which shows the licensable area; an immigration document demonstrating that the licence holder has the right to live and work in the UK and the correct fee. Failure to provide the correct documentation or fee will result in the application being returned to the applicant as invalid.

5.2 Any applicant that proposes to serve an application in hardcopy must ensure that the application is served on all of the Responsible Authorities stated in the Licensing Act 2003. Contact details for the below are attached as an appendix to this policy:

- a) The Licensing Authority for which the premises is located
- b) The chief officer of the police for the area
- c) The chief fire officer of the police for the area
- d) Brighter Futures for Children
- e) Reading Borough Council Environmental Health
- f) Reading Borough Council Environmental Protection and Nuisance
- g) Reading Borough Council Trading Standards
- h) Reading Borough Council Planning authority
- i) Reading Borough Council Public Health
- j) The Alcohol team at Home Office Immigration Enforcement
- k) A Licensing authority other than Reading Borough Council if the premises is part situated in that borough as well.

5.3 In addition, where applications for the grant or full variation of a premises licence are for a boat, a copy of the application must be served on the Navigation authority; the Environment Agency; The canal and river trust and the Secretary of State.

5.4 It is the responsibility of the applicant to ensure that any application for the grant or full variation of a licence advertise the application in accordance with the relevant Licensing regulations. A blue notice should be placed on, at or near the premises to advertise the application for 28 days starting with the day after the application is served. A newspaper advert doing the same must be placed in a newspaper circulating in the Borough of Reading within 10 working days. Failure to do either of these things or to put inaccurate information in them will invalidate an application.

5.5 The Licensing Authority will advertise any valid applications on the Council's website for the same period of 28 days starting with the day after the application was received.



5.6 During the 28 day consultation period, the authority will scrutinise the application along with all of the other Responsible Authorities to judge whether it undermines the promotion of the licensing objectives. The application will be made available to any person who requests to see it. As per Section 18 (6) of the Licensing Act 2003, it will consider the likely effect of granting any licence on the promotion of the licensing objectives. The authority will expect all applicants to have taken cognisance of the Secretary of State's Guidance; local strategies and initiatives; this policy and any other known local issues before submitting their application and that these matters are addressed within the operating schedule of the application.

5.7 Whilst many applications will be resolved without the need for a committee hearing, any matters or representations that are not resolved will trigger a hearing before the properly constituted Licensing Applications Committee for determination.

### **Minor Variation Applications**

5.8 In August 2009, the Government introduced a simplified process to make minor variations to licences. These kind of variations will be ones that are considered to have no adverse impact on the promotion of the four licensing objectives. These applications will be considered by duly authorised officers of the Licensing Authority.

5.9 Minor Variations cannot be used to:

- a) extend the period for which the licence or certificate has effect;
- b) specify within a premises licence, a new DPS;
- c) add the sale or supply of alcohol as a licensable activity;
- d) authorise an extension alcohol hours;
- e) vary substantially the layout; activities or conditions of a licence;
- f) authorise an individual to supply alcohol at a community premises

5.10 Minor Variations can be used to:

- a) make minor changes to the structure or layout of a premises;
- b) make small adjustments to the licensing hours;
- c) move the hours for the sale by retail of alcohol between 0700hrs and 2300hrs without increasing the hours;
- d) remove out of date, irrelevant or unenforceable conditions;
- e) add or remove licensable activities (alcohol cannot be added via Minor Variation);
- f) Add conditions that may have been agreed with a responsible authority.

5.11 Under the Minor Variation application process, the applicant must send the application to the Licensing Authority only. The applicant must also display a white notice

on, at or near the premises which advertises the proposed changes for a period of ten working days beginning with the day after the application was received by the authority. There is no requirement to advertise this application in the newspaper.

5.12 The Licensing Authority - upon receipt of a valid application - will determine the application in relation to its impact on the four licensing objectives and consult any Responsible Authority it wishes. The authority may reject the application if it believes the licensing objectives will be undermined by granting it. The authority can reject the application even if it receives no representations against it. If the authority fails to make a determination within five working days after the ten working day consultation period, then the application will be deemed refused and the fee shall be returned to the applicant.

### **Review of a premises licence or club premises certificate**

5.13 Any premises that has a premises licence or club premises certificate may have that licence reviewed by any of the named Responsible authorities - including the Licensing Authority in its role as a Responsible Authority. Thames Valley Police may also submit a Summary Review if there is a premises associated with serious crime and disorder. When the Licensing Authority instigates a review it will ensure that there is a clear separation of functions between the officer acting as the licensing authority and the officer acting as a responsible authority.

5.14 A premises licence review can also be instigated by a person defined in the Act as 'any other person'. One example of this is local residents.

5.15 The Act provides strict guidelines, timescales and procedures for review applications and hearings and the Authority will deal with every review application in accordance with these rules.

5.16 Further details on review applications can be found in this policy under the heading 'Enforcement'.

### **Designated Premises Supervisors**

5.17 This person must hold a personal licence and would generally be in day to day control of the premises.

5.18 No alcohol may be sold or supplied from a licensed premises unless it is sold by a personal licence holder or a personal licence has authorised others to sell alcohol in their absence.

5.19 In 2009, the Government empowered the Licensing Authority - upon the application of a management committee of a community premises - not to apply the normal mandatory conditions in relation to the sale of alcohol. Instead the authority can impose a condition rendering the management committee responsible for the supervision and authorisation of all alcohol sales made pursuant to the licence.

5.20 Any application for a change of the Designated Premises Supervisor must be made to the Licensing Authority either electronically via gov.uk or in hardcopy. Any hardcopy applications must also be served on Thames Valley Police. An application form completed by the premises licence holder; a consent form signed by the prospective DPS; the premises licence and a fee of £23 must be submitted.

5.21 Where an objection is received by the Authority from Thames Valley Police in respect of the proposed DPS, the authority is required to hold a hearing before the Licensing Applications Committee within the timescales set out in the Act and accompanying regulations.

### **Transfer of Premises Licence**

5.22 Where a licence holder wishes to transfer their premises licence to another person or body, then an application shall be made to the Licensing Authority to do so. An application form completed by the proposed new owner; a consent form giving permission for the transfer from the previous owner; the premises licence and a fee of £23 must be submitted - either electronically or in hardcopy. All hardcopy applications must also be served on Thames Valley Police.

5.23 If the authority receives a representation in relation to any proposed transfer, then it must hold a hearing in the required timescales.

5.24 A licence will lapse if the licence holder meets any of the criteria as outlined in Section 27 of the Licensing Act 2003. This means that any licence holder who dies; becomes incapacitated; becomes insolvent or has their company dissolved will see their licence lapse. This would mean that no licensable activity can take place unless a transfer is received within 28 days. A licence will also lapse if the holder of the licence no longer has the right to work in the UK. Should this happen, then a new licence will have to be applied for from someone who does have the right to work in the UK.

5.25 A club premises certificate will cease to exist if it does not meet the criteria laid out in the Licensing Act 2003. A club premises certificate cannot be transferred.

### **Personal Licence Applications**

5.26 Under the Act, the Licensing Authority will automatically grant applications for personal licences so long as they meet the application criteria outlined in the Act. If an applicant has been convicted of a relevant offence or has been subject to an immigration penalty that may undermine the prevention of crime and disorder licensing objective, Thames Valley Police or Home Office Immigration may make representations against the grant of the application.

5.27 Where relevant representations are received, the Licensing Authority will hold a hearing in accordance with the regulations and timescales outlined in the Act. The Licensing Applications Committee will then make a determination on the application taking into account the relevant representations received.

5.28 When a Personal Licence holder moves address, they must notify the authority that issued their licence. Failure to do so is an offence under the Licensing Act 2003.

5.29 When a Personal Licence holder is convicted of a relevant offence or has paid an immigration penalty, they must notify the authority who issued their personal licence so that their licence can be endorsed to that effect. Failure to do so is an offence under the Licensing Act 2003.

5.30 Where a Personal Licence holder is convicted of a relevant offence or has paid an immigration penalty then the licensing authority may look to suspend the personal licence for a period of up to six months or revoke it. This is as per Section 132A of the Licensing Act 2003. If the Licensing Authority decided to take this action then it will allow the licence

holder to make representations which will be considered at a properly constituted hearing in front of the licensing applications committee.

### **Temporary Event Notices**

5.31 An event organiser who wishes to arrange a one off event or extend the hours for licensable activities at a premises, may notify the Authority of the proposed event. The application (or notice) needs to be submitted to the Licensing Authority with the fee of £21. The application must be submitted electronically via the gov.uk portal or via hardcopy. If submitted via hardcopy then it must also be sent to Thames Valley Police and the Council's Environmental Protection and Nuisance team.

5.32 A temporary event notice must be submitted to the authority at least ten clear working days before any event. This does not include the date the application is submitted; weekends, bank holidays or the first date of the event itself. Failure to adhere to these timescales may invalidate the application.

5.33 An applicant who also holds a Personal Licence may apply to hold 50 events per year. An applicant who does not hold a Personal licence may only apply for 5 events.

5.34 Each Temporary Event may last for up to 168 hours and an individual premises may hold up to 15 events totalling 21 days. There must be a gap of 24 hours between the end of one temporary event and the start of another one.

5.35 If the police or the Environmental Protection and Nuisance team make a representation in regard to a temporary event notice then the Licensing Authority will arrange a hearing before the Licensing Application Committee in the required timescales.

5.36 Applicants are encouraged to submit Temporary Event notices as far in advance as possible to allow issues to be worked out and for any required hearing to be held in good time before any proposed event.

5.37 The council, on receiving temporary event notices, will also check that the requirements of the Act as to duration and numbers of notices are met. For these purposes, a notice is treated as being from the same premises user if an associate gives it. The Act defines an associate as being:

- the spouse or civil partner of that person.
- a child, parent, grandchild, grandparent, brother, or sister of that person; or
- an agent or employee of that person.
- the spouse or civil partner of a person listed in either of the two preceding bullet points.

5.38 A person living with another person as his or her husband or wife is treated for these purposes as his or her spouse.

### **Late Temporary Event Notices**

5.39 Late notices can be given no later than five working days before an event but no earlier than nine working days before an event. If there is an objection to the proposed event from either Thames Valley Police or the Council's Environmental Protection and Nuisance team then the authority will issue a counter notice. This means that the event will not be permitted to go ahead.

5.40 The number of late notices that can be given in any one calendar year is limited to ten for personal licence holders and two for non-personal licence holders. Late notices count

toward the total for the number of events per year held at a single premises and for the number of events per year applied for by the applicant.

### **Applications and the Immigration Act 2016**

5.41 Under changes made to the Licensing Act 2003 by the Immigration Act 2016, the Licensing Authority is required to undertake checks to ensure that applicants have the right to work in the UK. This is to assist in the prevention of illegal working in licensed premises.

5.42 These new provisions apply to applications for a grant of a premises licence; the transfer of a premises licence and for the grant of a personal licence. As part of the process for any individual applying for any of the above licences, the applicant must provide a relevant right to work document, or right to work share code using the Home Office's website: <https://www.gov.uk/view-prove-immigration-status>. If a right to work document or share code is not provided then the application will be deemed invalid and returned to the applicant. The Licensing Authority will not and cannot issue a licence to someone who does not have the right to work in the UK.

5.43 Applicants are required to submit a copy of a relevant and valid right to work document. A list of acceptable right to work documents can be found on the Council's website here - <https://www.reading.gov.uk/business/licences/beer-and-entertainment-licences/premises-licence/> Applicants are advised to check the latest information about acceptable immigration documents on the gov.uk website.

5.44 As a Licensing Authority, we have to be satisfied that applicants have a right to work in the UK. As part of that process, we may refer your right to work document to the Home Office's Status Verification Evidence and Checking Unit (SVEC). The Home Office are also a named 'Responsible Authority' under the Licensing Act 2003 and will be sent copies of all applications for them to conduct their own checks.

5.45 When an applicant has limited leave to remain and work in the UK, any licence issued to that person will lapse at the expiry of that leave. A licence will also lapse if the Home Office revokes or curtails someone's leave in the UK. In these instances, applicants are advised to produce evidence of any extension to their entitlement to work to the Licensing Authority. If no evidence of this is produced, then the licence will lapse and all licensable activities permitted by that licence must cease. If an applicant then gets further leave to work in the UK, they will then have to apply for a new licence.

5.46 The Home Office - as a named Responsible Authority under the Licensing Act 2003 - can make representations in relation to applications predominantly in relation to the licensing objective of the prevention of crime and disorder.

5.47 Immigration offences such as the employment of illegal workers are now listed as one of the most serious criminal offences in the guidance to the Licensing Act 2003. The payment of Immigration penalties are also now a relevant offence under the Licensing Act 2003.

5.48 The Licensing Authority consider the prevention of crime and disorder licensing objective in relation to the prevention of illegal working in licensed premises to be of particular seriousness and will expect applicants to address these issues within any application submitted to us.

### **Committee Hearings**

5.49 Applications that attract representations (except Minor Variations) will be determined by the Licensing Applications Committee or Sub Committee. The relevant committee meeting will be discussion led and the committee members will listen to the points raised

by the applicant and any objector. All parties will be notified of the decision of the committee. All hearings will be held in accordance with the relevant regulations and timescales outlined in the Act.

## **Appeals**

5.50 If an applicant is aggrieved by a decision of the Licensing Authority, an appeal may be lodged with the Magistrates Court for the area. The Authority must in all cases be the respondent to such an appeal.

## **Large Indoor & Outdoor Events & Reading's Safety Advisory Group**

5.51 The promotion and the organisation of live musical and similar entertainment in the open air or in temporary structures like marquees etc. can provide opportunities for community involvement, civic pride and can attract visitors to the district. However, the success of such events by way of contribution to the Reading's culture and tourism depends upon the quality, levels of safety and consideration for the rights of people who live or work in the vicinity and the standard of provision of facilities for those coming to enjoy the event.

5.52 In recognition of the additional factors for hosting large indoor and outdoor events, the council has established a multi-agency safety advisory group to assist organisers in co-ordinating such events. This includes council departments who have an interest in, or legislative role relevant to, such events, together with representatives of the emergency services.

5.53 Organisers of outdoor events, irrespective of the capacity, are encouraged to make early contact with the council's safety advisory group. Members of the group are notified about proposals to hold such events and where necessary a meeting will be organised to open lines of communication with organisers and provide advice as necessary, which may include matters such as the need for on-site medical facilities, firefighting teams, road closures etc.

5.54 The Health and Safety Executive provide specialist guidance on event safety through their website at [www.hse.gov.uk](http://www.hse.gov.uk)

5.55 Guidance on the planning of such events is available to organisers but it is important that substantial notice is given so that proper preparations and precautions can be put in place for the event. This also applies if the event is proposed under a Temporary Event Notice.

## 6. Licensing Conditions

### General Approach

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

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

6.3 If an application receives no representations from Responsible Authorities or any other persons then the licensing authority must grant that licence. The licence would therefore be granted with conditions that are contained within the operating schedule. However, applicants should be aware that the licensing authority is not permitted to simply replicate the wording of an operating schedule into conditions. Conditions will be worded as per the Council's Pool of Conditions and will reflect the intention of the applicant.

6.4 The licensing authority does not have the power to impose conditions on a premises licence or club premises certificate unless it is receipt of a relevant representation and considers that conditions are appropriate and proportionate to promote the four licensing objectives.

6.5 Any conditions imposed upon a premises licence or club premises certificate will be tailored to that type of premises and the style of operation. Consideration will also be given to the locality of the premises; issues in the locality; the issues set out in the Guidance and any policy, initiative or other matter the licensing authority wishes to take into account in order to promote the four licensing objectives.

6.6 The licensing authority will avoid attaching conditions which duplicate other legislation. However, some crossover may occur if the licensing authority believes that additional measures to control licensable activity are required to promote the four licensing objectives.

### Mandatory Conditions

6.7 There are conditions that are imposed on all premises licences and club premises certificates. These are mandatory conditions and will apply to all licences and certificates that authorise the sale or supply of alcohol. These conditions will apply even if they are not contained on the physical copy of any licence.

6.8 The mandatory conditions are laid out in the Secretary of State's guidance. Licence holders must ensure, for example, that irresponsible drink promotions do not take place on the premises. Licence holders must also ensure that any drink measurement is compliant and that all sales meet the minimum permitted pricing. Licences that permit alcohol to be sold and consumed on the premises must also provide free potable water to customers. The licensing authority considers irresponsible drinks promotions and alcohol being sold below

the permitted minimum price as extremely serious offences that only promote excessive and irresponsible alcohol consumption and which then go on to cause alcohol related crime; anti-social behaviour and poor health outcomes. Any premises found engaging in such activity is likely to face appropriate enforcement action for undermining the promotion of the licensing objectives.

6.9 The mandatory conditions stipulate that no sale of alcohol may be made under a premises licence at any time when there is no Designated Premises Supervisor or when the proposed Designated Premises Supervisor does not have a valid Personal licence. Every supply of alcohol made under the premises licence must be made or authorised by a person who holds a personal licence. Any premises found to be in breach of this is likely to face appropriate enforcement action for conducting unlicensed activity and undermining the promotion of the licensing objectives.

6.10 The mandatory conditions also stipulate that the holder of any premises licence or club premises certificate must ensure that a suitable age verification policy is adopted at the premises in respect to the sale or supply of alcohol. All sales must then be carried out in relation to that policy and only then when suitable photographic identification is produced. Any premises found operating without a valid policy is likely to face appropriate enforcement action for conducting unlicensed activity and undermining the promotion of the licensing objectives.

### **Off Licences and Conditions - General Approach**

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

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

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

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

6.15 Applications for off licences would also be expected to contain evidence of appropriate staff training, the utilisation of a Challenge 25 age verification policy and the use of CCTV to cover the entire proposed licensable area. This is not an exhaustive list and conditions should be appropriate and proportionate to the style of operation and taking into account the issues in the locality.



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

6.17 The sale of alcohol to underage people is an offence under the Licensing Act and can severely undermine the prevention of crime and disorder and the protection of children from harm licensing objectives. The excessive consumption of alcohol by young people is also likely to impact negatively on health outcomes. Applicants for off licences will be expected to include robust measures to ensure that alcohol is sold responsibly and that any staff are trained to a high level to achieve this. Evidence of best practice in terms of recording refusals of age restricted products will be expected within all applications.

6.18 Where a shop, including businesses such as online only warehouse premises, wishes to provide a delivery service for their products - including alcohol - the authority will expect measures to be included within the operating schedule of how those deliveries will operate. For example, to ensure that deliveries are being made to full postal addresses and not fields; that deliveries which contain alcohol are subject to the premises age verification policy with refusals logged accordingly and that delivery bikes are not causing a public nuisance to local residents.

#### **Late Night Refreshment (takeaways) and Conditions - General Approach**

6.19 Late night food outlets are a major contributor to crime and disorder and anti-social behaviour within Reading. Applicants who wish to provide hot food or drink after 2300hrs and up to 0500hrs, will need to demonstrate that their proposed operation will not exacerbate issues of crime and disorder in that locality.

6.20 Applicants for late night refreshment are expected to take cognisance of the Secretary of State's Guidance and to include appropriate and proportionate measures within their operating schedule to assist in actively promoting the licensing objectives.

6.21 The licensing authority will expect all applicants who wish to provide late night refreshment to include measures for adequate staff training; measures to ensure that no public nuisance occurs from the premises as well as additional measures to assist in crime prevention such as CCTV and door supervisors.

6.22 Public nuisance can often occur from takeaways being sited in residential areas. This could be in relation to the use of delivery vehicles and the congregating of customers outside the premises. Applicants are expected to make an assessment of their proposed locality and implement measures to avoid disturbing local residents such as the use of electric bikes and the implementation of a dispersal policy.

6.23 Where it is practical, the authority will also look to ensure that all packaging used for the provision of hot food and drink shall be made of recyclable materials or be biodegradable. This will include all fixed premises and static vans.

#### **Restaurants and Cafes - General Approach to conditions**

6.24 The licensing authority would expect all bona fide restaurants to take cognisance of the Secretary of State's Guidance and this policy and include measures that actively promote the four licensing objectives.

6.25 As well as the measures outlined above in relation to a Challenge 25 age verification policy, CCTV and staff training, the authority will expect all bona fide restaurants to include

a condition within their operating schedule to the effect that the sale of alcohol will be ancillary to a sit down food order and that the premises will operate solely as a restaurant with waiters and waitresses providing table service. It is the authority's view that restaurants should not be a place where upright vertical drinking takes place.

6.26 Where a restaurant wishes to provide a delivery service for their products - including alcohol - the authority will expect measures to be included within the operating schedule of how those deliveries will operate. For example, to ensure that deliveries are being made to full postal addresses and not fields; that deliveries which contain alcohol are subject to the premises age verification policy with refusals logged accordingly and that delivery bikes are not causing a public nuisance to local residents.

### **Alcohol led bars and clubs with regulated entertainment - General Approach to conditions**

6.27 The licensing authority is of the opinion that premises that are alcohol led; provide limited seating for customers; provide little food and provide entertainment facilities have the strongest potential to undermine the promotion of the licensing objectives. The licensing authority believes that venues that encourage up right vertical drinking and the sale of alcohol - often at cheap prices - leads to a negative impact on the town and only serves to promote drunkenness and crime and disorder. Any applicant who wishes to operate such a venue will have to demonstrate that its proposed use does not undermine the promotion of the licensing objectives and the authority would expect any operating schedule to contain stringent policies and procedures to achieve this. Measures such as CCTV, employment of door supervisors and the use of a club scan device will be expected as a minimum requirement. Door staff will also be expected to wear high visibility jackets and armbands so that they can be easily identified and an applicant's failure to propose this will likely result in a representation being submitted by the Licensing department acting as a responsible authority. Other initiatives such as utilising, where appropriate, body worn video to help promote the prevention of crime and disorder licensing objective is strongly encouraged. The use of breathalysers is also to be encouraged in venues that are alcohol led and should - where appropriate - be advertised as a condition of entry to a licensed premises - particularly given the current prevalence for pre-loading.

### **Hotels - General Approach to conditions**

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

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

## **Film Exhibitions**

6.30 The authority will not permit the showing of films which are likely to lead to disorder or incite violence towards any section of the public on the grounds of colour, race, ethnic origin, disability, religious beliefs or sexual orientation.

6.31 The authority expects that all films will be shown in accordance with the classification assigned to it by the British Board of Film Classification and that premises showing films have sufficient procedures in place to prevent underage persons from viewing it.

6.32 Requests for certification by the licensing authority should be made at least 28 days in advance of the proposed screening date and submitted to the Licensing department along with the appropriate fee. Requests should include:

- A physical copy of the film or link to a viewable copy online
- Details of any existing classification issued by an existing classification body, whether within or outside the UK
- A synopsis identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film
- Any recommendation(s) that may have been made by the filmmaker for the intended audience for exhibition of the film
- Proposed age certification by the applicant.

6.33 In accordance with the guidance issued under Section 182 of the Licensing Act 2003, the licensing authority shall concern itself primarily with the protection of children from harm when classifying films.

6.34 The licensing authority considers the classification system used by the BBFC to be nationally understood and accepted. Therefore, it will use this system as a reference point for determining its recommendation(s) on the restriction of access of children to the film(s). However, it should be noted that the licensing authority is not obliged to follow these guidelines.

## **Fire Safety and Capacity Limits**

6.35 The authority is committed to ensuring public safety in licensed premises by working in close partnership with Royal Berkshire Fire and Rescue Service subject to the provisions of the Regulatory Reform (Fire Safety) Order 2005.

6.36 Applicants and licence holders are expected to produce a comprehensive fire risk assessment before their premises is used for licensable activities. This document should be revised and maintained in accordance with the provisions of the Regulatory Reform Order 2005. It is a legal requirement that all licensed premises have a written fire risk assessment.

6.37 The Licensing authority will not generally seek to impose a safe capacity figure as a condition on a premises licence or club premises certificate unless it is appropriate for the promotion of the licensing objectives. Licence holders should ensure that all measures that impact on the public safety licensing objective are adhered to.

## **7. Licensing Hours**

### **General Approach**

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

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

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

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

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

### **Licensed Premises in Residential Areas**

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

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

7.8 Premises that wish to provide regulated entertainment may be subject to additional conditions to ensure that residents are not disturbed. This may include the use of sound limiters; keeping doors and windows closed and restricting the hours when music is played.

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

7.10 Where any outside area is used for drinking and/or smoking - including the public highway outside of a licensed premises - and complaints of public nuisance or noise are received the authority will consider controls to limit the disturbance.

7.11 Premises that are planning to put on events that involve regulated entertainment may be required to provide the authority with a detailed event management plan of that event which may include a detailed noise risk assessment.

7.12 The licensing authority will seek the input of the Council's Environmental Protection and Nuisance team when looking at measures that may be appropriate for the prevention of public nuisance. This will include taking cognisance of any representations that are submitted as part of the application process or any enforcement action they have taken under their own legislation - such as noise abatement notices.

### **Hours of Sales in Off Licences**

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

### **Drinking up/Winding down time/Dispersal**

7.14 Premises that provide licensable activity that may undermine the promotion of the four licensing objectives; cause disturbance to residents or in any way exacerbate issues of anti-social behaviour and crime and disorder, are expected to adopt, implement and maintain a robust dispersal policy. Licensed premises in residential areas or within the Council's Cumulative Impact Areas (if there are any in force - see 4.3) are also expected to outline measures such as a suitable wind down time where licensable activities will come to a gradual conclusion before closing time to allow for a gradual and orderly dispersal from the premises and area. It is expected that all staff will be aware of any dispersal policy and wind down times so as to ensure that customers actively leave the premises and area within permitted hours and with the minimum of disturbance to local residents.

7.15 In the case of nightclubs, dance venues and similar premises, it is expected that licence holders and designated premises supervisors instigate and operate a wind down time starting at least thirty minutes before closing time. During this time, the pace, volume and type of music played should be slowed down and reduced to background levels. The sale of alcohol should also cease and staff should be available to assist in the gradual dispersal of patrons from the premises and the immediate area. It is expected that door supervisors should also assist with the gradual dispersal of patrons from the premises and the area and direct people to public transport if appropriate.

### **Late Night Refreshment**

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

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

## 8. Children in Licensed Premises

8.1 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). The Secretary of State's Guidance to the Licensing Act 2003 also makes clear that the authority must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

8.2 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

8.3 The Authority will expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises. The Authority will also expect any licence holder who wishes to hold events for children to provide it and Thames Valley Police with a detailed risk assessment of that event including how the event will be managed, staffing levels for the event and how any child will be prevented from being exposed to any harm.

8.4 The authority will give considerable weight to representations about child protection matters particularly from Brighter Futures for Children who act as the Responsible Authority under the Act for matters relating to child protection. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

8.5 The Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises.

8.6 The Authority will expect all licence holders or premises that wish to allow children on to their premises to ensure that access is restricted where appropriate. This would include, ensuring that all children are accompanied and that they do not have access to or sight of alcohol. Examples of when access could be restricted or denied to the premises altogether could be:

- where adult entertainment is provided;

- where there have been convictions of members of staff or the current management for serving alcohol to minors or there is strong anecdotal evidence of alcohol being sold to minors;
- where there is a known association at the premises for drug taking or drug dealing;
- where there is a strong element of gambling on the premises - particularly large stake games involving significant sums of money
- where the supply of alcohol for consumption on the premises is the exclusive or primary use of the services provided at the premises.

8.7 The 2003 Act requires that any premises showing films must ensure that children are not able to view age restricted films (as classified by the British Board of Film Classification). The authority will expect any licence holder or applicant who intends to show films to outline suitable robust measures on how they will protect children from exposure to this potential harm. The authority may impose suitable conditions if it believes it is required for the promotion of the four licensing objectives.

8.8 Where a large number of children are likely to be present on any licensed premises, for example a children's pantomime, disco/rave or similar event, the authority expects all children to be supervised by an appropriate number of adults and to ensure that the venues put measures in place to prevent any child being exposed to harm.

8.9 Venue operators may also apply their own admissions policy to their premises. If a venue has carried out a risk assessment that deems it appropriate to exclude children or young persons from their premises then that is a matter for them. The authority will expect all venue operators to risk assess their venues accordingly against the nature of the licensable activities they intend to carry out. This could include, for example, allowing accompanied children into a premises up until a certain time and then excluding them for the rest of the time the premises is open.

8.10 The Authority strongly recommends that events where persons under the age of 18 years and persons over 18 years do not take place unless there are sufficient and robust control measures in place. Experience has shown that mixed age events are extremely difficult to control and manage and they have led to persons under the age of 18 being exposed to alcohol and entertainment late into the night. It is the authority's view that mixed age events should not take place within the late night economy - particularly at venues that are alcohol and entertainment led and which are operating late at night. It is the authority's view that these mixed aged events can have an adverse impact on a young persons well being as well exposing them to unacceptable levels of harms associated with the night-time economy.

8.11 The responsible authority for protecting children from harm in the Reading Borough Council local area is Brighter Futures for Children. Whilst the Brighter Futures for Children is a named Responsible Authority under the Licensing Act 2003, the authority is of the view that all responsible authorities can provide input and representations in relation to child protection issues. The authority will therefore give serious consideration to any representation from other responsible authorities such as Public Health and Trading Standards if they pertain to child protection issues.

## **Child Sexual Exploitation**

8.12 There is an increasing connection between the use of licensed premises and the sexual exploitation of children and vulnerable people. There have been high profile cases nationwide of such abuse. This has included the use of licensed premises to exploit, groom



and assault children and vulnerable people as well as exposing them to drugs and alcohol. The authority places the highest priority on the protection of children and vulnerable people from this kind of harm and expects all licence holders and potential licence holders to take cognisance of all national guidance in relation to preventing this kind of activity taking place at their premises.

8.13 The authority undertakes test purchasing operations with Thames Valley Police in order to ascertain whether premises have sufficiently robust policies and procedures in place to deter CSE from taking place at their premises. Premises that fail these test purchase operations should expect the authority to take further action in regard to any failure so as to ensure that children and vulnerable persons do not suffer any further harm. The Authority would expect any responsible licence holder to constantly review their policies and practices in relation to actively promoting the licensing objective of protection of children from harm.

8.14 Where it is brought to the authority's attention that any licensed premises is continually exposing children and vulnerable people to harm, the authority - in consultation with other responsible authorities - will look to take immediate remedial action to prevent further harm utilising any or all of the powers at its disposal.

## Children and Alcohol

8.15 The Licensing Act 2003 contains a number of offences in relation to the sale of alcohol and children as detailed below:

Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

8.16 The Licensing Authority expects all applicants for grants or variations of their premises licence or club premises certificate to outline robust measures to protect children from harm. This can include appropriate staff training as well as a Challenge 25 age verification policy for the sale of alcohol and any other measure which is deemed appropriate for the style of premises.

8.17 The Authority carries out joint test purchasing operations with other responsible authorities such as Thames Valley Police and Trading Standards as well as the Community Alcohol Partnership officer. Test purchasing operations will also be carried out to ensure that licensed premises are adhering to their age verification policy as per the mandatory conditions attached to all licences that sell alcohol.

8.18 Where a licensed premises is found to have sold alcohol to a child under the age of 18 years of age then the authority will look to take immediate remedial action against that premises and that licence holder. Similarly, if a premises is found to be selling alcohol in breach of its licence conditions or the mandatory conditions, those are offences which the authority deems to be particularly serious and will look to take action to prevent a re-occurrence.

## **9. Enforcement**

### **General Principles**

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.

9.4 Reading Borough Council and Thames Valley Police work in partnership when carrying out work that involves licensed premises and any matter that undermines the licensing objectives. The Authority and Thames Valley Police also work in partnership with colleagues in the Home Office Immigration Enforcement team and Trading Standards on a variety of issues including the prevention and detection of illegal working in licensed premises and issues surrounding super strength alcoholic products and responsible alcohol retailing.

9.5 The Licensing Authority, Trading Standards and Thames Valley Police have established a regular partnership group to discuss and identify issues arising from licensed premises and to decide what, if any, enforcement action should be taken against any such premises. The partnership group is often attended by other colleagues so as to provide the widest possible, joined up approach to tackling issues in relation to licensed premises. It is the authority's view that issues are best tackled, whenever practicable, through this joined up approach as it provides consistency and a best practice approach to dealing with licensing issues.

### **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.

### **Test Purchasing**

9.8 It is the Authority's view that the sale of alcohol or other age restricted products to children is completely unacceptable. The Authority will work with colleagues in Thames Valley Police, Trading Standards and the Community Alcohol Partnership to regularly carry out test purchases on licensed premises. The sale of alcohol to children is an offence under

the Act. Any premises or licence holder that is found to be selling alcohol to children is likely to have enforcement taken against them.

9.9 A further offence of persistently selling alcohol to children has also been inserted into the Licensing Act 2003. This is defined as alcohol being sold to a child on two occasions within a period of three consecutive months. Any premises that is found to be persistently selling alcohol to children will, as per the Secretary of State's Guidance at paragraph 11.30, have that premises licence reviewed with a view to having it revoked.

9.10 As well as test purchasing exercises being undertaken to establish whether alcohol is being sold to children, test purchasing exercises will also be carried out to ascertain whether a premises is adhering to its age verification policy. Most licences will have a condition stating what the premises' age verification policy should be. Further, the mandatory conditions on all premises licences that authorise the sale of alcohol clearly state that each premises must implement an age verification policy and that all sales must be carried out in accordance with that policy. Therefore, if a premises operates a Challenge 25 policy and only accepts certain photographic ID, then they will be tested to see that this is being done. It is the Authority's view that a Challenge 25 age verification policy should be adopted as best practice with only nationally accredited photo ID being acceptable as proof of age. Any premises found to be selling alcohol not in accordance with their own adopted age verification policy will be committing an offence which could lead to enforcement action being taken to prevent a reoccurrence.

9.11 Further offences in relation to children and alcohol are listed at paragraph 8.15 of this policy and licence holders are expected to be aware of these and to undertake due diligence to prevent these serious crimes occurring. All premises that sell alcohol are expected to have robust systems in place to ensure alcohol is not sold to children.

## **Enforcement Approach**

9.12 Where offences are found to have been carried out on licensed premises, the Authority has a number of enforcement options available to it. The Authority will work with partner agencies to determine which enforcement option is appropriate for the promotion of the licensing objectives. The seriousness of the offences found will be taken into consideration as well as any previous issues of non compliance or criminality that have taken place at the licensed premises.

9.13 The enforcement options available to the Authority are wide-ranging. The Authority may consider, for example, that a letter detailing the issues found during an inspection followed by a period of time to rectify them is sufficient to promote the licensing objectives. Similarly, the Authority may consider that the breaches are sufficiently serious to warrant an immediate performance meeting with a licence holder so that a discussion can take place about the adequacy of the processes in place at the premises. This could, for example, lead to recommendations being put to the licence holder to implement much more robust conditions and processes to avoid a repeat of the breaches found. The authority may also decide to prosecute relevant persons for offences being carried out on licensed premises. Licence holders should note that the authority can take one or more of these options available to it at the same time for the same offences should it be deemed appropriate to do so.

9.14 Licence holders should be aware that some criminal activity on licensed premises is considered to be of such seriousness to warrant a licence being reviewed straight away. There is certain criminal activity stated within the Secretary of State's Guidance that should be taken particularly seriously and where revocation of a licence, even in the first instance, should be seriously considered. This can include the sale or storage of smuggled alcohol or

cigarettes on a licensed premises; the employment of an illegal worker at a licensed premises and the use of a licensed premises to sell or distribute drugs and weapons. Clearly if a premises is found to be committing such serious offences, then the premises and licence holder is severely undermining the licensing objectives. It is likely, under such circumstances, that a licence review will be initiated by the Authority or colleagues within Thames Valley Police, Home Office Immigration Enforcement or the relevant responsible authority with a view to having the licence revoked.

9.15 Licensed premises that have a history of non compliance over a period of months and years and/or incidents of serious crime taking place at that premises, will likely find that the Authority will initiate a review with a view to asking for the licence to be considered for revocation.

9.16 When considering what enforcement action to take, the Authority will always consider what is the most appropriate and proportionate step to promote the licensing objectives. The Authority is not required to wait for offences to occur before deciding it needs to take appropriate action. Case law - notably *East Lindsey District Council v Abu Hanif* - states that the promotion of the licensing objectives requires a prospective consideration of what is warranted in the public interest having regard to the twin considerations of prevention and deterrence. Similarly, the Secretary of State's Guidance to the Licensing Act makes clear that there is no requirement for the Authority to wait for the outcome of any criminal proceedings before it initiates any enforcement action. This is the approach that the Authority will take when considering what, if any, action should be taken when condition breaches and other criminal activity is found at licensed premises.

9.17 Thames Valley Police may also initiate a Summary Review when they believe a premises is associated with serious crime, serious disorder or both. The Summary review process is outlined in Section 53A to 53D of the Licensing Act 2003 and is reserved for the most serious crime and disorder issues. When a Summary Review is submitted by Thames Valley Police, the Authority will deal with the application as set out in the Act. Similarly, Immigration Enforcement may also close a licensed premises under a compliance order which will then trigger an expedited review once the Authority is notified by the Magistrates Court. This will be dealt with in accordance with the processes and timescales detailed in the Act.

9.18 Any responsible authority or person defined as 'any other person' within the Act can initiate a review of any premises licence or club premises certificate. When another responsible authority or other person initiates a review, the Authority will deal with it as the Licensing Authority and may also wish to make representation in support of the review within its role as a responsible authority if it has relevant information.

9.19 Licensed premises that are found to be compliant and which do little to undermine the promotion of the licensing objectives will be deemed as a much lower risk than premises that breach conditions, carry on serious criminal activity and generate complaints.

9.20 The Authority shall endeavour to work with licence holders and applicants where it is believed that steps can be taken to rectify issues identified at licensed premises. However it cannot merely continue that approach if it has previously failed or the licence holder is unresponsive. It is the responsibility of all licence holders and responsible authorities to ensure that licensed premises are not undermining the promotion of the licensing objectives and that licensable activity is carried out lawfully. The Authority will work with partners to determine what action is appropriate for each premises where issues are discovered. Each premises and the action required for each will be assessed on its own individual merits.

9.21 The Council, in determining a review application can take the following steps in order to promote the licensing objectives:

- modify the conditions on the licence
- exclude a licensable activity from the scope of the licence
- remove the designated premises supervisor
- suspend the licence for a period not exceeding three months
- revoke the premises licence

9.22 If a summary review has been submitted by Thames Valley Police then the Authority can, within 48 hours of an application, take immediate steps if it deems it appropriate for the promotion of the licensing objectives. These are called ‘interim steps’ and can include modifying conditions; removing alcohol as a licensable activity; removing the designated premises supervisor or suspending the licence. The interim steps - unless successfully appealed by the licence holder within 48 hours - shall remain in place at least up until the final review hearing. The final review hearing will then see the Authority make two determinations - what action to take in relation to the premises licence and whether it is appropriate for the interim steps to remain in place.

### **‘Shadow licences’**

9.23 A shadow licence is generally the term given to a licence applied for at a premises that already has a premises licence. Typically the applicant is a landlord of a premises where a tenant is conducting licensable activity under a separate licence. There is case law to suggest that this is permissible however the Authority is concerned that this undermines the sanctions available to it in response to a review application under the Act. This would be the case if enforcement action - including a review - was taken in respect of one of the licences yet the premises continued to operate under the authority of a second licence. The Authority recognises that landlords have powers over their tenants outside of the licensing regime and would expect responsible landlords to exert that control in order to promote the licensing objectives. Where the landlord is also a premises licence holder, the Authority considers that the landlord has further responsibilities in respect of the operation of the premises to promote the licensing objectives. If appropriate, the Authority will seek to review both licences if it is considered the best way to actively promote the licensing objectives.

9.24 Any application for a ‘shadow licence’ and any enforcement action that may need to be taken will be dealt with in accordance with this policy and the measures already set out. This would include, for example, a prospective applicant for a ‘shadow licence’ in the Council’s Cumulative Impact Area being able to rebut the presumption of refusal against such licences being granted in that area.

### **Personal Licences**

9.25 Any personal licence holder who is convicted of a relevant offence or has had to pay an immigration penalty are required to notify the Authority of this. Where it is discovered that a personal licence holder has been convicted of a relevant offence or has had to pay an immigration penalty, the Authority will look to take action under Section 132A of the Licensing Act. This can lead to a personal licence being suspended for a period of up to six months or revoked in its entirety. Any licence holder who commits these offences would likely have undermined the licensing objectives and an assessment will need to be made as to whether they should be permitted to carry on holding a personal licence and whether they should be in a position where they could authorise the sale of alcohol from a premises.

## **Temporary Event Notices**

9.26 Any person who applies for a temporary event notice will be subject to the same assessment of their activity that is applied to premises licence holders. Enforcement officers can enter any premises where a temporary event notice is about to or is being carried on to ensure that it is being carried out lawfully.

9.27 The Licensing Authority cannot in itself object to the holding of a temporary event notice. Thames Valley Police and the Environmental Health team can object to a temporary event notice if it believes that holding such event would undermine the licensing objectives. Given that the Authority works in partnership with Thames Valley Police and Environmental Health, it may, if requested, provide both with any information that it has in relation to enforcement matters including inspections carried out and/or complaints received. However, it will be down to Thames Valley Police and Environmental Protection to make a representation if they reach the conclusion that holding the event will undermine the licensing objectives.

9.28 Any person who applies for a temporary event notice who is found not complying with the notice, will be subject to enforcement activity for carrying out licensable activities not in accordance with the authorisation they have applied for.

## **Early Morning Restriction Orders (EMROs)**

9.29 EMROs can be introduced by the Licensing Authority for any part of the Borough where it is considered that restricting the sale of alcohol between Midnight and 0600hrs is appropriate to promote the four licensing objectives in the Licensing Act 2003. It can apply either every day or for certain days, and for an unlimited or time-limited period.

9.30 Prior to introducing an EMRO, the Authority must consult directly with Responsible Authorities and licensed premises, and more widely with residents and other parties likely to be affected. Any representations must be made within a 28- day period and be considered by the Licensing Committee; the EMRO itself must be endorsed by the full Council. Once introduced, the EMRO will make it an offence to sell alcohol during the times specified in the order, whether under a premises licence, club premises certificate or TEN.

9.31 Any consultation in relation to a possible EMRO or decision to implement an EMRO will be undertaken separate to this policy document.

## **Late Night Levy (LNL)**

9.32 Late night levies allow Licensing Authorities to raise a contribution from late opening alcohol retailers towards the policing costs generated by the late night economy. The levy will apply to all premises (on and off trade), throughout the Licensing Authority's area, which are authorised to sell or supply alcohol in the time period set by the Licensing Authority. This can be any time between Midnight and 0600 Hours. A consultation process is required before introducing a LNL. The consultation process will include the Police, licence holders and others. Unlike EMROs a LNL will not apply to TENs.

9.33 Any consultation in relation to a possible LNL or decision to implement a LNL will be undertaken separate to this policy document.

## **10. Administration, Exercise and Delegation of Functions**

10.1 The powers of the Licensing Authority under the Licensing Act 2003 may be carried out by the Licensing Committee; by a Sub Committee or by one or more officers acting under delegated authority. The Licensing Committee will consist of between 10-15 members and the committee may establish one or more sub-committees consisting of two or three members.

10.2 As many of these functions will be largely administrative with no areas of contention, then officers who are duly authorised will carry out these functions.

10.3 A Licensing Sub-Committee shall hear all applications where relevant representations have been received and applications for the review of a premises licence that may have been submitted by Responsible Authorities or any other persons.

10.4 Officers will deal with all other licence applications where either no representations have been received or where representations have been received but have been resolved to the satisfaction of all parties so that a hearing is not required. Officers will also deal with and determine minor variation applications as well as considering whether a person with a Personal Licence - who has been convicted of a relevant offence or has been ordered to pay an immigration penalty - should be referred to the licensing sub-committee with a view to suspending or revoking their licence.

10.5 The Licensing Authority has two roles within the Licensing Act 2003. The second of these is the role as a responsible authority. This means that the authority can make representations and apply for licences to be reviewed if it is of the belief that a premises or licence holder is likely to or already is undermining the licensing objectives. When exercising its role as a Responsible Authority there will be a clear separation of work between the officer acting as the Licensing Authority and the officer acting as the Responsible Authority.

10.6 When considering whether to exercise its role as a Responsible Authority, officers shall ensure that cognisance is taken of the Authority's Licensing policy; the Secretary of State's Guidance; information it has obtained during enforcement visits or joint working with other Responsible Authorities or any other relevant information available to it.

10.7 Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by officers. All representations must relate to one or more of the four licensing objectives. They will be determined objectively; not based on any political judgements and will take cognisance of the Secretary of State's Guidance which states that in borderline cases the benefit of the doubt should be given to the person making the representation.

10.8 Where an officer of the Authority determines that a representation is frivolous or vexatious, then the person who made that representation will be given a written reason as to why that is the case.

10.9 Only in exceptional circumstances will the Authority remove personal details from representations and then only on the grounds of the potential for fear or intimidation being inflicted on the person making that representation. The Authority will also adhere to its obligations under the Data Protection Act and may redact personal contact details such as phone numbers, email addresses and house numbers.

10.10 The Authority shall expect applicants to address how they will promote the licensing objectives within their application and to have taken cognisance of this policy document, the Secretary of State's Guidance and any publicly available data about the locality they wish to trade.



<b>Matters to be dealt with</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for Personal Licence	If Police or Home Office Objection received	If no objection is made
Application for Personal Licence with unspent convictions	All Cases	
Application for Premises Licence/ Club Premises Certificate	If a relevant representation is made	If no relevant representations are made
Application for a Provisional Statement	If a relevant representation is received	If no relevant representations are made
Application to vary a Premises Licence/Club Premises Certificate	If a relevant representation is received	If no relevant representations are made
Application to vary a Designated Premises Supervisor	If a police objection received	All other cases
Request to be removed as a Designated Premises Supervisor		All cases
Application for transfer of Premises Licence	If Police or Home Office Objection received	All other cases
Application for Interim Authority Notice	If a police objection received	All other cases
Application to review Premises Licence/ Club Premises Certificate	All Cases	
Decision on whether a representation is irrelevant, frivolous, vexatious etc		All cases
Decision to object when Local Authority is a consultee and not the relevant authority considering the application	All Cases	
Determination of an objection to a temporary event notice	All Cases	
Determination of application to vary a Premises Licence at community premises to include alternative licence condition	If a police objection received	All other cases
Decision whether to consult other responsible authorities on Minor Variation application		All cases
Determination of Minor Variation		All cases

## 11. Responsible Authorities Contact Details

11.1 The Responsible Authorities duly named within the Licensing Act 2003 are outlined below. Applicants are advised to contact any of the relevant Responsible Authorities to seek guidance on their application before submitting it.

11.2 Applications submitted electronically will be sent to the Responsible Authorities below by the Licensing Authority. If an application is submitted in hardcopy - including applications for the review of a premises licence submitted by someone regarded as 'any other person' - then they must be distributed to all of the Responsible Authorities below by the applicant.

### Contact Details

- 1. The Licensing Team**, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU  
Email - [licensing@reading.gov.uk](mailto:licensing@reading.gov.uk)  
Telephone - 01189 373762
- 2. Thames Valley Police**, Licensing Team, Oxford Road, Kidlington, Oxon, OX5 2NX  
Email - [licensing@thamesvalley.pnn.police.uk](mailto:licensing@thamesvalley.pnn.police.uk)  
Telephone - 101
- 3. Royal Berkshire Fire and Rescue Service**, Newsham Court, Pincents Kiln, Calcot, Reading, RG31 7SD  
Email - [westhubfiresafety@rbfrs.co.uk](mailto:westhubfiresafety@rbfrs.co.uk)
- 4. Environmental Protection and Nuisance Team**, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU  
Email - [environment.protectionteam@reading.gov.uk](mailto:environment.protectionteam@reading.gov.uk)
- 5. Environmental Health Food Safety Team**, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU  
Email - [Consumer.Protection@reading.gov.uk](mailto:Consumer.Protection@reading.gov.uk)
- 6. Trading Standards Team**, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU  
Email - [Consumer.Protection@reading.gov.uk](mailto:Consumer.Protection@reading.gov.uk)

7. **Planning Team, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU**  
Email - [plgadmin@reading.gov.uk](mailto:plgadmin@reading.gov.uk)
8. **Public Health, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU**  
Email - [wellbeing.service@reading.gov.uk](mailto:wellbeing.service@reading.gov.uk)
9. **Brighter Futures for Children, Civic Offices, Bridge Street, Reading, RG1 2LU**  
Email - [LADO@brighterfuturesforchildren.org](mailto:LADO@brighterfuturesforchildren.org)
10. **Home Office Immigration Enforcement (Alcohol Licensing Team), Home Office, Lunar House, 40 Wellesley Road, Croydon, CR9 2BY**  
Email - [alcohol@homeoffice.gsi.gov.uk](mailto:alcohol@homeoffice.gsi.gov.uk)
11. **(Boat Applications only) - Environment Agency, Kings Meadow House, Kings Meadow Road, Reading, RG1 8DQ**  
Email - [waterwaysthames@environment-agency.gov.uk](mailto:waterwaysthames@environment-agency.gov.uk)

## GUN STREEN GARDEN AND THAMES VALLEY POLICE CONTACT

**5/10/2019**

TVP e mail regarding a Christmas Party Booking

**7 February 2020**

TVP letter to GSG following a performance review on 23/1/20

**November 2021**

Various emails PC Troy Cutler and George Barber. George Barber e mails to Police regarding Troy Cutler.

**10<sup>th</sup> January 2022**

Email from George Barber to Declan Smith ( incident 1/1/22).

**12<sup>th</sup> January 2022**

Email from George Barber to Declan Smith with dispersal policy.

**11<sup>th</sup> May 2022**

TVP summary of drug swabs at the premises

**13<sup>th</sup> May 2022**

TVP and RBS visit

**16<sup>th</sup> May 2022**

RBC letter to GSG ( Inspection 11/5/22)

**30 June 2022**

Follow up visit to the 11/5/22 inspection. Email Robert Smalling to Theo "Following my second visit yesterday I am pleased to see that most of the issues have been rectified. The only outstanding matter is condition 19A which Will is aware of.

**14<sup>th</sup> July 2022**

Meeting took place between Declan Smith, Robert Smalling, Theo and George following the incident on the 3<sup>rd</sup> July 2022.

**Post 18<sup>th</sup> July 2022**

No contact with Declan Smith since the email of the 18<sup>th</sup> July 2022 with regard to any issues or concerns. High Vis tabards were dropped off at the site a few months ago by Declan and nothing mentioned , no concerns, no issues , no meetings needed. Nothing.

**Post 2<sup>nd</sup> December 2023**

No initial contact with Licensing. Discussions with the Council and Licensing a week later led to the member of door team involved being suspended.

Applications submitted for Temporary Event Notices over Christmas / New Year. Theo called Declan to ask what more info was needed for the TEN as the late TEN had been rejected. Declan said the reason for refusal was not the lack of information but the incident on the 2<sup>nd</sup> December and apparently another incident relating to a mass ejection with Police being assaulted ( on the information provided Gun Street Garden was not trading). Theo was told that the Police would have to do something and would review the licence.

### **GUN STREET GARDEN - ADDITIONAL OPERATING MEASURES**

1. One of Theo or George will work at the premises whenever the premises is open for licensable activities for the next 3 months at which point a performance review with Declan Smith will take place.
2. Last entry to the premises 0130.
3. Alcohol sales to stop at 0230.
4. Three SIA on duty when the doors to the premises open and on a Friday from 2230 there will be five SIA on duty and on a Saturday from 2230 seven SIA.
5. In each of the rooms at the premises there will be at all times one member of SIA with a body worn camera.
6. The premises will employ a Customer Care Officer in the venue. This Customer Care Officer will not be part of the bar staff or part of the door security team.
7. A personal licence holder will be on duty in each of the rooms when licensable activities are taking place.
8. The premises will operate in accordance with the Operational Manual dated 1/2/24 or as amended.
9. A written record will be kept of a CCTV check to ensure the system is working - a check will take place before each trading session.

Gun Street Garden

# **Operational Manual**

LICENSING POLICIES & PROCEDURES

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## **1. Introduction**

The aim and purpose of this manual is to promote the Four Licensing Objectives:-

- The Prevention of Crime & Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The manual sets out Gun Street Garden operating standards and the policies and procedures to be followed by all staff.

The manual will be reviewed regularly to ensure any changes at Gun Street Garden or to licensing laws are addressed.

The policies and procedures contained within the manual will be incorporated into staff induction and training sessions.

## 2. Terms of Entry

The aim of this policy is to prevent problems inside Gun Street Garden by ensuring that the highest standards are in place when vetting guests prior to them entering.

It is very important that there is a consistent standard and approach to whom is allowed on the premises.

The following controls on entry will be implemented by managers, door hosts and security at the entrance on any days when licensable activities are being provided.

The following persons will be refused entry: -

1. Any persons deemed by management or security to be under the influence of alcohol or illegal substances
  - a. A breathalyser test will be available at all times to be used at the discretion of the venue on customers entering the premises.
2. Any persons carrying or thought to be carrying any form of offensive weapon
3. Any person who refuses to be searched when asked
4. Any person who refuses to provide ID when asked
5. Any persons not in keeping with the dress code, set out below
6. Any persons, who are known to have been involved in any criminal activities either within or in the areas surrounding Gun Street Garden
7. Any ex-employees of the business, whose employment was terminated by the company
8. Large single sex groups
9. Any person who is under the age of 18 on any day where the premises will be open for licensable activities.
10. Any person who is excluded on Pubwatch/Nightsafe schemes (the venue is an active member of the pub watch scheme).

The maximum permitted occupancy, including all staff members is 350.

The last permitted entry is on any given night shall be one hour prior to the venues closing time.

Gun Street Garden retains the right to search customers as a condition of entry to ensure the safety of both customers and staff.

### Guest Dress Code

Smart casual dress, no gym trainers or sportswear, no beanies.

If customers are wearing caps, these are to be removed on entry.

Management reserve the right of entry. Being on a guest list, or having a reservation, does not guarantee entry.

### 3. Young People

The aim of this policy is to protect children from harm, prevent breaches of Premises Licence conditions and to prevent underage entry to Gun Street Garden.

All serving staff will receive regular training (at minimum intervals of no less than 6 months) on age identification and verification. It is imperative that staff understand the restrictions under the Licensing Act 2003 and ways to identify underage persons and prevent sales of alcohol to them.

It should be noted that the premises have a no under 18's policy. However, it is very important for serving staff to be generally aware of the provisions of the Licensing Act 2003 in relation to young persons.

#### Provisions of the Licensing Act 2003

Children under 16; cannot be allowed on licensed premises that are solely or primarily for the sale of alcohol unless accompanied by someone over 18 years old (premises offering entertainment or food would not necessarily be considered in this category).

It is unlawful under the Act to allow unaccompanied children aged less than 16 years into the premises between midnight and 5 a.m. where alcohol is supplied for consumption on the premises

16 and 17 years old's: can have beer, wine or cider with a table meal as long as someone over 18 years old accompanies them & purchases the drink for them

#### Under 18year old's

- Cannot purchase alcohol
- Cannot knowingly consume alcohol {unaccompanied - see above}

#### Under 18year old's

- Cannot sell alcohol unsupervised

#### Over 18year old's

- Cannot send an under 18 to purchase alcohol
- Cannot purchase alcohol for an under 18 unless they are 16 or 17 and eating a meal at a table
- Cannot allow the unsupervised sale of alcohol by someone under 18

#### Offences under the Licensing Act 2003

There are numerous offences involving the sale of alcohol to children:

A person commits an offence under section 146 if he sells alcohol to a child under 18. A club commits an offence under section 146(2) if alcohol is supplied by it or on its behalf to, or to the order of, a member of the club who is under 18.

A person charged with an offence by reason of his own conduct has the same defence as is available in respect of a section 145 charge, that the person charged had no reason to suspect that the individual was under 16; and a person charged because of the act or default

of another has a due diligence defence available.

Under section 147 it is also an offence to knowingly allow the sale of alcohol, on relevant premises, to a child under 18. Here, the offence would not be committed if the child unwittingly consumed a spiked drink.

A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 (£5,000) on the standard scale.

#### Mandatory Conditions

Every Premises Licence that authorises sales of alcohol is subject to a mandatory condition requiring an age verification policy.

*(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.*

*The recommended forms of ID that will be accepted will be passports, driving licences with a photograph, photographic military ID or proof of age cards bearing the PASS mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of police and the Licensing Authority, without the need to amend the Licence or conditions attached to it.*

*A Challenge 25 policy shall be implemented and only photographic identification such as passport, driving licence or citizen cards bearing the PASS hologram shall be accepted. If an individual is unable to provide such identification then they shall not be served with any alcoholic beverage. Posters shall be displayed confirming this policy.*

*Training shall be given to all persons involved in the sale of alcohol regarding offences under the Licensing Act 2003 and acceptable forms of ID (photo driving licence, passport or PASS scheme card) and the challenge 25 policy. Written records shall be kept of all training that is carried out, such records shall include details of the names of staff trained including their signature, and a summary of the training matters covered in the training. Training records will be kept on site for a minimum of one year and shall be available for inspection on demand by police and local authority officers.*

The following procedures will be implemented by managers and security at the entrance and by serving staff at the point of sale.

1. The premises operate a strict 'Challenge 25' policy where any guest appearing under 25 years of age will be required to provide proof of age
2. Gun Street Garden does not allow under 18year old's on the premises when they are open and providing licensable activities.

3. This policy is enforced at the entrance by security and managers
4. Only international passports, UK driving licences (or other driving licences, such as EU, with a photo), military card or any PASS approved proof of age card will be accepted as proof of age
5. When checking ID staff will:-
  - Check the 3D effect hologram is not stuck on
  - Check photo to ensure it is the correct person
  - Check date of birth
  - Check ID for any tampering
  - If unsure of the persons age refuse service/entry
6. IDs will be electronically scanned using an identity scanning machine.
7. If a guest cannot provide satisfactory proof of age, Entry will be denied and they will be reminded to bring proof of age in the future.
8. There will be clear and prominent signage displayed at the entrance advising guests of the age policy and that "if you look under 25 you will be asked to prove you are over 18"
9. The age policy will be displayed on the premises' website and any promotional material
10. The premises will keep a record each night of guests who are refused entry or service at the bar due to their age

#### CHALLENGE 25 POLICY

- Any person who appears to a server/seller of alcohol to be under the age of 25 shall be challenged to produce an acceptable form of ID unless the server/seller knows them to be over the age of 18.
- The server/seller shall make clear eye contact and shall assess the person's
  - Appearance
  - Behaviour
  - Physical attributes
- Where the seller/server believes the person to be under 25 (unless they know the person is of legal age) then they shall challenge the person to produce acceptable identification
- Where no acceptable form of identification can be produced then the sale of alcohol shall be refused
- The seller/server shall involve a manager if required

## 4. Search and Seizure

The aim of this policy is to prevent prohibited items being brought into Gun Street Garden for the purposes of this policy, prohibited items are considered to be the following:

- Weapons
- Non-prescription drugs
- Alcohol

The following procedures will be implemented by managers and security at the entrance.

1. All persons entering may be subject to a search at any time.
2. Signage will be prominently placed at the entrance and queuing area stating:  
  
*The premises operate a search policy. All persons entering Gun Street Garden may be subject to a search of outer clothing and personal belongings. This is a condition of entry. Those unwilling to be searched will be refused admittance. Any illegal drugs or weapons will be seized and the police notified. By order of the management.*
3. Searching will consist of a physical pat down search and guests may be asked to empty their pockets.
4. Bags may be opened and searched.
5. All searches of customers will take place in a well-lit area clearly covered by CCTV.
6. Searches will take place prior to any entrance fee payment.
7. All searches will be same sex, i.e. male security to search male guests and female security to search female guests.
8. Guests may be searched on entry and re-entry.
9. Guests may be asked to be searched once inside the venue.

In addition, please be aware that all Managers and/or door supervisors are instructed to call the Police in any case where a weapon or drug dealing is involved or suspected.

In the event of seizure of a weapon or drugs:

- Ensure the process is witnessed.
- Confiscate the item found.
- Record and log details of drugs found in the incident book.
- Place drugs in a sealed evidence bag (provided by police) or sealed envelope which is signed across the seal.
- Drugs should then be placed in the drop safe if you have one
- Place knives or sharp objects in a weapons tube (provided by police) or suitable, safe, container.
- Call police on the non-emergency number (101) and inform them of seizure.
- In the event of a large quantity of drugs or a weapon being found, call the police immediately. Where possible the suspect should be detained (subject to the safety of

staff).

### Drug Seizures

An entry will be made in the incident book for every seizure. The process will be witnessed. The register will contain the following information.

1. Date / time item found
2. Where found
3. Details of person finding and any witnesses
4. Description of item
5. Seal number of property evidence bag (if applicable)
6. Any action taken (e.g. person detained, police called)
7. Signature of person seizing
8. Signature of manager

Details of person searched (if available)

## 5. Preventing & Dealing with Intoxication

The aim of this policy is to prevent guests becoming intoxicated and, if so identified, dealing with them in an effective and appropriate manner.

All serving staff will receive regular training (at a minimum intervals of no less than every 6 months) on preventing, identifying and dealing with intoxication and their responsibilities under the Licensing Act 2003.

It is an offence under the Licensing Act 2003 to knowingly sell to (or obtain alcohol for) a drunk person. It is also an offence for a drunk and disorderly person to fail to leave a licensed premises when asked by a police officer or the person in charge of the premises.

### Procedures

1. Security and management to regularly patrol venue, monitoring customer behaviour
2. Any member of staff who believes a customer is intoxicated will inform a member of management and/or security team
3. Anyone appearing intoxicated must be escorted outside to get air
4. The person will be informed clearly why they have been approached
5. Drinking water will be provided to any person believed to be intoxicated
6. The guest will be walked out through the main entrance unless there is a good reason to do otherwise; e.g. aggression with another group
7. Security and management on the door must be informed to ensure the person does not regain entry to the venue without the consent of the manager or head of security
8. Any person wanting to gain re-entry must see the manager or head of security who will make a decision whether the person is fit to re-enter the venue
9. If yes, this will be communicated to all security and managers that the person is now back in the venue
10. If the person is escorted out the venue a second time, they will not be allowed to re-enter
11. All walk outs will be recorded in the ejections log/incident book
12. The guest's welfare will be considered at all times
13. Advice on local transport options will be given
14. If required, taxis should be arranged to ensure the person arrives home safely



15. Where necessary, the expense of the taxi will be met by premises
16. Staff will understand that some illnesses can have symptoms which may make a person appear intoxicated.

### Staff Training

#### Identification

Servers are not expected to know a customer's blood alcohol content (BAG) but they are expected to recognise the signs of visible intoxication. Staff will be taught to identify four main areas using a system known as SAAB.

1. Speech
2. Appearance
3. Attitude
4. Behaviour

There are more than 50 indicators within these four areas. If a person shows one or two of these signs that does not necessarily mean the person is intoxicated. But a combination of some of these and a sudden change in behaviour could be a strong indication that a person is intoxicated.

If a member of staff is not sure they should not serve the person and consult a manager.  
Intervention and Refusing Service.

Staff have the right to refuse alcohol service to anyone as long as they don't violate anti-discrimination laws. Management commitment is essential to create a supportive environment that encourages responsible employee practices.

Owners and managers have an obligation to support their servers' efforts to obey the law. The best way to do that is to establish policies that promote responsible alcohol service.

At some point all serving staff will be faced with a decision about refusing to serve alcohol to a patron. Whether this decision is based on legal or safety requirements, it is important we deliver a consistent message that all patrons understand.

Intervention is the plan of action for a server that:

- Prevents a customer from drinking to intoxication
- Prevents minors from drinking

It is the servers' plan for bringing together legal and professional duties. Staff will show a professional attitude and approach when refusing service and will be instructed to:

Intervene early - don't let a problem develop

If possible, obtain agreement from a supervisor and notify security, if available, before speaking to the patron.

Be courteous & concerned - People are cooperative when being treated respectfully

Be tactful - Try not to accuse a guest of being intoxicated. Simply say you cannot serve them alcohol at this time

Be firm - remain calm & don't back down. Don't allow the customer to talk you out of your decision. If necessary ask for assistance from a manager or another employee

Be confident - This convinces people you know what you are doing

Be discreet - Try not to embarrass the customer in front of others.

All serving staff will:

- Smile, make eye contact, and take your time checking ID if necessary
- Chat with customers to determine their status.
- Watch for signs of visible intoxication (speech, attitude, appearance, behaviour)
- Check with co-workers if they have served the customer.
- Make sure water or other non-alcoholic drinks are available if required.
- When you are refusing service, inform their manager and co-workers.
- Take a manager or security with you when you have to refuse service or pull a drink.
- Use peer pressure when appropriate by asking for support from the customer's friends.
- Replace a pulled drink with something else i.e. water.

Be training to make a record of refusal of service in the refusals register, . The register shall contain:

- Details of the time and date the refusal was made;
- The identity of the staff member refusing the sale;
- Details of the alcohol the person attempted to purchase.
- Be training in proxy serving.
- Trained in conflict management.
- Trained in identifying and safeguarding vulnerable persons who attend and leave the premises.
- Trained to identify signs of drug usage and prevention.
- Understand and be trained on the four licensing objectives.
- Staff will also be taught to use 'intervention Scripts' Avoiding "you" statements - Using "I" statements

Not to: bargain; debate; get defensive; or give lengthy explanations.

To focus on the law and the consequences you face

"I'm not able to bring you another drink tonight. I could get into trouble with the authorities and we could lose our Licence if I serve you more alcohol. How about I bring you a water."

"Our company policy doesn't allow me to serve you any more alcohol. We could get into trouble with licensing and lose our premises license. I'll bring you some water."

"Listen, I could get fired if I serve you another drink. The police could fine the business and me, and I could lose my job. I'll bring you a water."

To focus on the customer's well-being

"Look, I'm concerned about your safety. I want to be sure you get home okay tonight. Why don't I bring you a glass of water?"

"Legally, I'm not allowed to serve you another drink. This glass of water will help you avoid getting a hangover tomorrow."

Don'ts of service refusal

- Don't call your patron a 'drunk' - warn them politely that their behaviour is unacceptable or inappropriate.
- Don't be persuaded to give them 'one last drink' after you have stated that they have had enough.
- Don't agree to let the person finish their drinks (it is an offence under the Liquor Act to allow a minor or unduly intoxicated or disorderly person to consume liquor on licensed premises).
- Don't raise your voice. If they raise theirs, lower yours.
- Don't put off refusal hoping that the patron will leave after the next drink - act while the patron can still be reasoned with.
- Don't judge other people.
- Don't think the matter is over because you have verbally addressed it.
- Don't tell them what to do or how to behave.
- If you need to involve a manager or security then do so

## 6. Drugs

The aim of this policy is to prevent the use and/or supply of controlled (illegal) drugs.

The use of controlled drugs represents a health and safety risk to our guests and staff. We are committed to providing a drug free environment for the benefit of all our customers and employees.

This policy sets out how we intend to meet this commitment through the following three main aims:

- Prevention of drug use on the premises;
- Prevention of drug dealing on the premises;
- Safeguarding those that have taken drugs.

### Policy

#### Awareness

#### Staff

All new members of staff are required to read and sign this policy as part of their induction. A copy of this policy, endorsed with a manager's signature, is kept on each staff member's file. Staff members have a responsibility to seek clarification on any points of this policy they do not understand.

Staff can expect to receive drug awareness training on a regular basis. All staff will be made aware of any changes to this policy.

#### Management

In addition, we will endeavour to ensure that all members of management attend formal drug awareness training.

Managers/supervisors have a role to ensure that all staff under their control are familiar with this policy and attend refresher training as appropriate.

#### Guests

Customers and other visitors to our premises shall be made aware of our expectations in regard to this policy in a number of ways:

- Appropriately sited notices (see appendix 3).
- Implementation of a search policy on occasions where a drug related risk is identified (see separate search policy document).
- Staff adopting a zero tolerance to use of controlled drugs on the premises.

### Policy

#### Implementation Staff

The possession, supply, and distribution of controlled drugs is absolutely prohibited on this premises. This includes inside the building and surrounding land such as outside seating areas and smoking areas.

Staff will receive training on the following:

1. The relevant laws controlling the use and supply of drugs. Please refer to Appendix 1.

2. The types and effects of the common controlled drugs, including signs of misuse. Please refer to Appendix 2.
3. The measures taken to prevent the use and dealing of the common controlled drugs.

If a staff member suspects that controlled drugs are being taken or distributed by employees or customers, they must inform a manager immediately. Any information given will be treated in the strictest confidence.

In connection with the supply or consumption of controlled drugs, staff must:

- Remain vigilant at all times during the performance of their duties. This includes being mindful of individuals showing signs of drug use, evidence of drug paraphernalia, knowledge of high-risk areas such as toilets, corridors and secluded areas, overheard conversations involving drug references and suspicious behaviour.
- Notify a manager if they suspect that any person is using, dealing or attempting to deal in drugs on the premises (whether such person is a customer or an employee of the company).
- Fully support the company in its drugs policy.
- Report to a manager any drugs or suspected drugs which the employee may find in the premises at any time. Ideally suspected drugs should only be handled with appropriate personal protective equipment. For example, puncture resistance gloves should be worn to handle needles to avoid needle stick injury and appropriate gloves worn to prevent any skin to drug contact.
- Any suspected drugs found on the premises should not be left unattended if at all possible.
- Staff shall not attempt to purchase any illegal substances as a means of trying to trap someone who they suspect is dealing - this is illegal

All staff are expected to fully cooperate with the authorities in any investigations arising from the use, or suspected use, of controlled drugs associated with this premises.

Please note that anyone in breach of the above points will be disciplined as per guidelines in the employee policy.

#### Managers

If you are concerned in the management of the premises and are made aware of the use or attempted use of controlled drugs, whether for personal consumption or supply to others, then you have a legal obligation to take action. If you do not take action to prevent the activity it is likely that you are committing an offence.

In the event of discovering the personal use of controlled drugs:

- The person(s) concerned should be informed that the premises operate a zero tolerance to the use of controlled drugs.
- If practical any controlled drugs should be seized.

- The person(s) concerned should either be warned or instructed to leave the premises depending on the circumstances.
- A written record made of the incident, including a description of the drugs involved and steps taken to prevent the drug use.

Managers are instructed to involve the Police in any case where drug dealing is involved or suspected.

In the event of seizure of drugs:

- Ensure the process is witnessed, ideally by security or another member of staff.
- Confiscate any drugs found, if safe to do so.
- Record and log details of drugs found in the drug register (see Appendix 5).
- Place drugs in sealed bags (provided by police) or a sealed envelope (signed and dated across the seal) and put in a secure place.
- Call police on the non-emergency number (101) and inform them of seizure in accordance with local police procedure. Make sure a CAD or incident number is taken and added to the entry in the drugs register (see appendix 4).
- In the event of a large quantity of drugs being found, call the police (999) immediately.
- If drug seizure captured on CCTV, secure backup of relevant footage.

Managers should ensure they are fully trained on the use of CCTV equipment (separate CCTV policy in place to ensure correct operation). They are required to familiarise themselves with locations of cameras, and any potential "dark" spots.

Managers should be familiar with local police protocols on the seizure and holding of controlled drugs.

In certain instances, it may be necessary to implement the crime scene preservation policy, for example, if there is a suspected overdose or a large quantity of controlled drug is discovered.

#### Door Supervisors

Well trained, professional, SIA (Security Industry Authority) registered door supervisors are employed at the venue. Their duties include monitoring those entering and using the premises, checking toilets and high-risk areas for drug use (and completing a written record of all checks) and monitoring those leaving who showing signs of drug misuse. Registered door supervisors must undergo drug awareness training as part of the registration process.

A door supervisor log is maintained and endorsed by management to ensure all security staff are appropriately registered. The Register must show the following details:

- Full SIA registration number.
- Date and time that the door commenced duty, countersigned by the DOS or Duty Manager.

- Date and time that the door supervisor finished work, countersigned by the DPS or Duty Manager.
- Any occurrence or incident of interest impacted on any of the four licensing objectives must be recorded giving names of the door supervisor involved.

#### Toilet Attendants

On occasions where toilet attendants are employed their duties include:

- Reporting instances of suspected drug use or dealing to a duty manager. This may include those who spend unusually long periods in a cubicle, overheard conversations and evidence of drugs paraphernalia such as needles, wraps, powder etc.
- Being vigilant about those that may have taken drugs, particularly those that may be in distress, and report to management.

In addition, managers and security are required to carry out regular toilet checks.

#### Safeguarding those that have taken drugs

We ensure that we have sufficient first aiders on duty who have been trained to recognise and respond to common drug induced problems.

Anyone suspected of suffering ill effects of drugs will be encouraged to stay on the premises where they can be closely monitored. The attending first aider will make an assessment whether to call an ambulance. In cases where no further medical intervention is considered necessary, management will ensure appropriate steps are taken to ensure the person is delivered to a safe environment.

Staff are made aware of the potential risk of drink spiking. In recent years there has been an increase in reports of "Drug Facilitated Sexual Assault". Typically the victim has a drug, such as Rohypnol or GHB surreptitiously placed in their drink. Once the drug has taken effect the victim is often powerless to prevent assault. Staff should be vigilant about:

- Unattended drinks. Any unattended drinks should be kept behind the bar for safe keeping.
- Customers displaying signs of "accelerated" intoxication.
- Suspicious behaviour, associated with a DFSA scenario.

Staff should report any instances of suspected drink spiking to a manager.

To see the Employee Declaration to confirm that this policy has been read and understood please see Employee Training Folder.

Name of manager: \_\_\_\_\_

Manager's signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 1 - Relevant Drug Laws

The Misuse of Drugs Act 1971 is the main piece of legislation covering drugs and their categorisation. The following table sets out a summary of the potential penalties for possession and dealing controlled drugs:

		Possession:	Dealing:
Class A	Ecstasy, LSD, heroin, cocaine, crack, magic mushrooms, amphetamines (if prepared for injection).	Up to seven years in prison or an unlimited fine or both.	Up to life in prison or an unlimited fine or both.
Class B	Amphetamines, Cannabis, Methylphenidate (Ritalin), Pholcodine.	Up to five years in prison or an unlimited fine or both.	Up to 14 years in prison or an unlimited fine or both.
Class C	Tranquilisers, some painkillers, Gamma hydroxybutyrate (GHB), Ketamine.	Up to two years in prison or an unlimited fine or both.	Up to 14 years in prison or an unlimited

## Drug Seizure

Section 5, Misuse of Drugs Act 1971, allows for certain circumstances when a person may have legitimate reason for being in possession of controlled drugs:

"In any proceedings for an offence under subsection (2) above in which it is proved that the accused had a controlled drug in his possession, it shall be a defence for him to prove-

- (a) that, knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of preventing another from committing or continuing to commit an offence in connection with that drug and that as soon as possible after taking possession of it he took all such steps as were reasonably open to him to destroy the drug or to deliver it into the custody of a person lawfully entitled to take custody of it; or
- (b) that, knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of delivering it into the custody of a person lawfully entitled to take custody of it and that as soon as possible after taking possession of it he took all such steps as were reasonably open to him to deliver it into the custody of such a person"



## Consequence of Allowing Drug Use

### Section 8, Misuse of Drugs Act 1971.

"A person commits an offence if, being the occupier or concerned in the management of any premises, he knowingly\* permits or suffers any of the following activities to take place on those premises, that is to say-

- (a) producing or attempting to produce a controlled drug in contravention of section 4(1) of this Act;
- (b) (b) supplying or attempting to supply a controlled drug to another in contravention of section 4(1) of this Act, or offering to supply a controlled drug to another in contravention of section 4(1);
- (c) preparing opium for smoking;
- (d) smoking cannabis, cannabis resin or prepared opium."

\*knowingly includes reference to what you should know, i.e. it is not permissible to "turn a blind eye". If you are concerned in the management of the premises and are made aware of the use or attempted use of controlled drugs you have a legal obligation to take action.

## Licence Review

Under the Licensing Act 2003 the Police may seek a review of a Premises Licence where they believe a licenced premises is connected with crime and disorder. Evidence of controlled drug use or dealing is considered a serious matter and therefore could potentially lead to a review of the Premises Licence. A review of the Premises Licence has serious consequences and could result in the Licence being revoked by the Local Authority.

## Appendix 2

### Common drugs and their effects

Controlled drugs can be divided into three categories, depending on their likely effect: stimulants, depressants and hallucinogens.

Type	Example	Symptoms	Form
Stimulants	Ecstasy, Amphetamines, Cocaine, Herbal Highs	Hyperactivity Anxiety/Paranoia Teeth grinding Excess sweating Dilated pupils	Tablet Powder Rocks
Depressant	"G" GHB/GBL Heroin Codeine	Lethargy Vomiting Unresponsiveness Constricted pupils	Liquid Tablets Powder
Hallucinogens	LSD Ketamine Mushrooms	Hallucination Paranoia Aggression Anxiety	Paper Powder Liquid

			Tablet
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#### Signs of Misuse

- Torn pieces of cardboard such as beer mats, cigarette and "Rizla" packets.
- Small packets of paper, pieces of foil, plastic packets and sweet wrappers.
- Use of tightly rolled bank notes.
- Syringes and spoons.
- Burnt foil.
- Powder traces, on surfaces and around the nose.
- Small bottles.

#### Signs of Drug Dealing

- A person receiving several visitors for short periods of time.
- Secretive exchanges of cash and packages.
- Conversation containing drug references.

**WARNING**  
**ZERO TOLERANCE**  
**DRUGS POLICY AT THIS**  
**VENUE.**

Gun Street Garden operates a Zero  
Tolerance Drugs Policy.

Any person found in possession of  
drugs will be detained and the Police  
called Immediately.

By Order of the  
Management.

Appendix 4 - Drugs/ Weapons Confiscation Form

Date of Seizure	Location of Seizure	Reported By	Description of Drugs Found	Name/Description of Offender	Confiscation Bag - Serial Number	Date Collected by Police	Name & Number of Police Officer Collecting	Signature of Police Officer Collecting

## 7. Prevention & Intervention

The aim of this policy is to prevent or intervene in relation to serious incidents.

*'Early Intervention is better than a cure'*

Police regularly scrutinise events leading up to a serious incident. If a venue has not got the appropriate procedures and measures in place and this was a direct (or even indirect) cause of the incident (or escalation of an incident) then it is likely the police will take some form of remedial action. This could range from requiring appropriate measure to be implemented, or conditions being added to the Licence, for less serious incidents to more robust action that can include Review of the Premises Licence and even closure of the venue.

Prevention and intervention measures fall into three groups - policies and procedures, human resources and physical measures.

1. Comprehensive & Effective Policies & Procedures
  - The Operational Manual details the premises policies and procedures, including:
    - Terms of Entry
    - Search and Seizure
    - Age Verification
    - Responsible Alcohol Sales
    - Drugs
    - Ejections
    - Security Positions - Specific Job Requirements
    - Violence & Aggression
    - Management of Outside / Dispersal
    - Smoking
    - Incident Reporting
    - Major Incidents
    - Crime Scene
    - Preservation
    - Smoking
    - CCTV
2. Human Resources
  - Staff Training
  - Proactive Managers and Staff
  - Staff Awareness and Vigilance
  - Door Supervisors
  - Toilet Attendants
3. Physical Measures
  - Design of Premises - lines of sight etc.
  - Access Controls
  - Searching
  - CCTV
  - Good Premises Maintenance
  - Polycarbonate Glassware
  - Signage

All incidents which impact any of the four licensing objectives shall be recorded in a register

kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incidents shall also be recorded. Where known, any offenders name shall also be recorded.

This record shall be available at the venue and held for 12 months. The record shall be signed off by the DPS or nominated representative at the end of each trading session and a weekly review of the incidents register shall be carried out by the DPS.

## 8. Guest Welfare

The aim of this policy is to explain the importance of guest welfare and to present ways to provide for the welfare of our guests.

It is very important that the various risks that can affect the welfare of our guests is understood. You will also know the measures available to keep your guests safe.

There is a clear responsibility for operators to have a duty of care for their customers. Aside from this, the vast majority of businesses want their guests to have a good time in a safe environment.

There are various policies and procedures - both from a licensing and a health & safety perspective that address the welfare of guests inside the premises, e.g. risk assessments, first aiders, a responsible alcohol sales policy, door supervisors, customer care rep etc

It is also important to consider the welfare of guests as they leave your premises. Ask the following questions:-

- Are they intoxicated?
- Are they vulnerable?

If they are, you should consider the following:-

- Do they have the means to get home safely? Should you offer to book a taxi (and even pay for it if necessary)
- Do they have their property? E.g. coat (especially if it is winter)
- Are they with their friends? Could you help them make contact?
- Do they need assistance? - Whether it be medical, a bottle of water or just onward travel advice
- Who is the right person to help them? Customer care rep, first aider. If the person is a female, consider a female member of staff or, if it is a more serious situation, the police or an ambulance (whichever is appropriate).

Vulnerable people, particularly through intoxication, are far more likely to become the victim of crime:-

- They are less aware of their property, and can become the victim of theft
- They are less aware of their surroundings and can become victims of assault, e.g. knocking into people, sitting at the wrong table, spilling drinks and prompting an aggressive response from other people
- They are less aware of their surroundings and can become a victim of sexual assault

Vulnerable people, particularly through intoxication, are also far more likely to become the victim of an accident:-

- From slips, trips or a fall

- Road traffic accidents

Our guests' safety and welfare are of paramount importance and should be considered at all times and the appropriate action taken.



## 9. Ejections

The aim of this policy is to ensure safe ejections / walk outs of guests who are required to leave the venue.

It is very important that the various risks that can affect the welfare of our guests is understood. You will also know the measures available to keep your guests safe.

Security will be instructed to use the following procedures:-

We employ a strict procedure which is set out to ensure safe ejection for both the Customer and Contracted Door Staff, whilst causing the minimum disruption to other guests.

**ALWAYS USE THE FRONT ENTRANCE (WHERE POSSIBLE) AND USE YOUR RADIO TO INFORM THE DOOR**

### Hands off Ejection

Wherever possible, the person(s) being ejected should not be touched, although in law, reasonable force may be used.

### Understanding the Situation

Security should always take account of the whole situation, e.g. those involved may be with large groups of friends who may react badly.

### Staff

Staff will be trained to identify potentially dangerous and / or violent situations. However, security should deal with any potentially violent situation NOT bar staff. It is good practice to keep radios behind bars and in the cloakroom. Staff will be trained to use the radios to inform door supervisors and management of any potentially violent behaviour. This includes the use of town radio if further assistance is required.

### Confrontations between Customers

Generally, any situation that disrupts the business will lead to both parties being ejected, using more than one exit, or delay one party leaving, to avoid further confrontation outside.

The manager on duty or the DPS (if in attendance) will have the final say on who is ejected following any confrontation in the venue (it is expected that they will usually support any recommendation of the security team).

### Records

In all cases a record will be kept of all ejections. Where any force has been used a full incident report will be written. If the Authorities require further statements and / or your attendance is required at a Police Station, this must be done immediately, or as the Police request.

## Staff Procedures

1. On identifying a potential ejection; radio security or otherwise make them aware of your location and the reason they have been called, possible intoxication, inappropriate behaviour etc.
2. On their arrival summarise your observations of the situation to them.
3. It is a manager's or security's responsibility to talk to guests who may need to be asked to leave the premises.
4. If possible, the ejection process will be recorded on a body worn camera (BWC).
5. Observe the customer and if it is decided there is a problem with the person identified make first contact with them introducing yourself and giving the reason for approaching them. If the customer shows signs of aggression then at least two members of security will approach the person, observe and coordinate the walking out of the person, to the front door, other emergency exits will only be used in less of an emergency or deemed unsafe to do it any other way.
6. Once the person is outside the venue put them in a location where they are being recorded on CCTV (if possible), the customer then needs to be informed they are on CCTV/ BWC and explain the reason for their removal from the venue.
7. Speak to the customer in a manner you would wish to be spoken to if you were in their position.
8. Asses the customers behaviour, speech, posture, ability to respond to establish the customers state.
9. Decide whether the customer will be permitted to remain in the venue or be asked to leave.
10. If it is decided the customer has to leave the reason will be clearly explained to them.

After the decision has been made, should the customer not understand the reason after two explanations then disengage and hand responsibility to security who will advise the customer that they will be shown the route off site by security.

11. Should a physical ejection be necessary only reasonable force will be used.
12. Offer to find the friends of the customer and collect any coat or personal belonging they have left in the venue. REMEMBER GUEST WELFARE. The customer will remain with a member of security while these happen.
13. Give advice on how to get home safely.
14. If a customer refuses to have their friends leave with them then

appropriate help will be provided to ensure they leave safely and are able to get home, to the best of our ability. If appropriate pay for a taxi home.

15. If a customer is being collected and it is safe to allow them to wait to be picked up, an appropriate area will be available for them with security presence.
16. The customer will be offered water.
17. Take the details and description of any customer being ejected from the venue and make a written record.

Where appropriate check that the manager or security team have called the police or emergency services.

## 10. Security Roles & Responsibilities

This is an example of security positions and roles when the venue is operating on peak nights or at capacity. Variations of this plan will be used on less busy nights after assessment by the DPS. All security will sign in the door supervisor log at the beginning of their shift and will wear clearly visible clothing that clearly distinguishes them from customers. These positions will be allocated at the security briefing at the beginning of the shift.

A minimum of two SIA security registered door staff shall be employed at the premises on a Friday and Saturday night from 21:00. Door staff shall be employed from 21:00 until 03:00 hours or until all customers have dispersed from the inside and outside the premises, whichever is later, and at least two door staff will remain outside the premises during this time.

### Entrance

- Vet entry and evaluate customers according to Entry Policy and Dress Code
- Advise guests in the queue about likely waiting times.
- Bring anything untoward to Managers attention
- Ensure that any beggars or drunks are not harassing guests in the queue
- Refusing entry will be conducted in a professional manner. Management always have the final say.
- Control of clickers ensuring that we are never over capacity at any time.
- Complete the clicker count sheet at 30 minute intervals.
- Ensure that there is a steady flow of guests in and out
- The entrance is a fire exit and must be kept clear
- Check guests for identification and for intoxication
- Monitor all guests as they leave the venue, ensuring they are not intoxicated. If somebody is believed to be intoxicated, ensure they are with responsible company and they have a safe means of getting home.
- Prevent congestion at the front entrance occurring once people have left the premises
- Ask people to leave in an orderly and quiet fashion
- Help direct customers to relevant transport facilities
- Stop any drinks from leaving the venue, watch out for bottle under coats and in pockets
- Support door manager using the ID scanner where applicable

### Smoking area

- Monitor smoking customers
- Prevent guests causing a nuisance
- No drinks allowed in this area

### Searching

- Search guests in line with the search policy
- Search guests in a professional, quick and efficient manner remaining welcoming and polite at all times.
- Search all bags

### Reception

- Direct guests to cash desk/cloakroom

- Stop any drinks from leaving the premises, watch out for bottle under coats and in pockets
- Deter customers from holding open doors for unnecessarily long periods of time
- Encourage customers to use the cloakroom
- Monitor for any customers who may be intoxicated
- Ensure reception area is a drink free zone
- Reception is a fire exit and must be kept clear

#### Dancefloors Main Arena & Room 2 (The Box)

- Monitor floor and bar
- Monitor any customers who may be intoxicated.
- Control congestion
- Monitor interaction between staff and customers
- Watch for pushing/aggressive/inappropriate behaviour

#### Toilet corridors & toilets

- Regularly check toilets and corridors
- Monitor behaviour
- Monitor any customers who may be intoxicated.

#### Rooms/Areas Main Arena,

- Monitor floor and bar
- Monitor any customers who may be intoxicated.
- Control congestion
- Monitor interaction between staff and customers
- Watch for pushing / aggressive behaviour
- Prevent unauthorized use of fire exit

## 11. Dealing with Serious Incidents

The aim of this policy is to ensure serious incidents are dealt with effectively and that staff understand the various measures to take following a serious incident and why they are necessary.

For the purposes of this policy a serious incident is defined (by police) as the following:

- An injury has occurred due to some form of weapon, eg; knife, bottle, pole etc.
- A broken skin injury has occurred.
- An incident has occurred which has resulted in death or serious injury. (i.e.; heart failure, accident, serious assault, etc.).
- Any other crime committed where police may need to search and investigate for any evidence.

In the event of a major incident the manager in charge and/or head of security will:

1. Inform the police immediately, or confirm that the police have been informed (and any other appropriate emergency service) The senior manager and/or head of security will usually always meet and brief the first Police Officer on scene to ensure clear communication and appropriate actions are carried out upon Police instructions.
2. Ensure that adequate victim welfare and any medical assistance required is provided including calling and involving the emergency services
3. If safe to do so locate and detain offender(s). Suspects will be held by security pending arrival of police
4. Identify and secure crime scene(s). Evacuate area where incident occurred where appropriate to do so and preserve the scene as you find it- do not move any objects, furniture, bottles, glasses etc.
5. Identify any witnesses and keep them on premises for police or, if this is not possible, obtain contact details
6. Burn relevant CCTV and supply all images required to police
7. Identify persons involved and supply information to police
8. Keep customers at premises if at all possible
9. Keep all till receipts and details of credit cards
10. Ensure all staff write comprehensive incident reports and give statements to police
11. Inform the duty manager and all security of the incident

Investigate - Who? What? When? Where?

Do NOT make assumptions, find out the facts - Speak to witnesses (customers and staff) especially any person WHO may have an injury.

Look around you. WHAT do you see?- Broken glass, wet floor, blood? WHERE do you see it?

Find out WHEN it happened - treat and speak to injured person(s), trace offender (if there is one), view CCTV.

All staff will remain at scene until no longer required by police.

REMEMBER: PRESERVE CRIME SCENE-All staff will be instructed in the Crime Scene Preservation Policy in relation to serious:-

- Do not attempt to clean or clear crime scene area

Do not allow people to walk through crime scene area or move anything

## 12. Sexual Assaults

The aim of this policy is to prevent sexual assaults, ensure staff are informed and aware of the risks and to ensure that should anyone be sexually assaulted that adequate procedures are in place to provide for the welfare of the victim and detention of any suspects.

### 1. Offences -

#### Definitions Rape

Under the *Sexual Offences Act 2003*, it is an offence for any male to penetrate with his penis the vagina, anus or mouth of a female or male without their consent. A person found guilty of this offence could be sent to prison for life.

#### Assault by penetration

The Act makes it an offence for any male or female to penetrate the vagina or anus of another person without their consent. The offence is committed where the penetration is by a part of the body (for example, a finger) or anything else (for example, a bottle) for sexual intent.

#### Sexual Assault

Section 3 of the Act makes it an offence for any male or female to intentionally touch another person sexually without his or her consent. A person found guilty of this offence could be sent to prison for a maximum of ten years.

#### Causing sexual activity without consent

It is an offence to cause or encourage another person to engage in sexual activity without his or her consent. If penetration is involved then a person found guilty of this offence could be sent to prison for life. If no penetration is involved then a person found guilty of this offence could be sent to prison for up to ten years.

#### What does 'consent' mean?

The definition of a sexual offence often revolves around consent. In simple terms, it's all about permission (or agreement). This is something that must be clearly established between two people before any kind of sexual act or behaviour. If an individual is accused of a sex offence, they must show that they reasonably believed consent had been given by the other person.

### 2. Drink Spiking

Drink spiking is when mind-altering substances, such as drugs or alcohol, are added to your drink without you knowing. Mind-altering means that it may affect your actions, or how you behave with other people.

There are many reasons why someone might spike a drink, and it is not only females who could be targeted. The most common reasons are:

- for amusement,
- to be malicious (deliberately nasty),



- to carry out a sexual assault, or rape,
- to carry out a physical assault, or
- to carry out a theft.

The symptoms of drink spiking will depend on whether alcohol, or another drug, has been used, how much of the substance was used, and how much alcohol has already drunk. A person will need to have your blood or urine tested by the police to confirm that a drink has been spiked with drugs.

Drink spiking is illegal, even if an attack or assault has not been carried out. It can result in a maximum punishment of 10 years in prison for anyone who is found guilty of doing it. If an assault, rape, or robbery is also carried out, the sentence will be even higher.

If a person's drink has been spiked, the symptoms will depend on what drug has been used. The effect of any drug will depend on body shape and size, age, how much of the spiked drink has been consumed, and how much alcohol (if any) has already been drunk.

Any drug could be slipped into a person's drink without their knowledge. Drugs can come in powder, or liquid, form, and may not have a taste, or smell, that you can identify as unusual.

#### Date Rape Drugs

The most common drugs that are used in drink spiking are often referred to as date rape drugs. This is because they make it harder for a person to resist an assault. The most common date rape drugs are:

- alcohol,
- gamma-hydroxybutyrate (GHB) and gamma-butyrolactone (GBL),
- tranquilizers, most often benzodiazepines, including valium and rohypnol, and,
- ketamine.

These drugs are depressants which work by slowing down your nervous system and dulling your responses and your instincts. In moderation, alcohol can help to relax you, and some date rape drugs are legally prescribed for anxiety and insomnia. However, when taken without knowing, these substances leave you vulnerable to danger.

Date rape drugs will affect your behaviour and the messages that you give out to other people. You will not be fully in control of yourself and someone could take advantage of you.

Date rape drugs can start to take effect within five minutes of being taken, or up to an hour after being taken. The symptoms for the above drugs, including alcohol, are quite similar, and will include some of the following:

- drowsiness or light headedness,
- difficulty concentrating,
- feeling confused or disorientated, particularly after waking up {if you have been asleep),

- difficulty speaking, or slurring your words,
- loss of balance and finding it hard to move,
- lowered inhibitions,
- paranoia {a feeling of fear or distrust of others},
- amnesia {memory loss} or a 'black-out' of events {when you cannot remember large sections of your evening},
- temporary loss of body sensation {feeling like you are floating above your body, or having an 'out of body' experience},
- visual problems, particularly blurred vision,
- hallucinations {seeing, hearing, or touching things that are not really there},
- nausea and vomiting, and
- unconsciousness.

All date rape drugs are particularly dangerous when they are mixed with alcohol because they combine to have a very powerful anaesthetic effect. This causes unconsciousness and, in more extreme cases, it can cause coma or even death.

How long the effects of the drugs last will depend on how much has been taken and how much alcohol, if any, has been drunk. The symptoms could last between 3-7 hours, but if a person passes out it will be hard to know the full effect. It is possible to still feel some of the symptoms of a date rape drug after a night's sleep, particularly confusion, amnesia or nausea.

The more common date rape drugs are described in more detail below.

#### Alcohol

Alcohol is the most common date rape drug. It can be added to a soft {non-alcoholic} drink without a person's knowledge, or double measures can be used instead of singles. If a person has had a drink already, they may find it harder to tell how much alcohol they are consuming. The effects of alcohol will depend on how much they drink, and if they had been drinking already.

#### Gamma-hydroxybutyrate and gamma-butyrolactone

Gamma-hydroxybutyrate {GHB} usually comes in the form of a slightly oily, colourless, liquid, and less often as a powder.

Gamma-butyrolactone {GBL} is a more basic form of GHB and another possible date rape drug. It comes in liquid form and is found in some household products. After entering the body, GBL changes into GHB.

Only a very small amount of GHB is needed in order to have an effect, and it can be dissolved easily into other liquids. GHB has an unpleasant taste, and a weak odour but, in very small doses, or if is mixed with a strong flavoured drink, a person is unlikely to notice it.

## Tranquilizers

Tranquilizers come in hundreds of different forms, but the most common are called benzodiazepines. You may hear of these as valium, rohypnol, roofies, or benzos. They are sometimes legally prescribed to treat anxiety or insomnia. Tranquilizers work by slowing down a person's body, relieving tension, and making them feel very relaxed. They normally come as a tablet.

## Ketamine

Ketamine, sometimes just called K, is a powerful anaesthetic that is used for both animals and humans. In its legal form it is a liquid, but illegally, it is normally a grainy white powder or a tablet. Ketamine can cause hallucinations or it can create a feeling of your mind being separate from your body.

## Preventing Drink Spiking

- Clear away unattended drinks
- Advise customers not to leave drinks unattended
- Be aware of what customers are ordering
- Try to observe who drinks are for
- Watch out for suspicious behaviour

## 3. Customer Behaviour

All staff must be aware of any behaviour that could become a potential problem.

- Over amorous couples
- Males in female toilets
- Males giving females too much attention or unwanted attention
- Females that are displaying signs of intoxication and are vulnerable
- Upset females

## 4. Patrolling Premises

The premises need to be patrolled effectively. This responsibility will lie with the manager and/or head of security to ensure this happens. Certain areas, such as toilets, will require a record of checks. Customer care rep to walk around the venue.

Each premises should have a security plan. The positions (and responsibilities) will be allocated in the security briefing before shift begins.

Every member of staff has a responsibility to report any suspicious behaviour in any part of the premises.

## 5. Vulnerable Areas

Vulnerable areas will vary from site to site, but areas that should be paid particular attention are listed below. Your security plan, pre-shift briefing and regular checks must take in account the following, as well as any venue specific areas.

- Toilets
- Dark areas with low lighting
- Private rooms/booths
- Back of house/cupboards
- Fire exits

You must carefully assess your site to identify any vulnerable areas and take the appropriate measures, e.g. allocate security, include in checklists, raise lighting etc.

As a minimum, vulnerable areas should be checked every 30 minutes.

## 6. CCTV

CCTV, as far as possible, covers all vulnerable areas. Where this is not possible additional appropriate measures are taken, e.g. patrolling the premises or positioning of security.

## 7. Training

All staff receive training on how to identify potential situations. Training will include:

- Danger signs
- Communication to other staff
- Victim care
- Crime scene preservation
- Report/statement writing

Training sessions will be held quarterly. All staff must have a signed record of attending the training.

## Reactive Measures

### 1. Victim Care

The victim of a sexual assault is to be considered an extremely vulnerable person and, as such, the appropriate level of care and consideration must be given.

A same sex member of staff should remain with the victim until police arrive.

The victim/ witnesses to the incident are to be asked to remain inside the club and if possible, they are to be seated in an area away from other customers, free non-alcoholic refreshments (such as coffee, mineral water) should be offered to them to assist in their comfort.

Do not try and interview the victim (other than basic questions to ascertain if the suspect is on the premises).

Bear in mind that the victim is, in fact, a crime scene. You must keep any suspect away from the victim.

### 2. Crime Scene Preservation

The scene of the assault must be preserved pending arrival of police as per the Crime Scene Preservation Policy. The suspect must not be allowed to destroy evidence, e.g. washing hands/ body etc and should not be left alone whilst waiting for police to arrive.

### 3. Suspects

If a suspect has been identified, they should be detained pending the arrival of the police in the same way you would deal with any other serious assault. Bear in mind that the suspect could also be a crime scene. You must keep any suspect away from the victim.

### 4. Police

If a sexual assault has been alleged, or even suspected, the police will be called immediately.

The victim of sexual assault will quite often not want to call police or even make an allegation. It is quite common for an allegation to be made at a later date. Following an assault, the victim will often just want to go home or get away from the scene of the crime. It is not for you or security to investigate the assault. The police are the only people that can ascertain if a crime has taken place. It is for that reason that police should always be called.

### 5. CCTV

Any relevant CCTV images will be downloaded or burnt to DVD or CD or downloaded to a USB memory stick as soon as possible following any serious incident. Four copies will be retained - one for police, one for the business' licensing solicitor, one for the directors and one placed in the safe at the premises.

Relevant images will include the area the assault took place, but also where the victim and suspect had been in the premises. It will also include the victim and suspect arriving and leaving the premises.

#### 6. Incident Reporting / Statements

A full incident report will be written by the GM as per the premises' Incident Reporting Policy. Statements will be provided by any staff who witnessed the incident

## 13. Crime Scene Preservation

The aim of this policy is to ensure a crime scene is preserved, when necessary, and that staff understand the various measures to take following a serious incident and why they are necessary.

1. What constitutes a serious incident which may require a crime scene to be preserved?
  - An injury has occurred due to some form of weapon, e.g.; knife, bottle, pole etc.
  - A broken skin injury has occurred.
  - An incident has occurred which has resulted in death or serious injury. (i.e.; heart failure, accident, serious assault, etc.).
  - Any other crime committed where police may need to search and investigate for any evidence.

### 2. Crime Scene Preservation

A crime scene is to be preserved when there has been a serious incident where police may need to search and investigate for any evidence.

#### Terminology

Crime Scene: Any physical location in which a crime has occurred or is suspected of having occurred.

Primary Scene: The original Location

Secondary Scene: An alternate location where additional evidence may be found

Physical Evidence: Any material items present at crime scene, on victims or found in suspects possession

Suspect: Person thought to have committed a crime  
Accomplice: Person associated with suspect

Testimonial Evidence: Oral or written statements given to police or in court

#### Procedures

The authority to preserve a potential crime scene remains with the senior manager on duty.

Full responsibility for all events following an incident will be taken by the senior manager on duty. This includes incident reporting, removing tapes and liaison with Police on the night. Any co-operative witnesses are to be taken to a holding area and the senior manager is to inform the first attending officer.

Once an area has been declared as a crime scene by the senior manager on duty, then all access to the area must cease immediately.

There is to be no access to the preserved area which is to be marked off by barriers, ropes and security. Any evidence must be left where it falls (broken glass, bottle etc.) unless it is dangerous to leave it where it is. If it has to be moved - a manager must pick it up using gloves (avoiding finger prints) and place it inside a police evidence bag. It is to be signed and sealed and placed in the safe to hand over to police on their request.

Individuals may be considered crime scenes and all precaution must be taken to prevent the transfer of evidence. E.g. A door supervisor who has restrained a suspect for assault should not then have contact with a victim. A suspect and victim should also be kept apart.

A manager on duty must remain at the crime scene until the police arrive.

The senior manager on the door will then make first contact with the police and relay the information as to whether the crime scene remains preserved or is cleared.

*It is imperative that a preserved crime scene takes precedent over the financial needs of the business. Whenever possible, if a crime scene can be preserved without disruption to the general public, then Gun Street Garden should run as normal. If the crime scene disrupts the use of one of the fire exits, then the front door should be closed to the public immediately and a view will be taken as to whether trading will continue. If the crime scene will either greatly disrupt the public or Jeopardise public safety, then the senior manager on duty will be responsible for the decision to close.*

Witnesses to the incident are to be asked to remain inside the premises and if possible, they are to be seated in an area away from other customers, free non-alcoholic refreshments (water) should be offered to them to assist in their comfort.

Victim care must be considered when dealing with vulnerable people - see the Guest Welfare Policy.

Remember:

- Protect the crime scene to preserve its physical aspects.
- Steps need to be taken as soon possible after incident even while victims are being attended to.
- Cordon off if possible or station staff in relevant positions - Reroute traffic
- Prevent unneeded walking around and intrusions
- Prevent unneeded movement or touching of physical evidence
- Do not allow any items to be removed from scene without permission from authorities.
- Do not discuss the crime with witnesses and bystanders.
- Be alert to secondary scenes - EG. weapon discarded in toilets or exit
- Follow the same procedures as primary scene
- Remember people can also be crime scenes and avoid transfer of evidence



## 14. Theft Prevention

The aim of this policy is to prevent property theft in (and around) Gun Street Garden

Thefts can be prevented using four broad approaches:-

1. Staff awareness
2. Customer awareness
3. Property control
4. Security

The following measures are in place to prevent thefts at the venue.

### Staff awareness

- Regular briefings (including information from incident reports I crime mapping etc.)
- Allocate responsibilities
- Training

### Customer awareness

- Signage (at entrance and in toilets)
- Direct guests to cloakroom on entry
- Verbal advice to look after property
- 

### Property control

- As the weather deteriorates there will be more coats that may attract thieves and in particular pickpockets, all staff should be briefed to encourage the use of cloakrooms
- Encourage all guests to use cloakroom
- Bags to be placed in the cloakroom at no charge at managers' discretion
- Security & managers to be vigilant
- All staff have a part to play
- Log all found property
- Log and incident report any reported lost stolen property

### Security

- Include in staff briefings & training
- Entry controls - vetting at entrance
- Searching
- Patrol premises for unattended property
- Door Supervisor positions
- CCTV - use to detect suspects following the report of lost property
- Lighting levels

### PIN Theft

- Known as 'shoulder surfing'
- Train staff on 'protect your PIN'
- Label credit card machines
- Instruct guests to cover their PIN
- Look for people watching machines
- Effective signage asking guests to cover their PIN

### Unattended Items

- Inform guests of cloakroom facilities
- Unattended items to be placed in the cloakroom throughout the night as they are

found

- All items to be recorded in the office as soon as they are found
- All items not claimed throughout the evening must be recorded on a spreadsheet

#### Unclaimed Items

- All phones, wallets, bags, passports and items of value MUST be left in the appropriate secure place in the office and recorded on the internal spreadsheet
- Each item must be tagged with a label indicating the date left
- All phones must be called to retrieve the owner. You must call 'home', 'last caller', 'mum' etc.
- Items with some form of identification must be contacted by the reservationist the following morning. All records of attempt should be updated on the internal spreadsheet

#### Lost Cloakroom Tickets

- Guests that lose their cloakroom ticket must wait until the end of the evening to claim their items
- Only the senior manager on duty can authorise the release of property before the end of the evening. This is only to be done in the case that clearly identifiable items are in the pockets and these items are required for that person to get home. For example, purse, keys etc.
- Guests that claim property without a ticket the following day must sign and print their contact details if future follow up is required.

## 15. Staff Behaviour

The following code of conduct will apply to all staff employed at Gun Street Garden.

Where it states 'Members of staff' this also includes all members of management.

1. Members of staff are not to be in the company of a customer except in an area open to the public within the club.
2. There shall be no indecent or inappropriate contact between members of staff and customers.
3. Members of staff must not engage in any unlawful activity inside the club.
4. Members of staff will not consume any alcohol whilst on duty.
5. Members of staff may never consume, possess or be under the influence of any unlawful drug or substance, unless it is personally prescribed medication by a registered doctor.
6. Members of staff are not to invite or knowingly permit their spouses, girlfriends / boyfriends, or anyone else with whom they are romantically involved with to enter the club without the express consent of the Designated Premises Supervisor (DPS).
7. Members of staff will report any person engaged in unlawful activities immediately to a manager.
8. Members of staff will not encourage, incite or participate in antisocial behaviour.
9. Members of staff will not serve intoxicated guests and will not encourage drunkenness in customers.
10. All members of staff have a duty to comply with the Licensing Act 2003 and to promote the four licensing objectives in the course of their work - The Prevention of Crime & Disorder, Public Safety, The Prevention of Public Nuisance and The Protection of Children from Harm
11. All members of staff will receive training on, and must be familiar with, the Premises Licence and the conditions the Licence is subject to and ensure compliance at all times.
12. Any member of staff found to be in breach of any of the above rules will be subject to disciplinary procedure.
13. The premises will review this code of conduct periodically and an amendment may be incorporated into this code.

## 16. Management of Outside Area & Dispersal Policy

The aim of the procedures laid out in this document is to ensure there is an absolute

Minimum of noise and to prevent any nuisance being caused to our neighbours and the general public.

All staff will be trained in the procedures and will receive regular refresher training. This document will be reviewed on an annual basis to ensure its effectiveness and relevance is not compromised.

### 1. Roles and Responsibilities

- 1.1. The manager in charge will be responsible for ensuring the plan is fully implemented.
- 1.2. There will be a briefing each trading night where staff are assigned specific roles and responsibilities.
- 1.3. The briefing will be documented and will address any issues or complaints from the previous trading night.
- 1.4. Each briefing will consider any aspects of trading that could cause a nuisance to neighbours and put appropriate measures in place accordingly.
- 1.5. The briefing will also ensure that each member of staff has an effective means of communicating with the manager and other members of staff.

### 2. Entry Controls

- 2.1. Whenever there is a queue it will be supervised at all times.
- 2.2. Guests in the queue will be advised on likely waiting times.
- 2.3. Guests will be advised that entry is subject to providing satisfactory identification.
- 2.4. Guests will be advised that entry may be subject to a search.
- 2.5. If waiting times for entry are excessive consideration should be given to asking those queuing to leave.
- 2.6. Any guests causing noise or disturbance or who appeared to be impaired / intoxicated through alcohol or drugs will be REFUSED ENTRY and asked to leave.
- 2.7. A manager will check the outside area regularly throughout the night.
- 2.8. The entrance must not be obstructed

### 3. During Trading

- 3.1. Door supervisors outside the venue will wear high visibility clothing where applicable.
- 3.2. Door supervisors will monitor activity in the vicinity of the venue throughout each night to prevent crime and disorder, noise or disturbance arising from customers.

- 3.3. Door supervisors will discourage illegal taxi touts from congregating outside the venue
- 3.4. Guests will not be allowed to take drinks outside.
- 3.5. Door supervisors will discourage customers from congregating outside. Any guests outside will either be encouraged to leave or be directed back inside the venue.
4. Guests Smoking
  - 4.1. Guests will only be permitted outside to smoke in the dedicated smoking area in line with Smoking Policy.
  - 4.2. Customers will be directed to the dedicated smoking area.
  - 4.3. Customers will be reminded to keep the noise down and to respect the residents in the area.
  - 4.4. Any person causing a nuisance or disturbance in the smoking area will be asked to leave the venue immediately.
  - 4.5. Notices will be prominently placed in smoking area reminding guests to be quiet and consider our neighbours.
  - 4.6. The smoking area and any other outside areas will be monitored by staff or security at all times.
5. Exit Controls
  - 5.1. The music volume will be lowered within the last 20 minutes prior to closing.
  - 5.2. There will be an announcement over the PA system asking guests to leave quickly, quietly and to respect the venue's neighbours
  - 5.3. Door staff will be employed from 21:00 hours until 03:00 hours or until all customers have dispersed from the inside and outside the premises. At least two door staff will remain outside the premises during this time.
  - 5.4. Door supervisors will endeavour to control a slow stream of customers and guests leaving the venue.
  - 5.5. Door supervisors will be proactive about dispersal of groups of people outside the venue.
  - 5.6. Guests will be encouraged to leave the area quickly and quietly.
  - 5.7. Guests will be directed towards the nearest transport link as they leave the venue.
  - 5.8. Door supervisors will patrol the street outside the venue to ensure customers and guests leave the area quietly. Any customers and guests causing noise or disturbance will be asked to be quiet. Those that do not will be refused entry in the future.
  - 5.9. As customers leave and the venue empties, door supervisors from inside the venue will be posted outside to assist with dispersal, as appropriate.
  - 5.10. Guests will not be allowed to take drinks with them as they leave. Security will be

posted at the exit to prevent this happening.

5.11. A taxi service will be available to guests.

## 6. Other Measures

6.1. The tempo of music will be slowed down and the volume will be lowered gradually at the end of the night to encourage guests exit in a calm manner.

6.2. The brightness of the lighting inside will be increased gradually as part of a 'cooling off period.

6.3. Guests will be supplied with information on transport options available late at night.

6.4. Notices will be prominently displayed at exits requesting the guests to respect the needs of local residents and to leave the venue and the area quietly.

6.5. A bottle of water will be available free of charge from the reception area should the guests require it.

6.6. The premises and area immediately outside the premises shall be kept clear of all forms of litter whilst the premises is open for licensable activities.

6.7. The exterior of the building shall be cleared of litter at regular intervals.

6.8. The placing of refuse, such as bottle, into receptacles shall not cause a noise nuisance at any time.

6.9. The emptying of bins into the general waste bin, and refuse collection shall only take place outside of the hours of 11pm to 8am.

## 7. Complaints procedure and contacts

7.1. A telephone number will be available to local residents for them to call during trading hours should they have an issue. The telephone number is published on the website.

7.2. Any complaint will be dealt with promptly by the senior member of staff on duty. The complaint will also be reviewed and followed up by the DPS on the next working day.

7.3. A detailed record will be kept of any complaint received. This will include the nature of the complaint and action taken together with the details of the complainant.

## 17. Smoking

Gun Street Garden operates a zero tolerance policy to smoking in the venue in line with the Smoke Free regulations and Health Act 2006.

1. "No Smoking" signage will be displayed at the venue that clearly states it is against the law to smoke anywhere inside the premises.
2. Staff will take immediate action if any customer attempts to smoke inside the venue. Any customer who still attempts to smoke inside the premises will be asked to leave.
3. Staff will not smoke anywhere inside the venue, including back of house areas.
4. All staff will receive training on dealing with smoking in smoke free premises including the penalties involved:-
  - Smoking in smoke free premises: a fixed penalty notice of £50 (reduced to £30 if paid in 15 days) imposed on the person smoking. Or a maximum fine of £200 if prosecuted and convicted by a court.
  - Failure to display no-smoking signs: a fixed penalty notice of £200 (reduced to £150 if paid in 15 days) imposed on whoever manages or occupies the smoke free premises. Or a maximum fine of £1000 if prosecuted and convicted by a court.
  - Failing to prevent smoking in a smoke free place: a maximum fine of £2500 imposed on whoever manages or controls the smoke free premises if prosecuted and convicted by a court. There is no fixed penalty notice for this offence.

## 18. Incident Reporting & Due Diligence Records

The aim of this policy is to detail the records that will be kept to provide evidence of due diligence and the responsible operation of the premises in line with the Four Licensing Objectives.

### 1. Incident Reports

It is important accurate details of any incident is recorded at the time should there be a requirement for investigation at a later date and to show that incidents were dealt with correctly.

The following incidents will be fully reported

1. all crimes reported to the venue
2. all ejections of patrons where there has been physical force used
3. any complaints which are not frivolous, vexatious or unmerited received relating to the four licensing objectives
4. any incidents of serious disorder or violence
5. seizures of drugs or offensive weapons
6. any faults in the CCTV or ID scanning system
7. any visit by a relevant authority or emergency service
8. Any emergency situation such a fire, flood, loss of power, or bomb threat
9. Any accident or injury to employee, contactor or customer

Ordinarily, a separate record will also be kept of refusals (of entry and service) and ejections (where no force was used)

Each incident report will usually contain the following:

- The full name and position of person reporting
- Their SIA registration if security
- Date, time and location of incident
- Whether the incident was captured by CCTV - which camera - have the images been burnt onto DVD?
- Was a crime scene preserved
- Full details of the incident
- Whether the police were called (and who called them if known)
- Police incident number (if police were called and where known)



- Whether police attended (if so provide shoulder numbers where possible)
- Whether anyone was injured (give full details, including any medical assistance given and whether an ambulance attended)
- Describe all persons involved in the incident
- Give details of all known witnesses to the incident

STAFF WILL BE INSTRUCTED NOT TO:

- Use slang
- Use acronyms, abbreviations or terminology that may not be understood
- Make assumptions or speculate - be factual

## 2. Due Diligence Records

The following daily records should normally be completed:

- Pre-opening safety checks - to show that emergency exits, lighting, signage and fire safety equipment is all maintained, working and in place.
- Clicker counts / accommodation numbers - to show that a safe capacity is managed and never exceeded.
- Refusals of entry - to show customers are vetted before allowed entry
- Refusal of service - to show that we do not serve intoxicated or underage persons
- Ejections - to show that unsuitable guests (e.g. through intoxication, behaviour etc.) are asked to leave the venue.
- Door supervisor log - to show that properly SIA registered staff are employed at the venue.
- Toilet checks - to show that toilets are regularly checked for criminal activity/ antisocial behaviour.
- CCTV checks - to show our CCTV is working correctly and holds footage for the minimum required 31 days.

## 19. CCTV

The aim of this policy is to ensure CCTV is operated effectively and that records are retained for due diligence purposes.

For the purposes of this document 'CCTV' will also include body worn cameras (BWC) if applicable.

It is very important to be able to demonstrate that the system is working, has been operational historically, and that any issues are resolved as soon as possible.

CCTV is operated for the purposes the prevention and detection of crime, public safety and employee security. The following procedures are in place:

1. The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises.
2. The CCTV system will retain images for a period of not less than 31 days. Copies of images will be provided to police upon request with the absolute minimum of delay.
3. The CCTV system will capture a clear head and shoulders image of "identification standard" of every person entering the premises. Persons entering the venue should be asked to remove any headwear which obscures the persons' face unless it is worn as part of religious observance.
4. The CCTV system will be kept secure at all times. Access will be limited to the DPS and managers.
5. A dedicated CCTV system log will be kept at the venue. All usage, checks, faults and requests for images will be recorded in the log. Any person taking a copy of the CCTV such as the police, fire authority or local authority officer MUST sign in the relevant section of the log acknowledging receipt of the data. The signing officer must also enter their place of work and a contact telephone number.
6. A full incident report will be made of any faults with the system.
7. When reporting any faults with the CCTV system, anticipated times scales for repairs and who the issue has been escalated to if these time scales are not met will be included.
8. The DPS and all managers will all be trained in the use of the CCTV system. The training will include interrogation of the system and transfer of images to separate media (CD, DVD, flash drive etc.)
9. A member of staff who is conversant with the operation of the CCTV system shall be on the premises at all times when it is open for trade. This member of staff shall provide the Police or an authorised officer from the Licensing Authority with copies of the footage (whether in USB stick or DVD format) with the minimum of delay when reasonably requested to do so.
10. The DPS will ensure as far as possible that the system is maintained and working correctly at all times. At minimum, a weekly, documented test will be carried out to ensure the system is working correctly.
11. Relevant CCTV images will be burnt to DVD, CD or USB stick as soon as possible following any serious incident. Two copies will be retained - one for police and a

backup placed in the safe at the premises.

12. All searches of customers will take place in an area clearly covered by CCTV.
13. Signage will be placed prominently at the entrance to the venue advising all persons entering that CCTV is in operation in accordance with the Data Protection Act 1998.
14. When body worn cameras (BWC) are in use on any day any recordings of incidents shall be downloaded at the end of each day (the following morning in practice) and be kept/made available in line with the general provisions in this policy and any Premises Licence conditions.

## 20. Noise Management

The aim of the procedures laid out in this document is to ensure there is an absolute minimum of noise and to prevent any nuisance being caused to our neighbours and the general public.

- Notices will be prominently displayed at exits requesting the guests to respect the needs of local residents and to leave the venue and the area quietly.
- Guests will be directed towards the nearest transport link as they leave the venue.
- Door supervisors will patrol the street outside the venue to ensure customers and guests leave the area quietly. Any customers and guests causing noise or disturbance will be asked to be quiet. Those that do not will be refused entry in the future.
- The venue will have a dispersal policy in place which will be instructed to the door supervisors and staff. Management will be responsible for ensuring the policy is followed and all staff are trained.
- Staff are trained on dispersal and noise management.
- Fire exits/outside doors will remain shut to minimize noise leakage from the venue. Where it is not possible to shut the outside doors, then efforts will be made to install lobby doors to minimize the noise leakage from the venue.
- Fire exits are regularly checked. At times patrols around the venue will be taken to ensure/deter any antisocial behaviour.
- Door supervisors will discourage customers from congregating outside. Any guests outside will either be encouraged to leave or be directed back inside the venue.
- Management to check the vicinity of the venue.
- Noise from amplified music or vibration being transmitted through the structure of the premises will not cause a noise nuisance to occupants of nearby premises.
- Doors and windows are to remain closed after 11pm save for access and egress.

## 21. Closure policy

The Closure Policy is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour along with ensuring that customer leave in a safe and orderly fashion. This will be achieved by implementing pro-active measures at the end of the evening.

We shall also ensure so far as it is possible, that the venue closes in accordance with the dispersal policy, although in some cases such as an emergency or forced closure this may not be possible.

The closure policy will form a core part of the management systems and staff training with a copy retained on site. By ensuring that this closure Policy document is adhered to by Management, Staff and security contractor we will seek to encourage the efficient, controlled and safe closure of the venue following closure.

The venue will be closed in the following order.

Smoking Terrace

The Box

Main room

Bars will be shut ahead of the final closure of the final room to aid a quick and steady dispersal, no drinks other than bottled water will be allowed to leave the venue.

Approximately 30mins prior to the closure of the club the music policy will change to a more down tempo music and volume will be reduced.

Approximately 15 mins prior to closure of the club the lighting levels will be increased to encourage people to start to leave and signal the end of the night.

At the end of the night music will be turned off and all trade light will be at maximum. Security and staff will start to speak to customers to ask them to start finishing their drinks.

All egress will be monitored and communicated with the front door and duty manager to ensure that the flow of customers is steady and controlled without any bottle necks or large groups moving in to the high way.

Door staff will be employed from 21:00 hours until 03:00 hours or until all customers have dispersed from the inside and outside the premises. At least two door staff will remain outside the premises during this time.

This policy will be reviewed on a regular basis and updated as required.

## 22. Door staff usage risk assessment

By condition on the license, we must trade with:

19. A minimum of two Security Industry Authority (SIA) registered door staff shall be employed at the premises on a Friday and Saturday night from 21:00. Door staff shall be employed from 21:00 hours until 03:00 hours or until all customers have dispersed from inside and outside the premises, whichever is later, and at least two door staff will remain outside the premises during this time;

Above and beyond the minimum we will use the below matrix to inform our decision on booking additional security for club events, this will be done in conjunction with the information we have available such as ticket sales, run rates and pay weekends. Outside of the matrix used additional local intelligence or incidents may impact on the number of security booked.

<b>Above and beyond the minimum we will use the following matrix to determine the number of door staff employed:</b>		
<b>As Per License Condition</b>	2 Security	To provide ID and searching at the front door.
<b>Main Room in Use</b>	2 Additional Security	To provide security cover to the main dance floor and bar areas.
<b>Smoking Area</b>	1 Additional Security	To provide security cover and monitoring of the external smoking terrace area along with capacity control
<b>Box Area (2<sup>nd</sup> Room)</b>	1 Additional Security	To provide security cover and monitoring of the Box Room area along with capacity control
<b>Above 300 Customers</b>	1 Additional Security	Internal Walker
<b>Special Gala Event (e.g. NYE, Halloween)</b>	1 Additional Security	To provide additional Queue control before being deployed internally

## 23. Entry and Queuing Policy

The purpose of this Entry Policy is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour. The policy also aims to reduce the number of patrons gathering in the highway and any disturbance and obstruction to neighbouring businesses.

This will be achieved by exercising pro-active measures at the start of the evening. By ensuring that this Entry Policy document is brought to the attention of Management and Staff we will seek to encourage the efficient, controlled and safe entry of our patrons during our opening period and the duration of the evening whilst patrons are queuing up to the venue.

Barriers will be used to keep a clear area directly outside of our front door in case of any ejections of customers leaving the premises. Barriers will be arranged in such a way to minimize any obstruction to the pavement.

A barrier will be used to keep the entry / exit door of Zero degrees clear until their closure, with customers brought forward to the ID check position in small groups.

Staff will be positioned outside with Security wearing High Vis Tabards, a manager will be present during busy ingress at all times where possible.

VIP customers will be queued the opposite site in a smaller queue, this queue will be managed by a VIP host.

When busy if the queue is reaching BE AT ONE's fire exit then a member of security will be positioned there with another queue formed on the opposite side of the road. This queue will be controlled by security or management with customers sent over to the main queue when space allows. Security will monitor the queue for any queue jumpers to avoid any conflict.

Staff Members (including door personnel when employed) will advise patrons to arrive and queue at the premises respectfully and quietly out of respect for our neighbours and to queue in an orderly fashion.

We will ensure the removal of all bottles and drinking receptacles from any patron before entering the queue/premises

We will try to keep the queue moving as to ensure wait times are kept at minimal, with staff communicating with patrons.

This policy will be reviewed on a regular basis and updated as required.

## 24. Appendices

### Signage

- Age Policy Notice
- CCTV Notice
- Drugs Policy Notice
- Searching Policy Notice
- Leave quietly and not to take glass of premises



# WARNING

## AGE POLICY IN OPERATION AT THIS VENUE.

Gun Street Garden operates a strict 'Challenge 25' policy where any guest appearing under 25 will be required to provide proof of age

**Entry will be refused  
if a guest cannot provide  
satisfactory proof of age.**

Only Passports, UK Driving Licence or any PASS approved proof of age card will be accepted as proof of age.

# **CCTV NOTICE**

**Gun Street Garden** operates a CCTV system that conforms to the Data Protection Act 1998 and is operated for the purposes the prevention and detection of crime, public safety and employee security.

The Data Controller is  
**Gun Street Garden**

**For any further information or enquiries regarding Gun Street Garden CCTV system, please telephone:**

**07494 888180**

# **WARNING**

## **ZERO TOLERANCE DRUGS POLICY AT THIS VENUE.**

Gun Street Garden operates a Zero  
Tolerance Drugs Policy.

Any person found in possession of  
drugs will be detained and the Police  
called Immediately.

By Order of the  
Management.

# Gun Street Garden Search Policy

**Gun Street Garden** operates a search policy.

All persons entering **Gun Street Garden** may be subject to a search of outer clothing and personal belongings.

This is a condition of entry.

Those unwilling to be searched will be refused admittance to the venue.

Any illegal drugs or weapons or prohibited items will be seized and the police notified.<sup>63</sup>

By order of the management.

# WARNING

Please leave the premises  
quietly

Please do not remove any  
glasses or glass bottle from  
the premises

By Order of the  
Management.

## GUN STREET GARDEN - COMMENTS ON POLICE SUMMARY REPORT

DATE	TVP SUMMARY OF PREMISES RESPONSE	GEN40 INFO TVP	PLH COMMENTS
17/11/2019	Negative	Altercation continued outside the premises - split up by door staff and continued outside. Initially the premises played a good role by splitting up the altercation but did not call it up on Night Safe Radio.	The altercation was split up by door staff. The actual incident happened 50 metres away at St Mary's Butts away from the premises and therefore not called in.
29/12/2019	Negative	Door staff intervened between the aggrieved and the suspect - staff held victim back in premises until suspect had left and then walked her to the car.	This happened at the end of the night the suspect was ejected. The victim had used her sisters ID which was discussed with Declan and as agreed staff were given extra training.
18/01/2020	Mixed	No Gen40.	Looks like an argument between two sisters - nothing in incident book.
31/1/2020	Mixed	<u>Staff were excellent.</u> Repeatedly explained why the gentleman was being asked to leave with the manager/owner even coming to speak to him. Door staff were <u>incredibly professional</u> being reasonable but firm.	As per GEN40. Staff were excellent and incredibly professional and it is not clear why TVP view this as a mixed response.
2/11/2020	Unknown	No Gen40.	This seems to be a burglary outside of licensing hours and not relevant.
5/12/2020	Negative	No Gen40.	Unclear as to how this is viewed as negative and the relevance of this?
9/7/2021	Negative	No Gen40.	Incident happened outside and away from the premises and security did not deal with it for that reason.
25/7/2021	Negative	Gun Street Garden was closed. Large number of people exited at the same time - manager and bouncers assisted in the initial kick out.	This was the first Saturday after covid and as the Inspector on site commented "unprecedented times". People stayed in

20/08/2021	Unknown	No Gen40.	<p>the premises longer than usual and security were involved up to 50 metres away. The Inspector on site praised security and was very positive about security.</p> <p>A female appeared intoxicated and became aggressive towards staff and security who asked her to leave. Security deemed this female to be an instigator of trouble and she was quite rightly ejected from the premises. Security did their job correctly.</p>
22/8/2021	Negative	No Gen40.	<p>This is another example of the Police viewing the premises response as negative as being wholly without foundation and is not correct. A customer who has been known to be problematic was refused entry at the door quite rightly by the door staff. He became aggressive to the security team at the front door and door staff had to use reasonable force to calm him down and ensure that he left the area without further incident.</p>
19/09/2021	Mixed	No Gen40.	<p>Security tried to detain the male who ran off after the incident. When he returned a week later with a shaved head security identified him and called the Police. Security attended court as a witness and the male was prosecuted. Incorrect to refer to the premises response as mixed.</p>
13/11/2021	Mixed	No Gen40.	<p>Again security and management do their job correctly. A male was ejected from the premises for inappropriate behaviour</p>

5/12/2021	Mixed	No Gen40.	towards women. Officers were called and the male became very aggressive with officers and was arrested and charged. Again security doing their job correctly. Security intervened in an altercation between a male and a group of males and removed the aggressor and defused the situation.
1/1/2022	Negative	After the suspect assaulted someone a member of the door staff team had moved him away. All door staff played a <u>positive role</u> .	Incident happened outside the venue between two groups of males. Security got involved and defused the situation and assisted the Police until the end.
8/2/2022	Unknown	No Gen40.	Not connected directly to the premises. It appears that the aggrieved was standing outside on the street and somebody stole her phone.
27/2/2022	Mixed	No Gen40.	Not aware of the incident.
4/3/2022	Unknown	No Gen40.	Alleged drink spiking reported the following morning so premises would not be aware unless informed.
12/3/2022	Unknown	No Gen40.	Not recorded in incident book which is disappointing.
27/3/2022	Mixed	No Gen40.	It seems to be mainly outside the premises. No one in a balaclava would be allowed in the premises.
15/4/2022	Negative	Whilst door staff not very welcoming, manager Theo started off very welcoming and positive.	This Gen40 is completely not accepted by the premises. The inspector involved was ultimately reported by the premises for bullying/inappropriate behaviour and ultimately did not work the beat again.



30/4/2022	Mixed	No Gen40.	Theo provided all information necessary and would always work with the Police. Venue security and DPS got involved to help the aggrieved. The suspect could not be identified although it clearly was not a member of staff. Staff and Theo did everything to assist.
2/5/2022	Mixed	No Gen40.	Not drawn to the attention of the premises. Caller refers to a 'bar'?
15/5/2022	Mixed	No Gen40.	Theft of phone not reported to club.
29/5/2022	Negative	The venue had door staff who were managing the queue. They were dealing on both sides of the pavement. No incidents of note.	Door staff were dealing with this positively there was a large queue and it was managed and there was no disorder.
29/5/2022	Mixed	No Gen40.	Nothing reported to staff or management.
3/7/2022	Unknown	No Gen40.	Theo met Declan Smith with George following this incident. The venue accepted that an error had been made on the scanning system in that somebody had been allowed into the premises who was barred and should not have been allowed into the premises. Emails between Declan and Theo/George. Meeting with Declan took place on the 14 <sup>th</sup> July 2022. A follow up email was sent by the premises licence holder to Declan and Robert Smalling but was never responded to.
7/8/2022	Negative	The security guards from Gun Street Gardens were visible and were trying to control the queue however were not successful as the issue got worse. When spoken to they understood the issue	This is described in the summary as negative and yet the GEN 40 confirms that security were visible, understood the issue and were trying their best.

10/9/2022	Mixed		with safety of the public being on their own and said they were trying to do their best. No Gen40.	Nothing in the incident book and a female reports the assault in the Cocktail Bar which we suspect is the London Cocktail Club next door and not connected to Gun Street Garden.
4/11/2022	Unknown		Gen40 confirms this incident is at the Cocktail Club and not at Gun Street Garden.	
12/11/2022	Negative		Staff members did not seem to be encouraging anybody to get out of the road etc.	All noted. This takes place at 2300. At that time records show that only 9 people had left the premises?
10/12/2022	Negative		No Gen40.	Unclear how it is connected to Gun Street Garden.
10/12/2022	Mixed		No Gen40.	Staff noticed a male who was intoxicated and he was quite rightly ejected. Correct behaviour by the door staff.
28/12/2022	Unknown		No Gen40.	Not reported to the premises. Phone theft.
31/12/2022	Unknown		No Gen40.	Not reported to the premises.
30/1/2023	Unknown		No Gen40.	Not reported to the premises.
4/2/2023	Unknown		No Gen40.	Police were phoned by the aggrieved when they got home. Not reported to the premises.
26/3/2023	Negative		No Gen40.	The log book indicates that around 1am 6 males were refused entry. They left and returned at 3am and started threatening security and the DPS who called the

1/4/2023	Unknown	No Gen40.	Police. At that time other males were leaving the venue of their own accord and were attacked by the males who had been refused entry. Security intervened and the Police arrived having been called. Not reported to the club and aggrieved not making any complaint.
7/4/2023	Unknown	No Gen40.	Not reported to the club.
10/6/2023	Negative	Incident happened at 0351 no record of Police being refused CCTV and certainly if Theo or the staff had been spoken to CCTV would have been given to the Police. Strange that the Police were asked to come back at 0830 when the premises clearly would not be open. If any member of security or any member of staff refused to give the Police CCTV this is absolutely not acceptable and it is right that the Police are critical. Unfortunately there is no record at the venue.	
8/7/2023	Unknown	No Gen40.	Not reported to club and not in incident book.
10/7/2023	Unknown	No Gen40.	This clearly relates to the London Cocktail Club.
6/8/2023	Mixed	No Gen40.	Not reported to the club.
20/8/2023	Unknown	No Gen40.	Club not informed.
5/9/2023	Mixed	No Gen40.	This is a burglary at the premises when the premises were closed and yet the Police

			still refer to the premises response as mixed?
9/9/2023	Negative	Gen40 details everything correctly.	<p>It is agreed that this is not acceptable and the behaviour of the door staff is not acceptable. The door staff in question were immediately dismissed from working at the premises and the whole incident involving the particular door staff is not how door staff or staff should behave. The Police very fairly note that one member of the door team Abbey deserves a bonus for trying to manage this whilst also working against her colleague. Agree with the Police this is not acceptable.</p> <p>It is not believed the club was even open.</p>
12/10/2023	Negative	No Gen40.	
19/11/2023	Mixed	Gen40 provides details of the incident.	<p>There was no report of the alleged spiking on the night. Victim was assisted by bouncers.</p>
2/12/2023	Negative	No Gen40 but set out in the review application.	<p>This is a matter which is still under investigation by the Police. The member of door staff involved does not accept the allegations made and other door staff support the statement that the aggrieved and her friends were extremely aggressive and causing trouble and that the member of door staff was trying to object them using reasonable force when the aggrieved tripped/fell on the kerb.</p>



# Ping Security Marketing Pack

Ping Security is a subsidiary company to Ping Enterprise Limited (12151394). In this information pack is my personal CV, an insight in what we offer as a company, references and insurance docs.

Ping Security aim to provide professional, polite, punctual, presentable well trained staff who take their job seriously and work within the boundaries of the law and any boundaries put in place by the venue/event.

We will work closely with management behind the scenes to ensure the clients needs are met and the client is happy with the service.

All staff will be provided with uniform and all the necessary equipment including radios and headsets.

The ROP will be determined once a risk assessment is completed for the job and then a quote will be sent over to confirm.

For any further information please do not hesitate to contact myself Robert Finlay (owner/director) on:

07437 768 123

[Pingentltd@gmail.com](mailto:Pingentltd@gmail.com)

# **Induction GSG**

## **Introductions**

- Management
- Bar staff
- VIP staff
- Security staff

## **Orientation**

- Front door
- Fire exits/Fire equipment
- Box room
- Main room
- Raised bar
- Cloak room
- Toilets
- Smoking area
- First aid box

## **Equipment/Documentation**

- Scanner (how to use)
- The Hoodlum (wand how to use)
- Clicker in/out
- Bodycam
- Radios/earpiece (radio test including codes)
- Signing in book/incident book/first aid book/numbers sheets

## **Uniform**

- Black boots/shoes (no steel toe caps)
- Black trousers
- White shirt
- Black tie (provided )
- Black/yellow high vis vests (provided)
- SIA badge on display

## **Procedures**

- Entry (Driving license/passport must be in date)
- Dress standards (explained on site)
- Searching (demonstration given on site)
- Dispersal (on job training)
- Ejection of customer (explained on site)

All security on arrival must adhere to the induction document above on their first shift at Gun Street Garden and must be refreshed every 3 three months. This is to be taken by Robert Finley (company director) area manager (Brendon Dyer) or the current Head of security

## Ping Security Reference

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Myself (Theo/DPS) has worked with Rob the director of Ping security for over two and a half years to date, Rob started out as our head of security and enabled our venue to flourish with the help of running a large security team to a high professional standard here at Gun Street Garden. Rob was able to always have more door staff then we asked for, from my 8 years' experience as a DPS this is unheard of. Not only was Rob able to provide and recruit such a high number of security, he was able to provide excellent training for all door staff that joined the team. As the relationship becomes stronger throughout the years and Rob made the leap of setting up his own firm, we decided to migrate from a well-known security company to Ping Enterprise LTD as it was clear his service was second to none.

Rob and his firm took over the security contract on 31st October, since the migration we have seen nothing but excellent and professional services from him and his team, he has been able to keep up the high standards he has always provided and recruit more door staff giving us the best pick of a great bunch. Rob provides the uniform for all his staff which again adds to that professionalism Ping Enterprises LTD can offer.

Due to Rob continuing the great personal relationship and professional working relationship we have offered our next venue to him. This will mean Ping Enterprises will be supplying us with up to 30 door staff a week and as we continue to grow we are ensured that Rob will be able to continuously supply us with security.

Kind regards,

Theo Barber

Director GTB Leisure LTD Theo@gunstreetgarden.co.uk



Xhemajl Zeqiri The Jolly Anglers Pub Reading Rg1 3ea  
[Xhemajl.zeqiri@thejollyanglerspub.co.uk](mailto:Xhemajl.zeqiri@thejollyanglerspub.co.uk) 07383987805

03/01/2022

To whom it may concern

This reference is to confirm that Ping Enterprises LTD (Ping security) has hosted our venue for events/party's/large bookings.

They are professional, polite, punctual and good at what they do.

For any further information please do not hesitate to contact me, my details are at the top right.

Yours sincerely Xhemajl Zeqiri

To Whom it may concern:

We have known & used Ping Enterprises (Ping Security), very successfully for over 2 years. Rob has provided security services as required over this period.

They are very reliable, and always support us as and when we need for special functions.

I recommend Robert very highly.

Should you require any further information, or clarification please feel free to contact me on my mobile, 07716 099885.

Sincerely

**Bob Todd**

Bob Todd Landlord

**To whom it may concern,**

**Please accept this as written confirmation that Robert Finlay has been providing security services for Zerodegrees Reading for the last two months. I would have no hesitation in offering both sincere and glowing feedback on the quality of service provided by the staff he has selected for us, and also on the manner in which he has conducted himself in the whole process.**

**I have known Rob for almost a year now, due to working in businesses next door to each other. Throughout that time, I've come to know him as extremely professional, polite and genuinely caring in matters both in and outside of the work place.**

**I would be happy to answer any further questions or queries you may have regarding his suitability in filling a potential role within your business, and leave my details below should you wish to contact me.**

**Kind regards,**

**Luke Bailey  
General Manager Zerodegrees Reading  
01189 597959/07766 808199 reading@zerodegrees.com**

**From:** Gordana Pavlovic <9ordana@gmail.com> **Date:** 28 February 2022 at 15:24:09 GMT

**To:** robert Finlay <Robfinlay@outlook.com> **Subject:** Re: info pack

Hello Rob,

Just wanted to say thank you for providing the security for our IDENTITY event yesterday at The Market House. The venue manager was very happy with your teams operations on the night as were myself and Naomi running the event.

Thank you for going over and above by providing wristbands and radios, as our requests were quite short notice as well, much appreciated.

Brendan was extremely efficient in managing the entry and reentry process alongside the venue staff. We look forward to using you again in the future. I shall be recommending Ping Security going forward as all communication was clear, you provided the useful info pack, the management you recommended to be suitable on the night for the scale of our event was ideal for the event, you kept it very realistic and transparent. And it was good to get to meet yourself quickly too thanks for that face to face, I always feel that's important.

No doubt I will be in touch again soon. I await your invoice in the meantime.

Many thanks, Gordana

**CHRISTIE AND ASSOCIATES LTD**

IBEX HOUSE, BAKER STREET, WEYBRIDGE, SURREY, ENGLAND, KT13 8AH  
0800 030 6876

0044 (0)20 3858 0787 INFO@LONDONBODYGUARDSERVICES.COM

## LETTER OF RECOMMENDATION

17.10.2023 – London, England

To Whom It May Concern,

I am writing to highly recommend Mr. Robert Finlay as a Close Protection Officer (CPO) based on his exemplary performance while working with my company, Christie and Associates, over the last two years. During this time, Mr. Finlay has served as an individual CPO as well as taken on the responsibilities of a Team Leader for various contracts.

Mr. Finlay's commitment to excellence and unwavering professionalism have consistently impressed me and my team. His dedication to ensuring the safety and security of our clients and assets is truly commendable. He has a strong understanding of security protocols and procedures, and his attention to detail is consummate.

As an individual CPO, Mr. Finlay consistently demonstrated his reliability and competence in carrying out his duties. He exhibited excellent situational awareness and made well-informed decisions in high-pressure situations, which undoubtedly contributed to our clients' safety and peace of mind.

Additionally, when Mr. Finlay took on the role of Team Leader for a certain contract, he exhibited strong leadership qualities. He effectively coordinated and managed his team, ensuring that everyone was well-prepared and aligned with our clients' security needs. His ability to communicate clearly and lead by example was evident to both the team members and my clients.

Mr. Finlay's professionalism extends beyond his security skills. He consistently maintained a polite and respectful demeanour with clients, colleagues, and staff. His interactions were characterised by diplomacy and courtesy, which enhanced our company's reputation and the overall client experience.

Furthermore, I must highlight Mr. Finlay's honesty and integrity. Throughout his tenure with Christie and Associates, he demonstrated a commitment to ethical conduct and a strong moral compass. His integrity is a testament to his character and a valuable asset in the field of close protection.

In summary, I have the utmost confidence in Mr. Robert Finlay's abilities as a Close Protection Officer and Team Leader. His dedication, professionalism, reliability, and honesty

have consistently contributed to the success of our operations. I wholeheartedly recommend Mr. Finlay for any close protection role and am confident that he will continue to excel in his career.

If you require any further information or have specific questions regarding Mr. Finlay's performance and qualifications, please do not hesitate to contact me at [caseychristie@londonbodyguardservices.com](mailto:caseychristie@londonbodyguardservices.com) or on 074 8259 8923.

Kind Regards,

*Casey Christie*

**Managing Director Christie and Associates**

**CHRISTIE AND ASSOCIATES LTD**

Company No. 11401718

VAT Registration Number 339526674





## Certificate of Employers' Liability Insurance

In accordance with the requirement of regulation 5 of the Employers' Liability (Compulsory Insurance) Regulations 1998 as amended by regulation 2 of the Employers' Liability (Compulsory Insurance) Regulations 2008 (the Regulations), one or more copies of this certificate must be displayed at each place of business at which the policyholder employs persons covered by the policy. This requirement will be satisfied if the certificate is made available in electronic form and each relevant employee to whom it relates has reasonable access to it in that form.

**Policy number The insured Inception date Expiry date**

CHBS3219707XB Ping Enterprises Ltd 13/08/2023 12/08/2024

We hereby certify that subject to paragraph 2 below

1. The Policy to which this certificate relates satisfies the requirements of the relevant law applicable in Great Britain, Northern Ireland, the Isle of Man, the Isle of Jersey, the Island of Guernsey and the Island of Alderney
2. The minimum amount of cover provided by this policy is no less than £5 million

Signed on behalf of **HDI Global Specialty SE and Great Lakes Insurance UK Limited**  
(Authorised Insurer)

**David Summers**

**Group CEO, Simply Business**

Notes

This Certificate will only cover the individual or companies listed on our schedule. If you have any subsidiary companies that require cover for employees, please inform us. This will help ensure that you have the correct cover as an employer.

## Fwd: Gun Street Garden - Reinspection



**From** <theo@gunstreetgarden.co.uk>  
**To** George <george@gunstreetgarden.co.uk>  
**Date** 2023-12-21 16:31

Begin forwarded message:

**From:** "Smalley, Robert" <Robert.Smalley@reading.gov.uk>  
**Date:** 30 June 2022 at 19:00:00 BST  
**To:** Theo GSG <theo@gunstreetgarden.co.uk>, Will@gunstreetgarden.co.uk  
**Cc:** "declan.smyth" <declan.smyth@thamesvalley.pnn.police.uk>  
**Subject:** Gun Street Garden - Reinspection

Dear Both,

Following my second visit, yesterday, I am pleased to see that most issues have been rectified. The only outstanding matter is condition 19a which Will is aware of. Will, please e-mail me a copy of the risk assessment, as soon as possible.

Kind regards,

Robert Smalley  
Enforcement Officer  
Licensing Department | Directorate for Economic Growth and Neighbourhood Services

Reading Borough Council  
Civic Offices Bridge Street Reading RG1 2LU

0118 937 2846  
07583 679 046

[Licensing@reading.gov.uk](mailto:Licensing@reading.gov.uk)

Are you thinking about applying for a new licence or varying your current one? Take advantage of our pre-application consultation:

Licensed Driver: <https://www.reading.gov.uk/business/licences/taxi-licensing/>

Licensed Premises: <https://www.reading.gov.uk/business/licences/alcohol-and-entertainment-licences/premises-licence/>

To access the licensing section of our website, please click this link: <https://www.reading.gov.uk/business/licences/>

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



## Tasmina Hoque

---

**From:** Andrew Woods  
**Sent:** 31 January 2024 08:53  
**To:** Tasmina Hoque  
**Subject:** TAB H CCTV request from Thames Valley Police

**From:** "Wells, Valerie (C8752)" <[valerie.wells@thamesvalley.police.uk](mailto:valerie.wells@thamesvalley.police.uk)>  
**Date:** 24 January 2024 at 13:33:56 GMT  
**To:** [info@gunstreetgarden.co.uk](mailto:info@gunstreetgarden.co.uk)  
**Subject:** RE: CCTV request from Thames Valley Police

Hello Theo,

Thank you so much for your time in assisting us and providing the information. It is much appreciated.

I will be away on training shortly today and not back in the office until Tuesday. Therefore would you mind emailing my colleague Karen Symonds (P4827) - [Karen.Symons@thamesvalley.police.uk](mailto:Karen.Symons@thamesvalley.police.uk) with any further update to ensure this is picked up?

With thanks again and kind regards

C8752 Valerie Wells

West Berkshire CID – Team 2

01635 264767

Newbury Police Station, Mill Lane, Newbury, RG14 5QU



## Tasmina Hoque

---

**From:** Andrew Woods  
**Sent:** 1 February 2024 12:22  
**To:** Tasmina Hoque  
**Subject:** TAB H CCTV Enquiry - Crime Report 43240012574

**From:** "Griffiths, Charis (C7762)" <[charis.griffiths@thamesvalley.police.uk](mailto:charis.griffiths@thamesvalley.police.uk)>  
**Date:** 1 February 2024 at 10:35:14 GMT  
**To:** [info@gunstreetgarden.co.uk](mailto:info@gunstreetgarden.co.uk)  
**Subject:** RE: CCTV Enquiry - Crime Report 43240012574

Hi Theo,

I can confirm that I have received this 😊

Thank you very much for your assistance.

Kind regards,

Charis

**Charis Griffiths C7762 | PIP1 Investigator | Assessment & Investigation Unit Berkshire**

✉ [Charis.Griffiths@thamesvalley.police.uk](mailto:Charis.Griffiths@thamesvalley.police.uk)

☎ 07890 970396 ☎ 01865 309010

✉ Reading Police Station, Castle Street, Reading, RG1 7TH

If you are a victim of crime, please find a copy of the victims code here: [victims-code-2020.pdf](#)



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

**From:** Info@GSG <[info@gunstreetgarden.co.uk](mailto:info@gunstreetgarden.co.uk)>  
**Sent:** 01 February 2024 10:11  
**To:** Griffiths, Charis (C7762) <[charis.griffiths@thamesvalley.police.uk](mailto:charis.griffiths@thamesvalley.police.uk)>  
**Subject:** Re: CCTV Enquiry - Crime Report 43240012574

Caution: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe - If unsure email [ICTSecurityTeam@thamesvalley.police.uk](mailto:ICTSecurityTeam@thamesvalley.police.uk)<<mailto:ICTSecurityTeam@thamesvalley.police.uk>> to report this message.

Morning Charis, we uploaded the CCTV on Tuesday.

Have you received?

Kind regards  
Theo Barber  
DPS.

> On 30 Jan 2024, at 09:19, Griffiths, Charis (C7762) <charis.griffiths@thamesvalley.police.uk> wrote:

>

> Thanks Theo, I have emailed you a link :)

>

> -----Original Message-----

> From: Info@GSG <info@gunstreetgarden.co.uk>

> Sent: 29 January 2024 10:59

> To: Griffiths, Charis (C7762)

> <charis.griffiths@thamesvalley.police.uk>

> Subject: Re: CCTV Enquiry - Crime Report 43240012574

>

> Caution: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe - If unsure email ICTSecurityTeam@thamesvalley.police.uk<mailto:ICTSecurityTeam@thamesvalley.police.uk> to report this message.

>

> Good morning Charis, we are back in the venue tomorrow morning. We shall jump straight onto this for you.

>

> Please can you send us a link to upload the CCTV.

>

> Kind regards

> Theo Barber

> DPS

> 07863034112

>

>

>> On 26 Jan 2024, at 22:39, Griffiths, Charis (C7762) <charis.griffiths@thamesvalley.police.uk> wrote:

>>

>>

>> Good evening,

>>

>> We are currently investigating a report of assault that has occurred on 09/01/2024 between 0200-0215hrs in the morning.

>>

>> The incident starts outside PURPLE TURTLE, but parties end up outside your premises between 0204-0209hrs, specifically in the doorway.

>>

>> Please can you provide us with with any available CCTV footage that you may have. I can send you a link to our digital evidence management system for this to be uploaded to, or I can collect.

>>

>> Kind regards

>>

>> PSI Charis Griffiths C7762, Thames Valley Police

>>

>>

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