

**LICENSING ACT 2003 HEARING TUESDAY 30 OCTOBER 2018 @1700HRS**

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

**1. Premises:**

Smash  
Ground Floor  
Gun Street  
Reading  
RG1 2JR

**2. Applicant:**

Eclectic Bars Trading Limited  
36 Drury Lane  
London  
WC2B 5RR

**3. Premises Licence:**

This application is for a grant of a new licence for the ground floor only. There is currently a premises licence in force at the premises (licence number LP2002361 dated 24/09/2018) which covers the whole building. This licence currently permits the following:

Sale of Alcohol by Retail, 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.

Monday to Thursday from 1000hrs until 0330hrs  
Friday to Saturday from 1000hrs until 0430hrs  
Sunday from 1200hrs until 0230hrs

Late Night Refreshment

Monday to Thursday from 2300hrs until 0330hrs  
Friday to Saturday from 2300hrs until 0430hrs  
Sunday from 2300hrs until 0230hrs

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

The licence is attached to this report at [Appendix PN-5](#)

If this application is granted then the applicant would need to surrender the licence that is currently in force at the premises.

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

The application is for the grant of a premises licence for the following activities on the ground floor only:

Sale of Alcohol by Retail (On and Off premises), Performance of Live Music  
Playing of Recorded Music, Performance of Dance. Anything similar to Live Music, Recorded Music or Performance of Dance.

Sunday to Wednesday from 1100hrs until 0100hrs  
Thursday to Saturday from 1100hrs until 0130hrs

##### Exhibition of Films

Sunday to Wednesday from 1100hrs until 0030hrs  
Thursday to Saturday from 1100hrs until 0100hrs

##### Late Night Refreshment (On and Off premises only)

Sunday to Wednesday from 2300hrs until 0100hrs  
Thursday to Saturday from 2300hrs until 0130hrs

##### Opening Hours

Sunday to Wednesday from 1100hrs to 0100hrs  
Thursday to Saturday from 1100hrs to 0130hrs

#### 5. Temporary Event Notices

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

#### 6. Date of receipt of application: 11 September 2018

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

#### 7. Date of closure of period for representations: 9 October 2018

#### 8. Representations received:

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

Thames Valley Police (attached at [Appendix PN-2](#))

Reading Borough Council Licensing team(attached at [Appendix PN-3](#))

Reading Borough Council Environmental Protection and Nuisance team(attached at [Appendix PN-4](#))

A plan showing the premises location and surrounding area is attached at

## Appendix PN-6

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

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

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

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

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

#### The Council's Licensing Policy Statement:

##### 7.15 Crime & Disorder Act 1998

7.15.1 In applying this policy, the Authority will have regard to its obligations under Section 17 of the Crime and Disorder Act 1998 and will do all that it reasonably can to prevent crime and disorder in Reading. The Authority will also have regard to the Safer Reading Partnership, which incorporates both local and national strategies and whose mission statement is "We will continue to make Reading a safer place for those who live, work and visit, through a reduction in crime and disorder". In addition the Authority will liaise with the Reading Crime Reduction Partnership in order to reduce crime, misuse of drugs and the fear of crime.

##### 8. Cumulative Impact And Need

###### 8.1 Cumulative Impact Policy (CIP)

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

8.1.2 The cumulative impact of licensed premises is a proper matter for the Authority to take into account in discharging its licensing functions and

in developing its licensing policy statement. This should not however be confused with 'need' which relates more to the commercial demand for a particular type of premises e.g. a pub, restaurant or hotel. The issue of 'need' does not form part of this licensing policy statement.

8.1.3 The Authority has considered in formulating this policy, in close consultation with Thames Valley Police, whether there is a particular concentration of licensed premises in a particular part of Reading, which is already causing a cumulative impact on one or more of the licensing objectives.

8.1.4 Concerns do exist about the number of licensed premises in parts of the town centre, particularly in Friar Street, and Gun Street areas, together with the impact that these premises have upon the licensing objectives. The Council recognises the concerns of residents in areas with high proportions of licensed premises and will use best endeavours and all available legislation so as to ensure these premises and the activities associated with them are properly controlled and do not result in unreasonable disturbance for residents.

8.1.6 It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.

8.1.7 The Authority is keen to stress that as well as the licensing function there are a number of other mechanisms for addressing issues of unruly behaviour which occur away from licensed premises. These include:

- (a) planning controls;
- (b) ongoing measures to provide a safer and cleaner environment in partnership with local businesses and others;
- (c) the provision of CCTV surveillance in the town centre, provision of taxi ranks, provision of public toilets, street cleaning and sweeping;
- (d) powers to designate parts of the Borough as places where alcohol may not be consumed publicly;
- (e) confiscation of alcohol from adults and others in designated areas;
- (f) the prosecution of any personal licence holder or member of staff at who is selling alcohol to people who are drunk;
- (g) police enforcement of the law with regard to disorder and anti-social behaviour;
- (h) police powers to close some premises for up to 24 hours in extreme

cases of disorder or excessive noise;

8.1.8 The Authority will address a number of these issues through the Reading Community Safety Partnership in line with the strategic objectives for crime and disorder reduction within the Borough.

8.1.9 The effect of keeping the cumulative impact policy, is to create a rebuttable presumption that applications for new premises licences and club premises certificates or material variations, will be refused, if relevant representations are received. A rebuttable presumption is not a presumption that is absolute; it is a presumption that may be overturned if sufficient evidence can be provided against the presumption. Appendix C to this reports list a number of policies and conditions that could be included in an operating schedule and considered by the council.

8.1.10 Applications, which are unlikely to have a negative effect on the licensing objectives, are unlikely to illicit relevant representations. They, therefore, are unlikely to progress to a hearing, with the consequence that they are likely to be granted by officers under delegated powers.

8.1.11 Where during the application for the grant or variation of a premises licence or club premises certificate, responsible authorities or interested parties are concerned that the licensing objectives will be impacted upon, there are likely to be relevant representations, which would lead to the application proceeding to a hearing. If at that hearing, an applicant is able to rebut the presumption of refusal by demonstrating there will be no negative impact on the licensing objectives, a licence can still be granted. However, if the presumption cannot be rebutted, the application is likely to be refused.

## **8.2 Reasons for the CIP approach**

8.2.1 The cumulative impact policy is a highly significant measure, because it creates a presumption against a particular form of economic development, and therefore, as a matter of good regulation a policy should not be renewed unless there is a sound reason to do so.

8.2.2 The Council has undertaken research in respect of Reading town centre that has identified high concentrations of licensed premises and high levels of crime for offence types that are associated with the night-time economy, alcohol and licensed premises.

8.2.3 Of the high number of licensed premises in Reading town centre, the majority are well run. However, the sheer volume and concentration of premises is having a negative impact on the licensing objectives.

8.2.4 As a result, the Council, acting as the Licensing Authority for Reading, after considering evidence of crime and looking at concentrations of licensed premises in the borough, is satisfied that it is appropriate to keep a CIP in the town centre in order to promote the licensing objectives.

8.2.5 The Council and partner organisations already employ a range of mechanisms designed to prevent or limit the cumulative impact of any problems arising from premises and their customers behaving inappropriately or unlawfully once away from the premises. The measures currently employed include the provision of night bus services, the use of Taxi Marshals to supervise and control taxi ranks, the presence of Street Pastors in the town centre late at night at weekends to assist people who may be in difficulty, extensive CCTV coverage and monitoring of the town centre, regular joint operations to detect illegal taxis, active use of dispersal orders to improve the town centre environment, and the provision of 'Urilift' toilet facilities in the town centre for people visiting the town centre at night, in an attempt to cut down street urination.

### **8.3 Reading Central CIP Area**

8.3.3 The council considers it appropriate to continue with the existing CIP. However, due to the redevelopment of Reading railway station and changes to pedestrian flows, the area north of the railway station which includes Vastern Road and Caversham Road may be considered as a possible extension to the town CIP. Should evidence emerge of a rise in crime and disorder in that area, the council will apply for an extension to the CIP following the Secretary of State's guidance in such matters.

### **8.4 General Approach to applications within the CIP area**

8.4.1 The Secretary of State's Guidance under the Licensing Act 2003 suggests that Local Authorities can, within a cumulative impact area, adopt a policy of refusing all new licences subject to relevant representations and the rebuttable presumption as outlined at paragraph 8.1.9 above being made. It is not the Council's intention to adopt such a broad approach. To do so may operate disproportionately against some types of premises that are unlikely to undermine the licensing objectives and others which can operate without so doing earlier in the evening. The policy therefore takes a more targeted approach by focusing on certain types of operation and those that only operate beyond midnight. For certain types of premises which are not normally associated with undermining to the licensing objectives, the policy is neutral or even positive.

8.4.2 This policy has regard to Secretary of State's Guidance which does not support fixed terminal hours. The policy creates a presumption against some premises operating beyond a certain hour and this is an appropriate and proportionate response to the particular circumstances in the proposed Reading Central CIP area. This is considered preferable than refusing applications outright.

### **8.5 Application of this policy**

8.5.1 This policy will apply to all applications for premises licences and club premises certificates for material variations for premises within the Reading Central CIP Area. Material variations include increases of hours, capacity and all other variations that are likely to add to cumulative impact in the Reading Central CIP Area.

8.5.2 The policy will only be applied where there have been relevant representations. Where there are no relevant representations, it is the duty of the licensing authority to grant the application subject to the conditions in the operating schedule and the mandatory conditions imposed by law.

8.5.3 The policy takes a different approach to different types of premises. In the case of applications for hybrid premises that would fall into more than one type, the predominant use will be taken for the purposes of the policy.

## **8.6 The Policy**

8.6.8 Bars/Clubs/music and dancing venues: – Subject to the rebuttable presumption as outlined at paragraph 8.1.9 above, the policy is to refuse applications for such premises. Experience has shown that venues which serve alcohol, often at low prices; provide limited seating for customers; provide facilities for music and dancing; and which are alcohol rather than food-led, have the strongest potential to have a negative impact on the licensing objectives and to add to cumulative impact. Applicants seeking to operate in the CIP area will need to demonstrate that detailed measures proposed in the operating schedule will result in no increase in crime and disorder.

## **Integration with Planning**

7.1 The Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. However, the Authority will normally expect applicants to demonstrate that, *their proposed use of the premises is lawful in planning terms*, including complying with any conditions that may be imposed upon a planning consent, prior to applications under this Act being submitted.

## **Licensed premises in residential areas**

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

## **Amended Guidance issued under section 182 of the Licensing Act 2003 April 2018**

### **Licensing Objectives and Aims:**

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for

everyone involved in licensing work. They include:

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

**Steps to promote the licensing objectives:**

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

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

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

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

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

8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly



available sources which may be of use to applicants include:

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

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

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

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

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

#### **The role of responsible authorities**

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

#### **Representations from the police**

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. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

#### **Licensing authorities acting as responsible authorities**

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

#### **Integrating strategies**

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

#### **Planning and building control**

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

14.65 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under

planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.

### Licensing Act 2003

The Licensing Act 2003 under Section 18 (6) also states that any relevant representation should be considered in the context of:

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

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

### Case Law

East Lindsey DC v Abu Hanif (2016) case law 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.

Similarly the case law of British Beer and Pub Association v Canterbury City Council (2005) underpins the value of the Council's licensing policy. Mr Justice Richards stated: "The council is entitled to indicate in the policy its own expectations with regard to the promotion of the licensing objectives; and I do not think that an applicant can legitimately complain if a failure to take account of those expectations gives rise to representations...An applicant who does not tailor his application to the policy therefore faces an uphill struggle."

On Cumulative Impact - the case of Portsmouth City Council v 3D Entertainment Group Ltd (2011) - confirmed that it is entirely down to the applicant to rebut the Cumulative Impact policy. It was not down to the police or the Council to abduce any evidence of negative cumulative impact.

Reading Borough Council

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/We Eclectic Bars Trading Limited

*(Insert name(s) of applicant)*

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Smash Ground Floor 5 Gun Street			
Post town	Reading	Postcode	RG1 2JR

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£110,000

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)



- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- 
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

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

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or   
 a function discharged by virtue of Her Majesty's prerogative

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

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

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

Name Eclectic Bars Trading Limited
Address 36 Drury Lane London WC2B 5RR
Registered number (where applicable) 05858842
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

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

DD	MM	YYYY

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

The premises operate as a bar offering amongst other things a mixture of craft ales, pizza prepared in a traditional pizza oven and table tennis tables.

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

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

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

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

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

In all cases complete boxes K, L and M

**A**

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

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon	11:00	00:30			
Tue	11:00	00:30			



Wed	11:00	00:30	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)
Thur	11:00	01:00	
Fri	11:00	01:00	<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)
Sat	11:00	01:00	All licensable activities to extend on Christmas Eve, Boxing Day and Bank Holiday Sundays including Easter Sunday 11:00 to 01:00.
Sun	11:00	00:30	

C

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

**D**

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

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)			
Mon	11:00	00:30				
Tue	11:00	00:30				
Wed	11:00	00:30	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)			
Thur	11:00	01:00				

Fri	11:00	01:00	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</b>  All licensable activities to extend on Christmas Eve, Boxing Day and Bank Holiday Sundays including Easter Sunday 11:00 to 01:00.
Sat	11:00	01:00	
Sun	11:00	00:30	

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>Please give further details here (please read guidance note 3)</b>  <b>State any seasonal variations for the playing of recorded music (please read guidance note 4)</b>  <b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</b>  All licensable activities to extend on Christmas Eve, Boxing Day and Bank Holiday Sundays including Easter Sunday 11:00 to 01:00.		
Mon	11:00	00:30			
Tue	11:00	00:30			
Wed	11:00	00:30			
Thur	11:00	01:00			
Fri	11:00	01:00			
Sat	11:00	01:00			
Sun	11:00	00:30			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>Please give further details here (please read guidance note 3)</b>		
Mon	11:00	00:30			

Tue	11:00	00:30	
Wed	11:00	00:30	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)
Thur	11:00	01:00	
Fri	11:00	01:00	<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)
Sat	11:00	01:00	
Sun	11:00	00:30	All licensable activities to extend on Christmas Eve, Boxing Day and Bank Holiday Sundays including Easter Sunday 11:00 to 01:00.

## H

<b>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</b>			Please give a description of the type of entertainment you will be providing		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	11:00	00:30		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11:00	00:30	<b>Please give further details here</b> (please read guidance note 3)		
Wed	11:00	00:30			
Thur	11:00	01:00	<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Fri	11:00	01:00			
Sat	11:00	01:00	<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g)</b>		

			<b>at different times to those listed in the column on the left, please list (please read guidance note 5)</b>
Sun	11:00	00:30	All licensable activities to extend on Christmas Eve, Boxing Day and Bank Holiday Sundays including Easter Sunday 11:00 to 01:00.

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	23:00	00:30	<b>Please give further details here (please read guidance note 3)</b>		
Tue	23:00	00:30			
Wed	23:00	00:30	<b>State any seasonal variations for the provision of late night refreshment (please read guidance note 4)</b>		
Thur	23:00	01:00			
Fri	23:00	01:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)</b>		
Sat	23:00	01:00	All licensable activities to extend on Christmas Eve, Boxing Day and Bank Holiday Sundays including Easter Sunday 11:00 to 01:00.		
Sun	23:00	00:30			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick (please read guidance note 7)</b>	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	11:00	00:30	<b>State any seasonal variations for the supply of alcohol (please read guidance note 4)</b>		

Tue	11:00	00:30	
Wed	11:00	00:30	
Thur	11:00	01:00	<b><u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</u></b>
Fri	11:00	01:00	All licensable activities to extend on Christmas Eve, Boxing Day and Bank Holiday Sundays including Easter Sunday 11:00 to 01:00.
Sat	11:00	01:00	
Sun	11:00	00:30	

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

Name: Joseph Raymond Wynder	
Date of Birth: [REDACTED]	
Address: [REDACTED] Gimson Road Leicester	
Postcode	LE3 6DZ
Personal licence number (if known): LEIPRS3640	
Issuing licensing authority (if known): Leicester City Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	11:00	01:00	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</b></p> <p>Opening hours to extend on Christmas Eve, Boxing Day and Bank Holiday Sundays including Easter Sunday 11:00 to 01:30.</p>
Tue	11:00	01:00	
Wed	11:00	01:00	
Thur	11:00	01:30	
Fri	11:00	01:30	
Sat	11:00	01:30	
Sun	11:00	01:00	

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

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

This Premises Licence is not to be effective until the licensed area applied for has been removed by way of a variation application from the existing Smash/Coalition Premises Licence to the satisfaction of the premises licence holder and written confirmation has been given to Reading Borough Council by Woods Whur that the variation application is satisfactory and this licence is to be effective.

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

1. The premises licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping.
  - 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. A minimum of two Security Industry Authority (SIA) registered door staff shall be employed at the premises on a Friday and Saturday night from 2100. Door staff shall be employed from 2100 hours until 0100 hours or until all Smash 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 jackets/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.
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. 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.
- 5. 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.
- 6. 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.
- 7. The premises licence holder shall participate in the Local Town Radio Scheme when the premises are opened for licensable activities Monday to Sunday inclusive.

c) Public safety

- 8. 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.
- 9. 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.
- 10. 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.
- 11. 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.

12. 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.

13. The licensee shall monitor the audience numbers and must ensure that the maximum permitted occupancy of 250, including all staff members, is not exceeded.

- a) There shall be at least a minimum number of chairs/seats available for customer use inside the premises at all times the venue is open to the public for use by 40 % of the occupancy and a space equivalent to 20% of the occupancy shall be taken up by Ping Pong Tables so as to negate the need for vertical drinking.

14. There shall be substantial food available on the premises, and orders will be taken up until midnight daily.

d) The prevention of public nuisance

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

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

17. 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.

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

19. 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.

20. 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.

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

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

23. 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.

e) The protection of children from harm

24. The premises shall at all times operate a challenge 25 policy to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided identification.

25. Only a valid driver's licence showing a photograph of the person, a valid passport, national identity card, HM Forces card or proof of age card showing the "PASS" hologram are to be accepted as identification. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premises.

26. 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.

27. For the duration of the licence, the premises shall only operate as and in the style of a Smash (unless any alternative arrangement is agreed with Thames Valley Police and Reading Borough Council).

**Checklist:**

**Please tick to indicate agreement**


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

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

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

**Part 4 – Signatures (please read guidance note 10)**

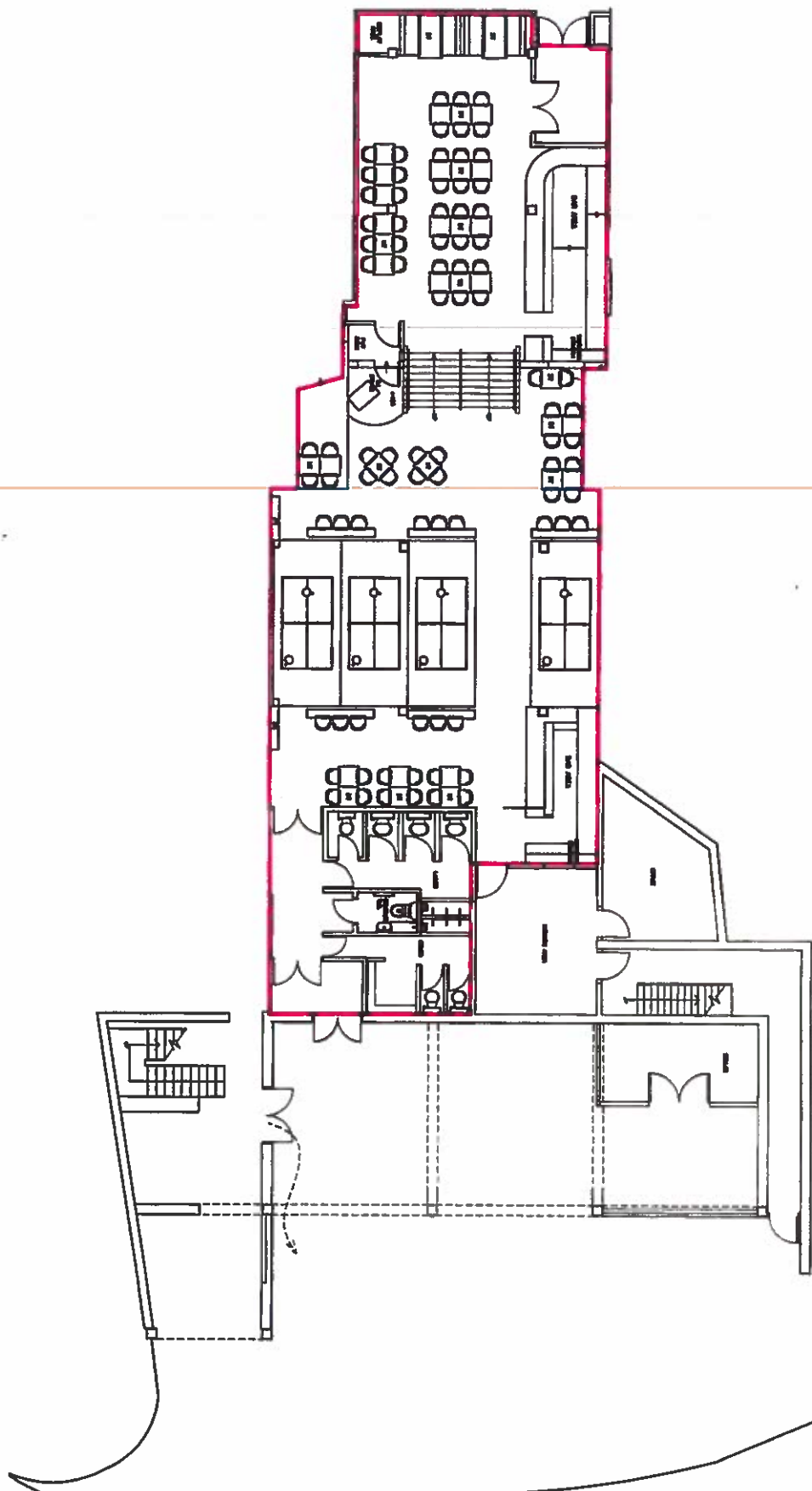
**Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15)</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
<b>Signature</b>	
<b>Date</b>	10 September 2018
<b>Capacity</b>	Woods Whur 2014 Limited Solicitors for the Applicant

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Andrew Woods Woods Whur 2014 Limited Devonshire House 38 York Place			
Post town	Leeds	Postcode	LS1 2ED
Telephone number (if any)	0113 [REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]@woodswhur.co.uk			



**LEGEND**

— Dashed area within boundary indicates wall join places

Note:  
Consumption of alcohol and licensable activities take place within the premises.  
Furniture shown is for indicative purposes only.

Approved for planning purposes only. This plan is not to be used for any other purpose. The client is responsible for ensuring that the plan is in accordance with the relevant regulations and that all necessary permissions are obtained. The client is also responsible for ensuring that the plan is in accordance with the relevant regulations and that all necessary permissions are obtained.

DATE: 29.06.18	F O R C H I E L M	FOR CLIENT REVIEW 21.06.18 FOR CLIENT REVIEW 25.06.18 FOR CLIENT REVIEW 26.06.18 FOR CLIENT REVIEW 27.06.18 FOR CLIENT REVIEW 28.06.18 FOR CLIENT REVIEW 29.06.18
SCALE: 1:125 @A3		
DRAWN BY: ME		
<b>LO1M</b>	REV.	DESCRIPTION
		DATE

TITLE:  
**PROPOSED  
FLOOR PLAN  
FOR LICENSING**

CLIENT:  
**ECLECTIC BARS**

PROJECT:  
**SMASH**  
5 GUN STREET  
READING  
RG1 2JR

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**SMASH READING**



















































































































































































































































