

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 30 OCTOBER 2018

Present: Councillors Maskell (Vice-Chair in the Chair), and D Edwards.

12. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 2 held on 16 August and 6 September 2018 were confirmed as correct records and signed by the Chair.

13. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - SMASH

The Head of Planning, Development and Regulatory Services submitted a report on an application by Electric Bars Trading Limited for the grant of the Premises Licence in respect of Smash, Ground Floor, 5 Gun Street, Reading, RG1 2JR.

The report stated that there was currently a Premises Licence in force and the following licensable activities were permitted:

Exhibition of Films, Performance of Live Music, Playing of Recorded Music, Performance of Dance and anything similar to Live Music, Recorded Music or Performance of Dance

Monday to Thursday	1000 hours until 0330 hours
Friday and Saturday	1000 hours until 0430 hours
Sunday	1200 hours until 0230 hours

Hours for the Provision of Late Night Refreshment

Monday to Thursday	2300 hours until 0330 hours
Friday and Saturday	2300 hours until 0430 hours
Sunday	2300 hours until 0230 hours

Hours for the Sale of Alcohol

Monday to Thursday	1000 hours until 0330 hours
Friday and Saturday	1000 hours until 0430 hours
Sunday	1200 hours until 0230 hours

Hours the Premises are Open of the Public

Monday to Thursday	1000 hours until 0330 hours
Friday and Saturday	1000 hours until 0430 hours
Sunday	1200 hours until 0230 hours

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

A copy of the Premises Licence was attached to the report at Appendix PN5.

The application was seeking the grant of a new Premises Licence for the Ground Floor to allow the following:

Exhibition of Films

Sunday to Wednesday	1100 hours until 0030 hours
Thursday to Saturday	1100 hours until 0100 hours

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Performance of Live Music, Playing of Recorded Music, Performance of Dance and anything similar to Live Music, Recorded Music or Performance of Dance

Sunday to Wednesday	1100 hours until 0030 hours
Thursday to Saturday	1100 hours until 0100 hours

Hours for the Provision of Late Night Refreshment

Sunday to Wednesday	2300 hours until 0030 hours
Thursday to Saturday	2300 hours until 0100 hours

Hours for the Sale of Alcohol

Sunday to Wednesday	1100 hours until 0030 hours
Thursday to Saturday	1100 hours until 0100 hours

All licensable activities to extend on Christmas Eve, Boxing Day, and Bank Holiday Sundays including Easter Sunday from 1100 hours until 0100 hours.

Hours the Premises are Open of the Public

Sunday to Wednesday	1100 hours until 0100 hours
Thursday to Saturday	1100 hours until 0130 hours

Opening hours to extend on Christmas Eve, Boxing Day, and Bank Holiday Sundays including Easter Sunday from 1100 hours until 0130 hours.

A copy of the application form was attached to the report at Appendix PN1.

The applicant confirmed at the meeting that the application had been amended and the application for outdoor live or recorded music has been withdrawn as the premises did not have an outside area on the ground floor.

Representations regarding the application had been received from Thames Valley Police, which was attached to the report at Appendix PN2, Reading Borough Council Licensing Team, which was attached to the report at Appendix PN3 and Reading Borough Council Environmental Protection and Nuisance Team, which was attached to the report at Appendix PN4.

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

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

The report set out paragraphs 7.15.1, 8.1.1 to 8.1.4, 8.1.6 to 8.1.11, 8.2.1 to 8.2.5, 8.3.3, 8.4.1, 8.4.2, 8.5.1 to 8.5.3, 8.6.8, 7.1 and 11.4.1 of the Council's Statement of Licensing Policy.

The report also set out paragraphs 1.5, 8.41 to 8.49, 9.11 to 9.13, 14.63 to 14.65 of the amended guidance issued under Section 182 of the Licensing Act 2003 April 2018.

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Mr Andrew Woods, Woods Whur, representing the applicant, was present at the meeting and addressed the Sub-Committee on the application. Mr Alex D'Aguiar, Operations Director of Bar Club Trading Limited, was also present at the meeting and addressed the Sub-Committee.

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

Resolved -

- (1) That, in order to promote the four licensing objectives and having regard to the oral and written representations made, the Secretary of State's guidance, the Council's Statement of Licensing Policy, especially in respect of cumulative impact, the Sub-Committee was satisfied that the presumption against granting the application had been rebutted because following consideration of the representations made by the applicant at the hearing and that the application had been supported by Thames Valley Police and that the Sub-Committee believed that the reduction in hours would promote the four licensing objectives and would not impact on the cumulative impact area. The application was granted as follows:

Exhibition of Films (indoor only)

Sunday to Wednesday	1100 hours until 0030 hours
Thursday to Saturday	1100 hours until 0100 hours

Performance of Live Music, Playing of Recorded Music, Performance of Dance and anything similar to Live Music, Recorded Music or Performance of Dance (indoor only)

Sunday to Wednesday	1100 hours until 0030 hours
Thursday to Saturday	1100 hours until 0100 hours

Hours for the Provision of Late Night Refreshment

Sunday to Wednesday	2300 hours until 0030 hours
Thursday to Saturday	2300 hours until 0100 hours

Hours for the Sale of Alcohol

Sunday to Wednesday	1100 hours until 0030 hours
Thursday to Saturday	1100 hours until 0100 hours

All licensable activities to extend on Christmas Eve, Boxing Day, and Bank Holiday Sundays including Easter Sunday from 1100 hours until 0100 hours.

- (2) That the premises be open to the public as follows:

Sunday to Wednesday	1100 hours until 0100 hours
Thursday to Saturday	1100 hours until 0130 hours

Opening hours to extend on Christmas Eve, Boxing Day, and Bank Holiday Sundays including Easter Sunday from 1100 hours until 0130 hours.

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- (3) That the following conditions be attached to the licence:
- (1) The Premises Licence Holder shall ensure that 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 times 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 on duty at the premises on Thursday, Friday and Saturday night from 2100 hours until the premises closes to members of the public up to a maximum capacity of 150 persons including all staff. This number shall be increased to a minimum of three licensed SIA door supervisors whenever the capacity (including staff) exceeds 150 persons. 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 shall 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 times 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:

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- 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

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 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;
- (8) An entry, closure and dispersal policy for controlling the opening 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 form and

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made available upon request by an authorised officer of Thames Valley Police and Reading Borough Council;

- (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

This book/register shall 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

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. There shall be at least a minimum 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

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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;
- (15) Noise from amplified music or voices shall not be 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 0000 hours staff shall be available to ensure that customers disperse quietly;
- (18) Doors and windows at the premises are to remain closed after 2300 hours 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 permissible hours;
- (20) Any outside area used by 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;

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- (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) During operating hours, the licensee or a nominated representative shall be available to receive and respond to nuisance-related complaints. A contact number shall be readily available to residents upon request;
- (22) The emptying of bins into skips, and refuse collections shall not take place between 2300 hours and 0800 hours;
- (23) No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance;
- (24) 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 of 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;
- (25) 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;
- (26) Only a valid driver's licence showing a photograph of the person, a valid passport, national identity card, HM Forces card of 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;
- (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) 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).

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(The meeting started at 5.00pm and finished at 7.43pm)