

LICENSING ACT 2003 HEARING TUESDAY 18 DECEMBER 2018 @1700HRS

APPLICATION FOR THE VARIATION OF A PREMISES LICENCE

1. Premises:

The Botanist
Unit 1
1-5 King Street
Reading
RG1 2HB

2. Applicant:

New World Trading Company (UK) Limited
2 Malt Street
Knutsford
WA16 6ES

3. Premises Licence:

There is currently a premises licence in place. The premises are located in the town centre within the Councils' Cumulative Impact Area.

The application was submitted on behalf of New World Trading Company (UK) Ltd and seeks to extend the licensable activities and opening hours to the times stated below. The current licensable activities stated on the premises licence terminate at 2300hrs (Sunday to Wednesday) and 0000hrs (Thursday to Saturday)

The current premises licence is attached at Appendix LIC-7

4. Proposed licensable activities and hours:

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

Sale of Alcohol (On and Off the premises)
Sunday to Wednesday from 0800hrs until 0000hrs
Thursday to Saturday from 0800hrs until 0100hrs

Late Night Refreshment (Indoors)
Sunday to Wednesday from 2300hrs until 0000hrs
Thursday to Saturday from 2300hrs until 0100hrs

Regulated Entertainment
(Live Music/Recorded Music)
Sunday to Wednesday from 0800hrs until 0000hrs
Thursday to Saturday from 0800hrs until 0100hrs

Hours open to the public
Sunday to Wednesday from 0800hrs until 0030hrs
Thursday to Saturday from 0800hrs until 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: 24 October 2018

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

7. Date of closure of period for representations: 21 November 2018

8. Representations received:

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

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

Environmental Protection Team (noise). A copy is attached at [Appendix LIC-3](#)

Planning Team. A copy is attached at [Appendix LIC-4](#)

Thames Valley Police. A copy is attached at [Appendix LIC-5](#)

From Mr William Donne. A copy is attached at [Appendix LIC-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

[Amended Guidance issued under section 182 of the Licensing Act 2003 \(April 2018\)](#)

[Licensing Objectives and Aims:](#)

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

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

Steps to promote the licensing objectives:

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

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

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

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

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

8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

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

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

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

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

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

The role of responsible authorities

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

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local areas. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Licensing authorities acting as responsible authorities

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

Integrating strategies

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

Planning and Building Control

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

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

Licensing Act 2003

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

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

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

Reading Borough Council Statement of Licensing Policy 2018

2. Integrating Strategies

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

Licensing and Planning integration

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

2.3 The planning authority have a number of policies that impact on Reading's night time economy. The Licensing authority recognises that licensing applications should not be a rerun of the planning application process. The planning authority remains the regime that is directed at development of land and the use of premises upon it. The licensing authority remains the regime that is directed at the licensable activities and responsible management of said premises upon that land.

2.4 Whilst there is a clear distinction and separation between the licensing authority and planning authority in terms of their remit, there are times when there are overlapping considerations. In order to secure proper integration across the Council's range of policies, **the Licensing authority will expect applicants to demonstrate that their proposed use of a premises is lawful in planning terms, including complying with any conditions and timings that may be imposed upon a planning consent prior to any application being submitted under the Licensing Act.**

2.5 Where the planning authority has granted planning consent to a specific time, the Licensing authority would expect any applicants under the Licensing Act to not exceed that time within any application.

2.6 Where the planning authority has granted a planning consent that contains conditions that may undermine the promotion of the licensing objectives (such as a restriction in the opening hours based on potential public nuisance issues), the licensing authority would expect applicants to demonstrate how they will mitigate those issues within any application. Failure to do so could lead to representations being made against an application.

2.7 Whilst acknowledging that planning and licensing are separate regimes and that licensing authorities are not bound by the decisions of planning committees (and vice versa), the licensing authority shall aim for the proper integration between licensing and all other Council policies, strategies and initiatives in order to actively promote the licensing objectives.

3.2 This Act requires local authorities and other bodies to consider crime and disorder reduction. Section 17 of the Act states that it shall be the duty of each

authority, to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that is reasonably can to prevent, crime and disorder in its area (including anti social and other behaviour adversely affecting the local environment). This links specifically with the licensing objective of prevention of crime and disorder and the licensing authority will take into account all reasonable measures that actively promote this licensing objective.

The Anti-social Behaviour, Crime and Policing Act 2014

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

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

Integrating strategies

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

9. Enforcement

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

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

and as a responsible authority.

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

Inspections

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

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

Cumulative Impact Assessment

12 Cumulative Impact Assessment for the Town Centre

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

Cumulative Impact Assessments - Background

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

12.2 Cumulative Impact for the purposes of this policy means the potential impact on the promotion of the licensing objectives of a significant number of licensed

premises concentrated in one area. For example, this may include the potential impact on crime and disorder or public nuisance on an area that a large concentration of licensed premises may have.

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

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

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

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

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

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

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

Secretary of State's Guidance and the explanatory notes to the Policing and Crime Act 2017 which was the legislation that inserted Cumulative Impact Assessments into the Licensing Act 2003. The Home Office have also confirmed that this is the intent of the legislation.

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

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

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

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

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

12.18 This assessment shall set out the approach the Authority shall take when

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

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

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

Application of the policy by premises type.

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

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

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

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

Traditional pubs offering cheap drink promotions, regular entertainment and have the potential to undermine the promotion of the licensing objectives through their operation are likely to be refused. The applicant will have to demonstrate how their proposed operation is not inconsistent with the Authority's ability to promote the licensing objectives and safeguard the public as well as the statements and provisions in the Council's licensing policy.

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

Other Initiatives within the Town Centre Cumulative Impact Area

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

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

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

History of Licensing Inspections

The premises has been subject to two licensing inspections in 2018. One inspection was carried out by the Licensing Authority on 23rd May and a reinspection to assess whether those issues had been rectified took place on 17th July 2018.

The officers identified five licensing conditions in breach; no Section 57 notice in place and not all relevant staff authorised to sell alcohol. Each breach of licence condition is a criminal offence and means the premises is conducting licensable activity not in accordance to an authorisation - which is contrary to Section 136 (1) of the Licensing Act 2003.

Thames Valley Police also conducted a licensing inspection on 1st November 2018 where some of the same issues were discovered. We are also aware that drug

swabbing indicated some particularly high readings for cocaine.

If a premises is found in breach of their licence then they are committing criminal offences and undermining the promotion of the four licensing objectives. A licence holder is expected and required to be complying with their premises licence at all times - this is particularly important with premises situated in an area under stress - the Town Centre Cumulative Impact Area.

Summary

The Responsible Authorities respectfully ask that the application for the variation of a premises licence for The Botanist, King Street, Reading, be refused for the reasons and rationale stated in their representations. The application is contrary to the Council's Cumulative Impact Assessment; does not seem to take cognisance of the Council's Licensing policy; does not appear to have been made in line with the Secretary of State's Guidance and does not even mention Cumulative Impact within the application let alone provide any mitigation towards rebutting the presumption of refusal.

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

Case Law

East Lindsey DC v Abu Hanif (2016)

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

Entertainment Group (2011) EWHC 507 (Admin)

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

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

Lic/botanist18.12.2018/pn



Reading
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@reading.gov.uk
 Telephone: 0118 937 3762

* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

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

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

117,000

Section 3 of 18

VARIATION

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

Yes

No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes

No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The purpose of this application is to:

1. Extend hours for licensable activities by 1 hour daily;
2. Extend hours for opening by 1 hour 30 minutes Sunday to Wednesday and 1 hour Thursday to Saturday;
3. To add the following conditions to the licence:
 - The premises shall subscribe to the town safe radio system (insofar as it continues to be available). The system shall be in use from 21:00 until close on Fridays and Saturdays, and at all other times in accordance with a risk assessment to be carried out by the DPS.
 - The premises licence holder, designated premises supervisor or a representative shall regularly attend local Pubwatch meetings (insofar as they continue to be held).
 - At any time that live music is being performed, members of staff shall undertake regular external checks of noise levels to ensure that noise is not emanating from the premises so as to cause a nuisance.

There are to be no other changes to the licence.

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes

No

Section 5 of 18

Continued from previous page...

PROVISION OF FILMS

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the performance of live music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

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

From the start time on New Year's Eve to the terminal hour for New Year's Day.

Section 9 of 18

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start 08:00

End 00:00

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 08:00

End 00:00

Start

End

WEDNESDAY

Start 08:00

End 00:00

Start

End

THURSDAY

Start 08:00

End 01:00

Start

End

FRIDAY

Start 08:00

End 01:00

Start

End

SATURDAY

Start 08:00

End 01:00

Start

End

SUNDAY

Start 08:00

End 00:00

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

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

From the start time on New Year's Eve to the terminal hour for New Year's Day.

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

Section 11 of 18

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

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

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

From the start time on New Year's Eve to the terminal hour for New Year's Day.

Continued from previous page...

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

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

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

From the start time on New Year's Eve to the terminal hour for New Year's Day.

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

n/a

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

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

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

From the start time on New Year's Eve to the terminal hour for New Year's Day.

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

n/a

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

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

Please see conditions attached to existing premises licence and additional conditions proposed.

b) The prevention of crime and disorder

Please see conditions attached to existing premises licence and additional conditions proposed.

c) Public safety

Please see conditions attached to existing premises licence and additional conditions proposed.

d) The prevention of public nuisance

Please see conditions attached to existing premises licence and additional conditions proposed.

e) The protection of children from harm

Please see conditions attached to existing premises licence and additional conditions proposed.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- **Plays:** no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. The fee payable will be based on the rateable value of the property. Band A - £0 - £4300 - Fee Payable - £100 Band B - £4301 - £33,000 - Fee Payable - £190 Band C - £33,001 - £87,000 - Fee Payable - £315 Band D - £87,001 - £125,000 - Fee payable - £450 Band E - £125,001 and over - Fee payable - £635 Additional fees apply to outdoor events.

* Fee amount (£)

DECLARATION

I/WE UNDERSTAND THAT 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/reading/change-1> to upload this file and continue with your application.

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

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.

OFFICE USE ONLY

Applicant reference number	NEW218/18
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)



Name of Officer	Richard French						
Type of Application	Variation of Premises Licence - Licensing Act 2003						
Name of Premises	The Botanist						
Address	Unit 1						
	1-5 King Street						
	Reading, RG1 2HB						
Proposed Licensable Activities	Live Music/Recorded Music from 0800hrs until 0000hrs (Sunday to Wednesday) and from 0800hrs until 0100hrs (Thursday to Saturday)						
	Late Night Refreshment from 2300hrs until 0000hrs (Sunday to Wednesday) and from 2300hrs until 0100hrs (Thursday to Saturday)						
	Sale of Alcohol from 0800hrs until 0000hrs (Sunday to Wednesday) and from 0800hrs until 0100hrs (Thursday to Saturday)						
Finish Times	Mon	Tue	Wed	Thu	Fri	Sat	Sun
	0030	0030	0030	0130	0130	0130	0030
Content of Application:							
The application was submitted on behalf of New World Trading Company (UK) Ltd (Companies House registration number 07685158) on 24 th October 2018.							
The application seeks to extend the licensable activities and opening hours to the times stated above. The current licensable activities stated on the premises licence terminate at 2300hrs (Sunday to Wednesday) and 0000hrs (Thursday to Saturday)							
The premises are within the Council's Town Centre Cumulative Impact Area.							
Licensing Officer's Comments:							
The Licensing Authority object to this application to vary the hours as stated above and respectfully ask for the application to be refused. The reasons for this are:							
1. The application is contrary to the Council's Cumulative Impact Assessment specifically paragraph 12.7 which states that it is likely that granting further licences or variations to licences would be inconsistent with the Authority's duty to promote the licensing objectives. This is also consistent with paragraph 5A of the Licensing Act 2003. Paragraphs 12.13 and 12.23 also state that it will be the general presumption and policy of the Authority that any applications for the grant or material variation of a premises licence shall be refused if relevant							

representations are received.

2. The application is inconsistent with the Secretary of State's Guidance to the Licensing Act - current edition dated April 2018. I would specifically point to paragraphs 8.41/8.43 and 8.47. Indeed, the applicant has made no mention at all within the application of the Council's Cumulative Impact Assessment and what steps they propose to mitigate the effects of such a policy.

3. The proposed application is contrary to the premises planning permission. The reason this is a matter for the licensing authority to consider is two-fold: Firstly, the Council's longstanding and unchallenged licensing policy at paragraphs 2.4 through to 2.7 state that applicants are expected to obtain the correct planning permission and demonstrate compliance with that permission before applying for licence. Secondly, the planning permission for the premises has been granted to certain hours because granting further hours would undermine the licensing objective of preventing public nuisance. Paragraphs 2.5 and 2.6 of the licensing policy clearly state that licences will not be granted in those instances.

4. The premises licence holder has been subject to two licensing inspections of which the results have been poor. One inspection was undertaken by the Licensing Authority on 23rd May 2018 where the premises was found to be in breach of five conditions on the licence as well as not ensuring that all staff members were duly authorised to sell alcohol or that there was a Section 57 notice in place. A further inspection was carried out by Thames Valley Police on 1st November 2018 where further licence conditions and legislative breaches were identified. Each breach of a licence condition is a criminal offence and means activities are being carried out at the premises contrary to Section 136 (1) of the Licensing Act 2003. We are also aware that Thames Valley Police took drug swabs at the premises which were considered high for cocaine use.

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

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

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

1.1 Reading Borough Council, as the relevant licensing authority, has had a Cumulative Impact area in the town centre since late 2010. The Cumulative Impact Assessment outlines the map of the relevant area and is attached at appendix RF-1.

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

conclusion that there are too many licensed premises in the town centre and granting further licences would likely undermine the promotion of licensing objectives.

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

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

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

1.5 Paragraph 12.21 of the Assessment states that any applications seeking hours after midnight will have to demonstrate that it is consistent with the provisions contained within the Council's Licensing policy document (such as planning control; approach to conditions, etc). This is in addition to demonstrating that their proposed operation is not inconsistent with the Authority's duty to promote the licensing objectives within the Town Centre Cumulative Impact Area. The application is inconsistent with the provisions of both the Licensing policy and Cumulative Impact Assessment.

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

1.7 Paragraph 12.33 of the Cumulative Impact Assessment outlines how the Authority will deal with applications for premises deemed as late night bars. It clearly states that late night bars have the strongest potential to have a negative effect on the ability of the Authority's duty to promote the licensing objectives. Late night bars also generate significant issues with crime and disorder. The Assessment states that any such application will be refused unless there are exceptional reasons as to why it should be granted.

1.8 The approach taken in the Council's Cumulative Impact Assessment and Licensing policy is supported by case law. The Council has clearly stated in the

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

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

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

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

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

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

the wrong test, the magistrates fell into error in finding that the Appellant (Portsmouth City Council) had acted unreasonably.

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

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

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

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

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

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

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

application has elicited representations and should therefore be refused.

2. Application inconsistent with Secretary of States Guidance (April 2018)

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

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

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

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

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

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

2.5 Paragraph 8.47 also states that applicants should not just include a set of standard conditions. They should also state why the measures they have proposed are suitable. The conditions proposed within the application are actually drawn from some advice sent to the premises licence holder after their first licensing inspection (see appendix RF-2). These are best practice measures which could have already been in place - they were not matters designed for dealing with the issue of Cumulative Impact:

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.

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

3. The premises planning permission

3.1 The submitted application is contrary to the premises planning permission. The reason this is a matter for the licensing authority to take into consideration is for two reasons. Firstly, the premises planning permission clearly states that granting any further hours to this premises will undermine the prevention of public nuisance licensing objective. That is clearly relevant to the licensing process. Secondly, the Council's long standing and unchallenged licensing policy states - and has always stated - that applicants should have the correct planning permission in place and be adhering to the conditions of that permission.

3.2 The premises current planning permission is attached at appendix RF-3. The restrictions on use and hours is to protect the amenity of the local residents. Therefore the planning authority has already determined that there will be a likely public nuisance if extended hours are granted.

3.3 The Council's licensing policy makes clear what the expectations of the Authority are in relation to planning (see paragraphs 2.4 to 2.7 below)

2.4 Whilst there is a clear distinction and separation between the licensing authority and planning authority in terms of their remit, there are times when there are overlapping considerations. In order to secure proper integration across the Council's range of policies, the Licensing authority will expect applicants to demonstrate that their proposed use of a premises is lawful in planning terms, including complying with any conditions and timings that may be imposed upon a planning consent prior to any application being submitted under the Licensing Act.

2.5 Where the planning authority has granted planning consent to a specific time, the Licensing authority would expect any applicants under the Licensing Act to not exceed that time within any application.

2.6 Where the planning authority has granted a planning consent that contains conditions that may undermine the promotion of the licensing objectives (such as a restriction in the opening hours based on potential public nuisance issues), the licensing authority would expect applicants to demonstrate how they will mitigate those issues within any application. Failure to do so could lead to representations being made against an

application.

2.7 Whilst acknowledging that planning and licensing are separate regimes and that licensing authorities are not bound by the decisions of planning committees (and vice versa), the licensing authority shall aim for the proper integration between licensing and all other Council policies, strategies and initiatives in order to actively promote the licensing objectives.

3.4 The Council's Licensing policy is therefore clear and unchallenged on the matter of the planning permission - particularly when it impacts on the promotion of the four licensing objectives - in this case, the prevention of public nuisance. It should also be noted that the planning authority is a named responsible authority in the Licensing Act 2003 and can make representations in relation to applications and call for review of licences if it believes it is necessary to do so.

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

Integrating strategies

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.

And

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.

3.6 Therefore it is clear that planning is a matter for the licensing authority to consider. It is also clear that the expectation of planning compliance within the Council's Licensing policy is entirely consistent with the recommendation set out in the Secretary of State's Guidance that the Authority should ensure integration and consistency with other strategies and policies. I attach the recent case in front of a district judge where he also held that planning was a matter for the licensing authority to consider - particularly as it forms part of the licensing policy. *La Brea*

Ltd v London Borough of Hackney is attached at **appendix RF-4**. The application is therefore contrary to the planning permission and contrary to the Council's licensing policy. Granting the hours applied for would likely cause a public nuisance and should therefore be refused.

3.7 For information, residents can be found to the west of the building within Market Place (above The Bag Shop); to the east of the premises on High Street and will, once development is complete, be found in the Jacksons Corner site.

4. The premises licensing inspections

4.1 The premises has been subject to two licensing inspections in 2018. One inspection was carried out by the Licensing Authority on 23rd May and a re-inspection to assess whether those issues had been rectified took place on 17th July 2018.

4.2 A copy of that inspection letter is attached at **appendix RF-5** and identified five licensing conditions in breach; no Section 57 notice in place and not all relevant staff authorised to sell alcohol. Each breach of licence condition is a criminal offence and means the premises is conducting licensable activity not in accordance to an authorisation - which is contrary to Section 136 (1) of the Licensing Act 2003.

4.3 The Licensing Authority is aware that Thames Valley Police also conducted a licensing inspection on 1st November 2018 where some of the same issues were discovered. We are also aware that drug swabbing indicated some particularly high readings for cocaine.

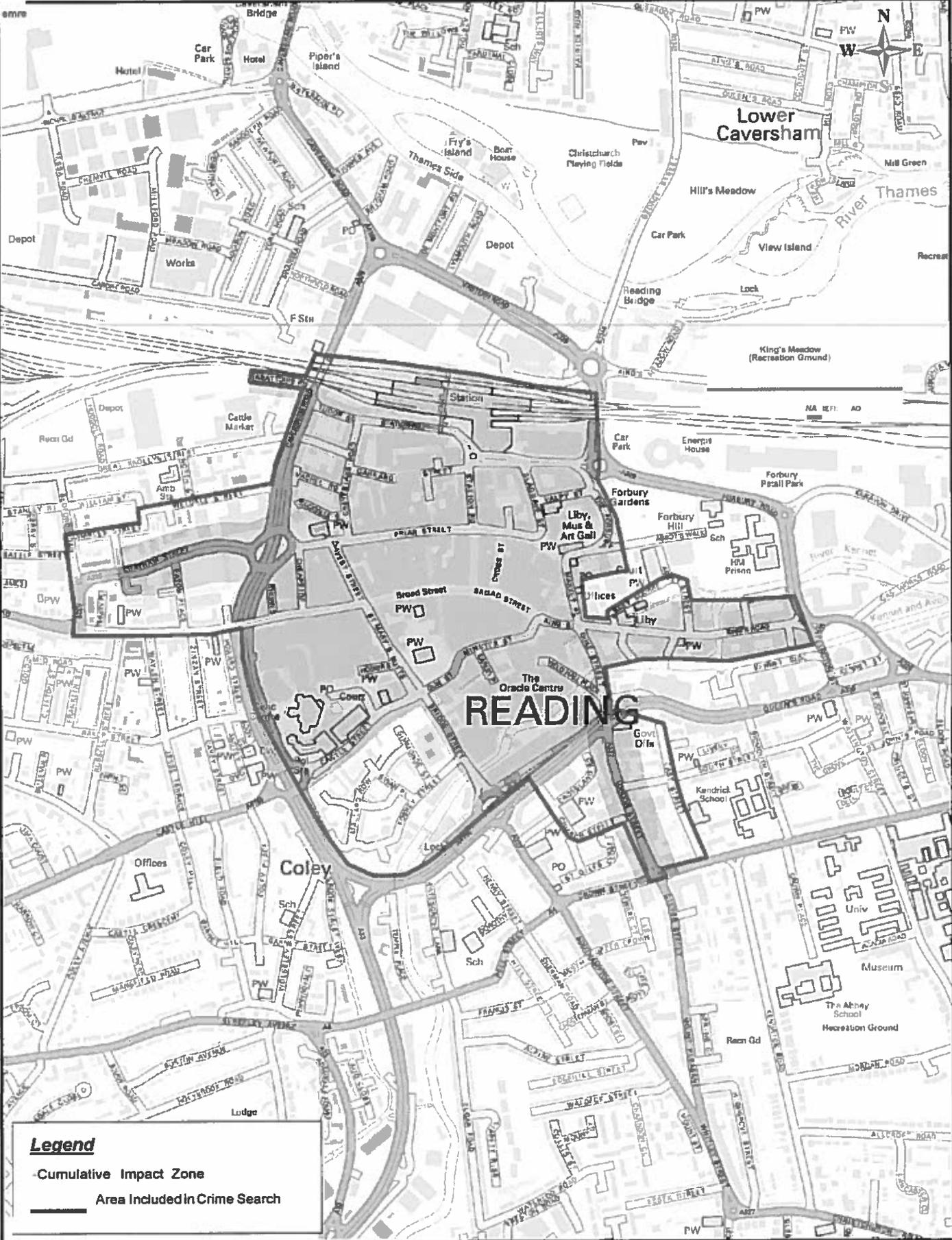
4.4 If a premises is found in breach of their licence then they are committing criminal offences and undermining the promotion of the four licensing objectives. A licence holder is expected and required to be complying with their premises licence at all times - this is particularly important with premises situated in an area under stress - the Town Centre Cumulative Impact Area.

Summary

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

Date Received	24/10/2018	Date Due	21/11/2018
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Date	06	11	2018
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French, Richard

From: French, Richard
Sent: 17 July 2018 16:58
To: [REDACTED]@thebotanist.uk.com'; 'Katrin Toots'
Subject: Licensing Inspection 17th July 2018

Good Afternoon,

Thank you both for your time today. All of the action points from my first letter dated 23rd May have been completed and therefore I am satisfied that the premises is compliant with it's licensing conditions.

There are a few recommendations which I would like to suggest as below. I'm aware that you have probably made notes on these during my visit:

1. Toilet check recording
2. Including the noise monitoring in the risk assessment for events – particularly on the nights you have live music.
3. Include more detail in the closure and dispersal policy such as when drinks are no longer served/lights go up/music is turned down, etc.
4. Checking of the door supervisor badges on the online SIA register

Again, thank you for your time and if you have any questions about the visit or other licensing matters then please contact me.

Kind Regards

Richard French
 Licensing Enforcement Officer
 Licensing Team | Directorate of Environment and Neighbourhood Services

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 Licensing Team
 Civic Offices
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Please Note that Public Sector Protective Document Marking is in operation. All sensitive emails and documents originating from Local Authorities should be marked OFFICIAL or OFFICIAL-SENSITIVE. Documents & emails unmarked are to be treated with usual professional courtesy. Those marked OFFICIAL are to be circulated with consideration. Those marked OFFICIAL-SENSITIVE should usually be circulated only to those the author has included in the send field. Secure email will also be used as an additional control measure where applicable for OFFICIAL and OFFICIAL-SENSITIVE external emails.



**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
THE TOWN & COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

**APPLICATION TO VARY/REMOVE CONDITION UNDER SECTION 73 OF THE TOWN
AND COUNTRY PLANNING ACT 1990**

To: Emery Planning Partnership Ltd
2 - 4 South Park Court
Hobson Street
Macclesfield
SK11 8BS

Application No: 160358
Application type: Variation of Condition

Applicant: New World Trading Company (UK) Ltd

READING BOROUGH COUNCIL as Local Planning Authority hereby **GRANT** planning permission for the development as described below:-

Proposal: Application to vary condition 12 of planning permission 150051 to allow the A3 (restaurant/cafe use) to open until 0030 on Thursday, Friday and Saturday nights (current approval is for closing at 2300 on these nights. Opening hours on other days unaffected at 0800-2300).

At: 3-5 King Street Reading RG1 2HD

Subject to such conditions and for such reasons as may be attached

**OTHER STATUTORY CONSENTS MAY BE REQUIRED
PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE**

Date: 30 June 2016

Head of Planning, Development
& Regulatory Services



Reading
Borough Council

Working better with you

Application At: 3-5 King Street Reading RG1 2HD

Application No: 160358

Application type: Variation of Condition

CONDITIONS & REASONS

Conditions of planning permission 150051 are adjusted as follows:

Condition 2 (approved plans):

This Section 73 planning permission refers to the following plans:

1:1250 Location Plan (received 1 March 2016)

AG-05 Rev. E Ground Floor Proposed Restaurant Demise

The previously approved plans attached to planning permission 150051 remain unaltered.

Reason: for the avoidance of doubt and in the interests of proper planning.

Condition 5 (plant noise):

Notwithstanding the approved noise impact assessment (as approved in new Condition 1 below), all plant noise shall conform to the level set out in Condition 4 of planning permission 150051.

Reason: as the original condition sets a suitable noise level and to protect the amenity of neighbouring residents of the proposed development from noise pollution.

Policies: CS34, DM4

Condition 8 (bar area):

No ancillary bar in respect of any A3 use (unit) shall operate until a plan indicating the extent of any ancillary bar area for each of A3 use (unit) has been submitted to and approved in writing by the Local Planning Authority. Such plans shall indicate the part of the A3 use (unit) which shall be used as the area primarily for consumption of alcohol. The development shall thereafter be constructed in accordance with the agreed plan.

Reason: in order for the Local Planning Authority to control the extent of any bar function in the A3 use (unit) and any potential noise/disturbance, in the interests of the amenities of the area.

Policies: CS34, DM4, RC8

Condition 9 (anti-ram bollards):

No development shall commence on Unit 2 (the Easternmost Unit) until written confirmation of a contract for removal of the anti-ram raid bollards (in front of the former location of the ATM machine on the Market Place frontage) has been submitted to and approved in writing by the Local Planning Authority.

The A3 use shall not be occupied until the bollards have been removed and the hard surface area made good to match the existing material treatment in the Market Place.

Reason: in order to secure the removal of these redundant items of street furniture, which are now incongruous to the streetscene, to protect and enhance the character of the Listed Building and the Market Place/London Street Conservation Area and the building's function as a restaurant.

Policies: CS7, CS33, RC14

Date: 30 June 2016

Head of Planning, Development
& Regulatory Services



Condition 10 (ancillary takeaway strategy):

No ancillary takeaway service to any A3 use (unit) shall operate until a written management strategy for any ancillary takeaway service has been submitted to and approved in writing by the Local Planning Authority. Such a strategy shall indicate the extent of the service, how it will operate, likely percentage of all sales and arrangements for controlling litter.

Reason: in order to ensure that any take-away service(s) remain(s) ancillary to the main A3 uses/units and that no noise/disturbance or anti-social behaviour is caused.

Policies: CS2, CS34, DM4, RC7

Condition 12a (hours of operation):

The A3 use hereby permitted in respect of Unit One (west) on approved plan AG-05 Rev. E shall not operate outside of the hours of 0800-2300 (Sunday-Wednesday) and 0800-0030 (Thursdays, Fridays and Saturdays).

Condition 12b (hours of operation):

The A3 use hereby permitted in respect of Unit Two (east) on approved plan AG-05 Rev. E shall not operate outside of the hours of 0800-2300 each day.

Reason: in the interests of the amenities of neighbouring properties.

Policies: CS34, DM4, DM12

Condition 13 (retention of active frontages):

Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended), the A3 occupier of the ground floor units (Unit 1 and Unit 2) shall retain 'active window displays' along the length of the frontages (without the installation of window vinyls, roller shutters, or similar).

Reason: in the interests of retaining a vibrant and attractive streetscene.

Policies: CS7, RC10

New conditions:

1. The A3 (café/Restaurant) use hereby permitted shall only be operated in accordance with the submitted noise impact assessment ('Proposed Botanist Restaurant Bar, 1-5 King Street, Reading: Noise Impact Assessment' by Hepworth Acoustics, ref. P16-172-R01, dated May 2016). The use shall be operated in accordance with the assumptions, recommendations for noise control/mitigation and the overall target noise break-out levels for the use of Unit 1 (the Westernmost Unit) and all necessary measures to achieve the noise break-out levels shall be maintained for the duration of the A3 use/unit's operation.
Reason: to protect the amenity of neighbouring residents of the proposed development from noise pollution.
Policies: CS34, DM4
2. No operation of the A3 hereby permitted shall take place until details of measures to achieve acoustic insulation within the A3 unit (as required by the noise impact assessment, approved in new condition 1 above) have been submitted to and approved in writing by the Local Planning

Date: 30 June 2016

Head of Planning, Development & Regulatory Services *RB*



Authority. The measures shall thereafter be installed completed in accordance with the approved details no later than first operation of the A3 use.

Reason: as no suitable details have been submitted, to ensure that the measures provide suitable noise suppression for the upper floor uses of the building and to ensure that the works proposed are suitable in terms of the fabric of the Listed Building.

Policies: CS34, DM4, CS33

3. No commencement of the A3 (restaurant/café) use hereby approved shall take place before plans and details of suitable dividing walls have been submitted to and approved in writing by the Local Planning Authority. The plans and details shall show how and where dividing walls shall be installed at ground floor and basement level so as to divide the two A3 units (permitted by this planning permission). Notwithstanding any changes that may otherwise be allowable under the Town and Country Planning (General Permitted Development) Order 1995 (as may be amended), the two retail units shall maintain this layout, once approved, pursuant to this condition.

Reason: as no details have been submitted and to ensure that a division is kept between the units which is acceptable in terms of the compartmentation of the Listed Building.

INFORMATIVES

1. This decision relates to the conditions indicated. You are advised that all other planning conditions relating to planning permission 150051 remain applicable, are unchanged and will continue to apply.
2. The Local Planning Authority has been positive and proactive in dealing with the planning application by advising on matters to make the proposal acceptable and dealing with the application in a timely manner.
3. Your attention is drawn to the terms and conditions of this Section 73 variation planning permission. Any development which is carried out but which differs materially from the approved plans and details, or does not comply with any conditions attached to the permission may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the Council.
4. For the avoidance of doubt, this Section 73 variation planning permission relates to the Westernmost A3 unit (Unit 1) only.
5. A separate application is required for Listed Building Consent to allow the changes proposed within this Section 73 planning permission.
6. Other planning issues may arise which will also require (a) further planning permission(s). Please contact the Council if you are in any doubt.
7. A separate Premises/Entertainment Licence will be required.
8. Separate approval will be required under the Building Regulations. Please contact the Council's Building Control Section on (0118) 937 2449 for advice.

Date: 30 June 2016

Head of Planning, Development & Regulatory Services

NOTES

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Council to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against the Council's decision on the application you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against the Council's decision on your application, you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (or 12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If the above circumstances do not apply, any appeal must be made within the following time limits. If this is a householder application and you want to appeal against the Council's decision then you must do so within 12 weeks of the date of this notice. If this is an advertisement application and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of this notice. If you want to appeal against your local planning authority's decision for any other type of application (which is not a householder or advertisement application, or an application for a Certificate of Lawfulness) then you must do so within 6 months of the date of this notice.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, tel. 0303 444 5000, or online at www.planningportal.gov.uk/pcs.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Pump and Boneyard loses licence

The facts of Pump and Boneyard, whose licence was finally buried by District Judge Angus Hamilton on 3rd February, read like a licensing exam paper.

The venue was formerly a typical petrol station, with pumps covered by a canopy and a small convenience store with an off-licence to sell alcohol until 11 p.m. and late night refreshment all night. The site is off the southern edge of the Shoreditch Triangle cumulative impact area designated in Hackney's policy. To the east lies a further CIA designated by Tower Hamlets.

An entrepreneur, Robert Newmark, of Beach Blanket Babylon renown, had twice tried and failed to secure variations to turn the venue into a bar/restaurant, utilising the existing building and covered forecourt. So he set out to do it anyway in a manner which, so claimed he and his lawyers, required no licence variation at all.

He built fourteen food stalls and installed seating and tables in the former forecourt, trading only until 11 p.m. so as to avoid the need for a premises licence for late night refreshment. Inside the convenience store, he took out all the shelving units, replacing them, shelf for shelf, and in the same position, with tables and seating. This was to consume food cooked in the former store, and with the benefit of the licence for late night refreshment. Of course alcohol sold in the former store could not be consumed there, because it was an off-licence, so customers were asked to take their drinks outside, to drink them on the forecourt. And he remove the glass front of the store and built an extension to it, strictly (as he said) off the premises, so that alcohol could be sold directly from the store to customers standing in (and consuming from) the new extension.

Hackney's Licensing Sub-Committee was not impressed. It revoked the licence, chiefly because this represented a total transformation of the premises without consent, in an area already suffering from significant stress, albeit not in the cumulative impact area.

Before the Magistrates' Court on appeal, the Appellant argued that the business was trading strictly within the existing licence, that the premises was causing no direct, demonstrable harm or at least none that could not be controlled by conditions, and that in any case section 182 guidance (paragraph 13.37) prevented revocations on review on grounds of cumulative impact. This raised a number of issues of principle, and wider interest.

(1) Was the transformation of the premises lawful?

As every student of licensing law knows, consumption is not a licensable activity. This means that, at least in theory, every supermarket could get a premises licence for its building and then turn its car park into a large outdoor bar every night. What is to stop that happening? This exercised the minds of DCMS officials when the Licensing Act 2003 (Premises Licences) Regulations 2005 were being formulated, with the consequence that the prescribed application form contains this note for guidance

Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

If the applicant refers to an adjacent drinking area, it is always open to the licensing authority to impose conditions regulating its use. If the applicant doesn't refer to the adjacent area, then nothing in licensing law prevents its subsequent use. However, in such a case, the licensee should not be surprised to receive an application for review if there is harm to the licensing objectives.

In this case, however, the Council contended that the premises was in breach of its licence. This gave rise to some further arguments about whether a licensee was entitled to alter features on the licence plan which the regulations do not require to be shown on the plan in the first place. In *Licensed Premises: Law, Practice and Policy*, it is contended that the plan is the plan and cannot be changed without a variation, whether the features being changed needed to be shown in the first place or not. The features on the plan, be they snooker tables in a club, shelving in a supermarket or seating in a restaurant, all give assurance to the licensing authority that the premises will be used in a particular way, rather than the licence attaching to a large blank space which could be used, say, for vertical drinking. As such, variations to the layout cannot be made without variation to the licence.

In this case, it was not necessary for the District Judge to resolve that argument because there were variations which quite clearly did require variations to the licence, e.g. the installation of a wholly new kitchen, removal of the perimeter glazing, installation of a new bar etc.

(2) What relevance were criminal breaches?

The Council argued that much of what had occurred was criminal, e.g. the breaches of licence conditions, breach of smoking legislation, playing of live music in the former court etc. It argued that, on the authority of *R (Blackpool Council) v Howitt* 2008 EWHC 3300 (Admin) criminal acts of whatever sort engaged the licensing objective of the prevention of crime and disorder, even if they were not disorderly. The District Judge accepted that the principle applied here.

(3) Could planning be taken into account?

It is well known that national guidance advises that the systems of planning and licensing should be kept separate that control should not be duplicated. Nevertheless, in this case, Hackney's long-standing and unchallenged licensing policy stated that normally planning consent should be obtained first. Here, it had not been. It was therefore argued that since the Court stands in the shoes of the licensing authority for the purpose of applying its policy, the absence of planning permission was a material consideration. Further, the Council argued that the failure to secure planning permission (which had been refused twice), demonstrated a cavalier approach to regulation which could be taken into account on that ground alone. In the event, the lack of planning was taken into account by the District Judge.

(4) Could cumulative impact be taken into account?

The Council acknowledged that national guidance sets its face against the culling of licensed premises based on cumulative impact and that it is wrong to call in individual licences for review when the issue is cumulative. Nevertheless, the District Judge found "compelling" the Council's argument that it was entirely legitimate to take cumulative impact into account in the case of a misbehaving licensee. The rationale is that one should not be able to attain through unlawful action that which would never have been (and was not) granted through applications for variation, and that the consequences of such unlawful behaviour are more serious in cumulative impact areas than in areas not suffering from stress. This is an important conclusion, giving further teeth to licensing authorities where regulatory breaches take place in cumulative impact areas.

In the result, District Judge Hamilton dismissed the appeal and awarded costs of £25,416 to Hackney Council.

The judgment can be read [here](#).

Philip Kolvin QC of Cornerstone Barristers represented Hackney Council, instructed by Butta Singh



Alison Bell
 Director of Environment and
 Neighbourhood Services
 Civic Offices, Bridge St, Reading, RG1 2LU
 ☎ 0118 937 3787

Our Ref:EVU 053475

e-mail: richard.french@reading.gov.uk

23 May 2018

New World Trading Company (UK) Ltd
 2 Malt Street
 Knutsford
 Cheshire
 WA16 6ES

Your contact is: Mr Richard French, Licensing

Dear Sirs

Licensing Act 2003

Premises Licence Number:LP2002172

Premises: The Botanist

Premises Address: Unit 1, 1-5 King Street, Reading, RG1 2HB

On the 23rd May 2018 I visited your premises to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection. The inspection was carried out with Mr Akeem Grandison.

During my inspection, I found a number of items that require your attention as outlined below:

- 1) A Section 57 could not be located at the premises. A Section 57 notice details where Part A of the premises licence is kept and who has custody of it. Please ensure this is rectified.
- 2) The list of authorised alcohol sellers was not up to date. As per the mandatory conditions, all sales of alcohol must be made or authorised by a personal licence holder. The list contained staff that did not work at the premises and some staff who did work at the premises were not included. Please ensure this is rectified.
- 3) Condition 3 on page 8 of your premises licence in relation to a written risk assessment for door supervisors on a Sunday to Thursday could not be demonstrated as being complied with. Please provide me with a copy of these risk assessments.
- 4) Condition 6 on page 9 of your premises licence in relation to notices asking customers to leave quietly was not being complied with. No notices were found at either of the two exits. Please ensure this is rectified.
- 5) Condition 7 on page 9 of your premises licence in relation to a written closure and dispersal policy could not be demonstrated as being complied with. Please provide me with a copy of this policy - which should have already been sent to the police upon being granted the premises licence.

6) Condition 8 on page 9 of your premises licence in relation to staff training could not be demonstrated as being complied with. Whilst I acknowledge that the CPL training package is good, I could not see that it covers the specific training as outlined in the condition. Please ensure this is rectified. Please also ensure that refresher training is carried out every six months and documented accordingly.

7) Condition 12 on page 9 of your premises licence in relation to the use of a refusal book could not be demonstrated as being complied with. No refusal book (written or electronic) was shown. Please ensure that refusals are recorded in accordance with the wording of the condition and that all staff are aware of it and know how to use it.

Advisories

1. I advised you on the requirement to ensure that any prospective member of staff has the correct right to work documents before they start any employment. Please check the gov.uk website for list of acceptable documents. You are also advised to keep those documents securely as they may need to be inspected by Home Office Immigration Enforcement should they decide to attend the premises.

2. You are advised to make use of the various schemes that are operational within the town centre for all venues. This includes use of the night safe radio (echo tango) and attendance at the monthly Pubwatch. For information on the town safe radio and the costs associated with it, please contact george.friel@reading.gov.uk Information in relation to Pubwatch can be obtained from ourselves, PC Wheeler at Thames Valley Police or Mr Rob Kennedy who is the manager of Q-Club in Friar Street.

3. In relation to condition 10 on your premises licence about possible noise emanation from the premises, you are advised, if you are not already doing so, to make periodic observations in and around the premises when live music is being performed to ensure that no noise is coming from the premises. This should be documented and appropriate steps to mitigate any noise should then be taken.

Please rectify points 1-7 above within 28 days and notify me when you believe they have been completed so I can arrange a re-inspection.

If you have any questions about the content of this letter then please contact me.

Yours faithfully

Mr Richard French
Licensing Enforcement Officer

INTERNAL MEMORANDUM

To: Licensing

From: Rebecca Moon

Dept: Licensing

Dept: Environmental Protection & Nuisance

Cc:

Date: 30 October 2018

Urgent



Response required



Further action (see below)



Subject: Application for Premises Licence: ref - 634189
 Premises: The Botanist, Unit 1 1-5 Kings Street, RG1 2HB

I refer to the above application.

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

The premises currently has a planning condition restricting opening hours to until 00:30 on Thursday, Friday and Saturday nights in order to prevent noise disturbance to local residents. The noise assessment submitted with the planning application was based on these hours not on the later opening hours proposed in this current licence application which requests opening until 1 am on these nights.

There is therefore a risk of public nuisance due to noise from these later operating hours. The noise that I am concerned about includes noise from music breakout, noise from customers coming and going, noise from smokers, and noise from the kitchen extraction system.

In addition, the licensing policy states that licensed premises should have the correct planning permission in place therefore granting this variation would be contrary to the Council's licensing policy.

(Planning application 160358 Application to vary condition 12 of planning permission 150051 to allow the A3 (restaurant/cafe use) to open until 0030 on Thursday, Friday and Saturday nights. Opening hours on other days unaffected at 0800-2300). – application permitted)

Please contact me if you require any further information.

Kind regards

Rebecca Moon
Senior Environmental Health Officer

Narancic, Peter

From: Eatough, Richard
Sent: 30 October 2018 12:31
To: Smalley, Robert
Cc: Anthony Scholes [REDACTED]; Burns, Matthew
Subject: FW: Premises Licence Variation - Botanist [OFFICIAL]

Dear Robert

Given that these hours are longer than the hours set out in their planning permission and with concerns for the nearby residential in the area, Planning objects to the proposed variation. Please let me know if you require further clarification.

Thanks
 Richard

From: Anthony Scholes
Sent: 30 October 2018 12:15
To: Eatough, Richard
Subject: RE: Premises Licence Variation - Botanist [OFFICIAL]

Hey Rich,

See below for a quick history:

150051: Original application - Change of use - Condition 12: Hours of operation 800 - 2300 (any day)
 160358: Variation to conditions - open until 0030 Thurs - Sat
 161274: Variation to conditions - Change to condition to 'no customer shall be on the premise outside of approved hours 0800-2300 Sun - Wed, and 0800-0030 Thurs - Sat/
 161896: Change of use for further area to be A3 (The Botanist) and change to trading hours.
 Now to be: 0800 - 2330 Sun - Wed; and 0800-0030 Thurs - Sat

The variation sought represents the following hours of operations:
 0800 - 0030 Sun - Wed; and 0800 - 0130 Thurs - Sat

A variation to conditions would be required to facilitate the additional trading hours.

Cheers,

From: Eatough, Richard
Sent: 30 October 2018 10:10
To: Anthony Scholes
Subject: FW: Premises Licence Variation - Botanist [OFFICIAL]

Hi Anthony

Can you have a look at this one, please. This is essentially a history check to see what hours the unit currently operates under and then we can have a conversation as to whether Planning would formally object to the extended hours.

Thanks
 Rich

From: Planning Administration
Sent: 29 October 2018 07:14

To: Eatough, Richard
Subject: FW: Premises Licence Variation - Botanist [OFFICIAL]

From: Smalley, Robert
Sent: 26 October 2018 16:17
To: Consumer Protection; Declan Smyth; Environmental Protection; health, public; Immigration Enforcement; Louise Branney; Planning Administration; RBFRS; Safeguarding Adults; Savill, Ian; Simon Wheeler; Brunsden, Tessa; TVP Licensing
Subject: Premises Licence Variation - Botanist [OFFICIAL]

Dear Sirs/ Madams,

Please see the attached application. The consultation ends 21/11/2018.

Kind regards,

Robert Smalley
Business Support Officer
Licensing

Reading Borough Council
Civic Offices Bridge Street Reading RG1 2LU
(please note new office address)

0118 9373762
Licensing@reading.gov.uk

PLEASE NOTE, AS OF 1ST MARCH 2017 LICENSING TELEPHONE LINES WILL ONLY BE AVAILABLE FROM 9AM TO 1PM DAILY

Are you thinking about applying for a new licence or varying your current one? Take advantage of our pre-application consultation:

Licensed Driver: <http://www.reading.gov.uk/taxilicences>
Licensed Premises: <http://www.reading.gov.uk/alcohol-premises-licence>

To access the licensing section of our website, please click this link: <http://www.reading.gov.uk/licensing>

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

THAMES VALLEY POLICE

Division/Station : Reading Police Station Licensing Dept

From : PC 5787 Wheeler

To : Reading Borough Council

Subject : Ref : The Botanist, 1-5 Kings Street, Reading, Berks Date : 18th November 2018Objection

To whom it may concern

I PC 5787 Simon Wheeler on behalf of the Chief Officer of Thames Valley Police wish to formally object to the proposed application for a premises licence submitted in relation to The Botanist, Unit 1, 1-5 Kings Street, Reading, Berkshire.

The application for variation seeks to increase the provision of regulated entertainment by one hour seven days per week, from 2300 to 0000 Sun – Wed and from 0000 – 0100 Thurs – Sat.

It also seeks to increase the licensable activities for the provision of late night refreshment (LNF) and the supply of alcohol to the following; LNF Mon – Wed 2300 to 0000, Thurs – Sat 2300 to 0100, and supply of alcohol Mon – Wed 2300 to 0000 and Thurs – Sat 0000 – 0100.

With the hours open to the public increasing from 2300 – 0030 Mon – Wed and from 0030 – 0130 Thur – sat.

Reading Borough Council Licensing Policy Statement includes detail of its Cumulative Impact Assessment which exists in order to address the cumulative stress that is caused by the high concentration of late night licensed premises within the defined area of Reading Town Centre.

This cumulative impact has been determined within the policy to have a negative impact on crime and disorder within the town. This is resulting from the sheer volume and high concentration of licensed premises which causes a negative impact on the four licensing objectives.

Thames Valley Police object to this application as we believe that the Cumulative Impact Assessment (CIA) has not been addressed by the applicant within their application, and that to allow for an extension of licensable activity and regulated entertainment will likely lead to an increase in crime and disorder and to the licensing objectives being undermined as a whole.

The Council Licensing Policy with regards to applications for full variation states:-

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.

Furthermore if an applicant were to state that the premises were a restaurant or café' the following general approach would be expected set out in the following paragraph:-

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.

In relation to bars and clubs the following general approach is outlined:-

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 it's 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 licensed premises – particularly given the current prevalence for pre-loading.

The Council Cumulative Impact Assessment states:-

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

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

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

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

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

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

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

12.20 However, the evidence within this assessment clearly shows crime levels significantly increase after 2300hrs. Therefore any applicant who wishes to operate past 2300hrs must demonstrate how their operation will not negatively impact the promotion of the licensing objectives in an area which is already under stress from a high concentration of licensed premises.

12.25 This assessment takes a different approach to different types of premises. In the case of hybrid premises that would fall into one or more types (for example, a take away that wishes to sell alcohol on the premises or for delivery), applicants will have to demonstrate how all facets of its operation will be consistent with this assessment and will actively promote the licensing objectives.

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

Traditional pubs offering cheap drink promotions, regular entertainment and have the potential to undermine the promotion of the licensing objectives through their operation are likely to be refused. The applicant will have to demonstrate how their proposed operation is not inconsistent with the Authority's ability to promote the licensing objectives and safeguard the public as well as the statements and provisions in the Council's licensing policy.

Any application for a public house for licensable activities and opening hours beyond 0000hrs is likely to be refused unless the applicant can demonstrate the proposed operation will not have a negative impact on the promotion of the licensing objectives.

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

"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."

When considering all of the relevant paragraphs contained within both the local Reading licensing policy and the current section 182 guidance it is prescribed in a

very straightforward manner that it is expected that the applicant will address the Cumulative Impact Assessment directly within their application.

However, this is not the case within this application; and at no stage is the CIA directly referred to, or any measures detailed that provide evidence that this application will not increase the cumulative impact and increase crime and disorder. The onus is on the applicant themselves to provide such evidence so that they can demonstrate why the sub-committee should overturn the councils own policy.

Thames Valley Police will say that it is extremely difficult for the applicant to show that there shall not be a negative impact on the promotion of the licensing objectives by increasing the operating hours of this premises. And that evidence suggests that both the increasing of hours in itself and a lack of confidence in the management and processes currently within the premises lead to concerns that this application should be refused.

The following evidence is provided to support this:-

Friday 1st September 2017 (2200 hours) – An incident occurred on this date requiring police attendance. A male who had been refused entrance to the premises at this time threw aftershave over the doorstaff who believed it was initially an acid attack.

Officers raised a concern via a Gen 40 report form in relation to the premises not using or having available a Townsafe radio, door staff refusing to aid the investigation by providing statements, and that no CCTV covered the external access door to the premises where the door staff were stood.(see appendix TVP5)

Saturday 3rd February 2018 (2245 hours) – An incident is recorded in the door book detailing two aggressive males causing problems for bar staff. Eventually the males verbally abused one of the door staff and then assaulted the other. It is recorded that police were called to deal with the incident. (see appendix TVP6)

23rd May 2018 – Reading Borough Council conducted a licensing inspection at the premises. During the inspection a number of the conditions were found not to be compliant and further advisories were also provided including a recommendation to provide a Townsafe radio and for the periodic recording of external noise levels.(see appendix TVP4)

11th June 2018 – A letter was sent to the Designated Premises Supervisor regarding the “Bottomless Brunch” promotion being advertised at the premises via social media and concerns that this promotion may be a breach of the mandatory conditions regarding irresponsible promotions and sale of alcohol.

The promotion allowed for a singular payment to be paid of £25 per person that allowed for a brunch meal to be purchased which was accompanied by an unspecified quantity of alcohol within a time limit of one and a half hours.

In effect your drink could be filled up by staff on any number of unspecified occasions ie “bottomless” refills within a time limited period.

The concerns of Thames Valley Police were that this in essence may lead to immoderate or significant consumption of alcohol in a short period of time.

The premises licence holders offered to change the name of the promotion from "Bottomless Brunch" to "Bubbles and Brunch", however the promotion in effect remained the same. (see appendix TVP1)

Friday 6th July 2018 (2345 hours) – On this occasion a male is recorded to have been highly intoxicated and harassing female staff and was therefore asked to leave the premises. Despite the males intoxication it is noted that he was allowed to finish his drink before eventually leaving the premises. It is also noted that he shall be allowed to return to the premises the following week (despite being recorded as harassing female waitresses and customers)! (see appendix TVP6)

Friday 17th August 2018 (2340 hours) – During this incident it is noted that a male entered the premises to see a work colleague. Having taken some photographs of the door staff he was asked by them to delete the pictures but then became aggressive. Door staff record the male appeared intoxicated and drugged up but they were unable to contact police immediately because they did not have the use of a Townsafe radio. A member of the public called police and again police arrived and were required to deal with the situation and arrested the male.

Friday 14th September 2018 (2335 hours) – Four males were drinking in the premises and were allowed to run up a £400 bar tab! They then refused to pay and when asked by door staff they became aggressive towards them and walked off. Staff waved down police and staff made a report via the telephone.

1st November 2018 – Thames Valley Police conducted a Section 59 inspection at the premises in response to the application for variation. During this inspection a full inspection was carried out in relation to the premises licence and also the results and recommendations of the Reading Borough council inspection which occurred in May was also taken into account to check the premises response.

The following results were recorded:-

- 1) A section 57 notice had still not been put into place having been recommended in May 2018.
- 2) The DPS address details were incorrect on the premises licence.
- 3) The CCTV system did not provide coverage of access and egress points externally or any area outside where door staff operate. (Breach of condition 1)
- 4) There was evidence within the door signing in book of inconsistencies showing duplicated dates, and most concerningly evidence of pre-signing the countersignature section. (Potential breach of condition 5)
- 5) No training records were able to be provided or the online training system or its contents demonstrated to ensure that the training condition is being complied with or refresher training provided. (Breach of condition 8)
- 6) Periodic observations for noise in and around the premises could not be demonstrated or records provided, it was stated the manager had an app which was not available or accessible. This was also detailed as a recommended action in May 2018. (Breach of condition 10)
- 7) A refusal book could not be demonstrated to be in use and no evidence of the electronic equivalent was able to be produced. (Breach of condition 12)
- 8) The written list of persons authorised to sell alcohol had not been updated and the process was not being managed. This issue was also noted within the council inspection in May 2018.

9) The recommendation made in relation to a Townsafe radio and attendance at Pubwatch in May had not been implemented, and neither actions had resulted from the council visit.

(see appendix TVP6, TVP2 and TVP3)

Thames Valley Police will say that when looking at the times that incidents occur at this premises it is clear that when incidents involving aggression and intoxication take place the common denominator is the timings of occurrence. The recorded incidents that are noted in the door book all take place after 2200 hours and the majority between 2300 and 0000 hours.

We suggest that there is no surprise in these facts as the council licensing statement itself identifies that incidents of crime and disorder are proven to increase substantially after 2300 hours, and thus why the CIA identifies midnight as the time for which premises hours, regulated entertainment and licensable activities are to be limited.

The statistics to support this have been accepted by the council and can be seen within the councils Cumulative Impact Assessment document within appendix two and three.

The applicant themselves have not addressed the CIA in any way shape or form within this application, and therefore it is extremely difficult for them to evidence that this application shall not undermine the licensing objectives.

Furthermore, the concerns of Thames Valley Police are not simply limited to the likelihood of increasing crime and disorder, but also the failure of the premises licence holder to promote all of the licensing objectives.

In two premises licence inspections this year there have been a number of licence conditions found to have been in breach as well as lacking good practice and due diligence measures, outlined earlier within this objection.

We note that voluntary good practice measures such as utilising a Townsafe radio and attending Pubwatch have only been offered to be put into place as part of this application, months after they had been recommended by the licensing authority. We also wish to point out that as of our visit on 1st November 2018 a Townsafe radio had not been arranged and no person from the premises had attended a Reading Pubwatch meeting.

We therefore believe that if this application to extend the hours at this premises outside of those stipulated within the CIA were allowed to take place that there will be incidents of crime and disorder that occur at these premises

Thames Valley Police in relation to that would ask the sub-committee to also consider the case of East Lindsey District council V Abu Hanif (t/a Zara's restaurant) 2016 where it is stated:

"The prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin consideration of prevention and deterrence".

In conclusion Thames Valley Police respectfully recommend that there is no evidential reason why an exception should be made to the CIA policy in this situation and the application must therefore be refused in order to promote the licensing objectives and prevent further crime and disorder and any further negative cumulative impact..

Appendices list:-

TVP/1 – Bottomless Brunch promotion and communication.

TVP/2 – Thames Valley Police inspection sheet dated 1st november 2018.

TVP/3 – Thames Valley Police inspection letter dated 2nd November 2018.

TVP/4 – Reading Borough Council inspection letter dated 23rd May 2018.

TVP/5 – Gen 40 relating to incident on 1st September 2017 (PC Cole)

TVP/6 – Images taken from doorbook and signing in sheets on 1st November 2018 including

- Incident 3rd February 2018
- Incident 6th July 2018
- Incident on 17th August 2018
- Incident on 14th September 2018
- Inconsistent entries and countersignature concerns on 26/10/2018



Licensing Team
Reading Borough Council
Bridge Street, RG1 2LU
Tel: 01189 37 37 62
licensing@reading.gov.uk

Licensing Dept
Reading Police Station
Castle Street, RG1 7TH
Tel: 101

PREMISES – RECORD OF INSPECTION DATED:

Licence No:	LP2002331
Name:	THE BOTANIST [redacted]@thebotanist-uk.com
Address:	UNIT 1, 1-5 KINGS STREET READING, RG1 2HB
Type:	Premises Licence Club Premises Certificate

Licence Inspection

Summary on Display: Yes No Correct Part A/Conditions held at Premises: Yes No

Premises Licence Holder: NEW WORLD TRADING CO. DPS: ROBERT LAYTON DAI

DPS as per Licence: Yes No DPS Present? Yes No

If No, Reason: _____ Authorised Person: Akram Grandison B-168

Licensable Activities (Carried On)

Regulated Entertainment: Plays | Films | Indoor Sporting Events | Boxing/Wrestling | Live Music | Recorded Music | Performance of Dance | Anything Similar

Are there any gaming machines? If so, how many? _____

Gaming permit produced and correct? _____

Late Night Refreshment: Yes No Sale/Supply of Alcohol: Yes No Location: On | Off | Both

Does the Licence/Certificate permit activities carried on? Yes No

Conditions of Licence/Certificate

* DPS & Premises Licence needs updating

* NO Section 57

* NO written Age Verification policy.

Summary of Key Points Discussed

Document Checklist

Age policy operated 25 Section 57 NO Training Records _____ Authorisation List YES

Awareness of the Licensing Objectives by Licence Holder/DPS: A – Good | B – Fair | C – Bad (Circle Appropriate)

Inspection Outcome: Satisfactory Unsatisfactory

Lead Authority Inspecting Officer(s): Declan Smyth

Signature of licensee or representative(s): [Signature]

Date of Inspection: 1-11-18

Time Started: 13:00 | Time Ended: 14:15



CONTINUATION SHEET OF ISSUES DISCUSSED:

* DPS Details not correct
Address details wrong.

* Door log book - last 2 entries no SIA Number logged
* NO Section 57 notice

* Check SIA Badges and Valid or not/permissions to work - NO checks been done.

2 Doorstaff to manuse 2 Doors Front/Rear.
* Condition 8 - could not be demonstrated as compliance.

* Condition 12 could not be demonstrated.
* CCTV Breach - cannot be shown to work
number out of camera for 1 week.

* No external cameras
* No incident / Report Book.
* No Records of Note Documentation. } Recommendations

* NO ECO TANGO
* Pubwatch Attendance.

* Dogs Policy - Search policy - toilet checks - not in use.

* Door staff not identifiable.

INSPECTING OFFICER: D. Galt

SIGNATURE OF LICENSEE/REPRESENTATIVE: Alison

DATE OF INSPECTION: 1-11-18

FOR OFFICIAL USE ONLY

Premises Scoring

1. Venue Type	40	2. Hours	15	3. Rateable Value	15
4. Compliance: Legislation	20	5. Compliance: Conditions	30	6. Best Practice	30
7. Complaints History	0	8. Confidence	40	Total:	190

Risk Rating: Very High High Medium Low Very Low

Please consult the scoring guidance note for more information on relevant considerations when scoring premises.

Licensing Profiles – Risk Rating Breakdown

1. Venue Type 60 - Nightclub 50 - Pub etc. (regular dance/music) 40 - Pub etc. (irregular dance/music) 30 - Off Licn & Late Night Take-away 20 - Off Licn (supermarkets) etc. 10 - Restaurants, Hotels etc. 5 - School, Village Halls etc.	2. Hours of Operation 30 - Between 2am & 5 am 20 - Between 12am & 2 am 15 - Between 11pm and 12 am 10 - Between 5am & 7 am 5 - Between 7am and 11 pm 0- Residents Only	3. Rateable Value 20 - Band D, E 15 - Band C 10 - Band B 5 - Band A
4. Compliance with Legislation 40 - Very Poor (No/very little) 30 - Poor (Few) 20 - Fair (Most) 10 - Good (Almost all) 0 - Excellent (All)	5. Compliance with Conditions 40 - Very Poor (No/very little) 30 - Poor (Few) 20 - Fair (Most) 10 - Good (Almost all) 0 - Excellent (All/No conditions)	6. Best Practice Measures 30 - No Measures 15 - 1/2 Measures 5 - Several Measures 0 - All possible Measures
7. Complaints History 40 - Persistent Complaints 30 - Regular Complaints 20 - Isolated Incidents (>2) 10 - Isolated Complaints (<2) 0 - None	8. Confidence in Operation 60 - No Confidence 40 - Low Confidence 25 - Slight Lack of Confidence 15 - Reasonable Confidence 5 - High Level of Confidence 0 - Total Confidence	

Points	Category	Description	Inspection Freq.
210 +	A	Very High Risk	Every 6 months
160 - 209	B	High Risk	Every 12 months
110 - 159	C	Medium Risk	Every 18 months
60 - 109	D	Low Risk	Every 24 months
0 - 59	E	Very Low Risk	Every 36 months

Check List

Inspection recorded on Amandus/or Flare EVU?	<input checked="" type="checkbox"/> Yes Reference:
Inspection Sheet Scanned and Indexed?	<input checked="" type="checkbox"/> Yes
Next Inspection Date Diarised?	<input type="checkbox"/> Yes Next Ins. Date:
Required Actions Identified?	<input checked="" type="checkbox"/> Yes
If Yes, detail actions taken: <i>Door staff Requirements/actions and policies</i>	
 Officer Sign Off:	C2107 (Officer Name & Signature)
Sign Off Date:	1-11-16

TVP1

Narancic, Peter

From: Licensing
Sent: 19 November 2018 07:17
To: Smalley, Robert
Subject: FW: Thames Valley Police variation objection (The Botanist, Kings Street, Reading)
Attachments: Botanist objection appendices 2018 - TVP1.pdf; Botanist objection appendices 2018 - TVP2.pdf; Botanist objection appendices 2018 - TVP3.doc; Botanist objection appendices 2018 - TVP4.doc; Botanist objection appendices 2018 - TVP5.pdf; Botanist objection appendices 2018 - TVP6.docx; Botanist Thames Valley Police objection 18-11-18.docx

Importance: High



Kind Regards,

Ms Leigh Ingram
Team Leader - Business Support - Regulatory Services
Email: leigh.ingram@reading.gov.uk
Email: leigh.ingram@reading.gcsx.gov.uk



From: Wheeler Simon [<mailto:Simon.Wheeler@thamesvalley.pnn.police.uk>]
Sent: 18 November 2018 17:10
To: Licensing
Cc: Licensing; Smyth Declan
Subject: Thames Valley Police variation objection (The Botanist, Kings Street, Reading)
Importance: High

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

To whom it may concern

Please find attached Thames Valley Police objection to the application for full variation for the premises licence The Botanist, Kings Street, Reading for the extension of licensable activities and regulated entertainment.

Please also note that unless further notice is provided I shall be attending any future hearing in relation to this matter to present the objection on behalf of Thames Valley Police.

Regards

Simon Wheeler Police Constable 5787
Advanced Practitioner
Reading Licensing Dept | Reading LPA | Thames Valley Police

The Botanist – Royal Ascot “Bottomless Brunch” promotion – June 2018

Royal Ascot Bottomless Brunch

All bookings require a £5 per person deposit which you will be contacted for shortly after your booking is made. You will be allocated a 1 hour 30 minute time slot for Bottomless Brunch, after this time no further bottomless beverages will be served. The 1 hour and 30 minute time slot starts from the time of your booking, not time of arrival. Any parties running more than 15 minutes late will forfeit the table. Bottomless beverages include unlimited of one type of chosen drink from the above list. You must be over 18 with valid ID to participate in Bottomless Brunch, and we reserve the right to refuse anyone the sale of alcohol at the discretion of the Bartender or Server. A discretionary 12.5% service charge will be added to every bill. Parties of 6+ must pre-order food for Bottomless Brunch. You must book to take part in Bottomless Brunch. For any more information please call us on 01189 595749.



Royal Ascot Bottomless Brunch

any more information please call us on 01189 595749.



PHILIP J. ASH AND I ACHE
Royal Ascot Bottomless Brunch
The Botanist Reading Reading
16 people attended

Like Comment Share

Royal Ascot Bottomless Brunch

The Botanist Reading added an event.
12 May 11 11:00

We are hosting Bottomless Brunch on two dates over Royal Ascot week! The first date will fall on Ladies Day, Thursday 21st, and the 2nd date on Saturday 23rd to enjoy the final day of the race!

Enjoy one of our delicious brunch menu items accompanied by bottomless beverages and live music throughout the day for just £25pp!

- Bottomless Beverages are:
- Botanist Bucks Pizz Bialls
 - Pink Grapefruit & Peach Sangria
 - Bloody Mary
 - Prosecco Sacchetti
 - English Sparkling Brut Rose (Additional £10pp)

Book your table here! <http://thebotanist.co.uk> or 01189-595749

Write a comment

Large quantities of alcohol for free or a fixed price

10.41 Irresponsible promotions can include the provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price, where there is a significant risk that such a promotion would undermine one or more of the licensing objectives. This includes alcohol provided to the public or to a group defined by a particular characteristic, for example, a promotion which offers women free drinks before a certain time or “all you can drink for £10”. Promotions can be designed with a particular group in mind (for example, over 65s). A common sense approach is encouraged, which may include specifying the quantity of alcohol included in it or not targeting a group which could become more vulnerable or present a greater risk of crime and disorder as a result of excessive alcohol consumption.

Wheeler Simon

From: Wheeler Simon
Sent: 11 June 2018 17:49
To: [REDACTED]@thebotanist.uk.com'
Cc: 'licensing@reading.gov.uk'; Smyth Declan; 'French, Richard'; 'Narancic, Peter';
'Masson, Clyde'
Subject: Royal Ascot Brunch and associated promotions
Attachments: Botanist letter 11-06-18.docx

Importance: High

Mr Mead

Please find attached a letter relating to your "Bottomless" drink promotions for immediate attention.

Could you please provide a return email reply of acknowledgement regarding receipt of this letter to both myself and Reading Borough Council detailing your response.

A hard copy has been sent to the Premises Licence Holder.

Regards

Simon Wheeler Police Constable 5787
Advanced Practitioner
Reading Licensing Dept | Reading LPA | Thames Valley Police

Switchboard (non emergency): ☎ 101

Mobile: [REDACTED]

✉ Castle Street, Reading, Berkshire, RG1 7TH



PC 5787 Wheeler
Reading Licensing Dept

Reading Police Station
Castle Street
Reading
Berkshire
RG1 7TH

New World Trading Company
2 Malt Street
Knutsford
Cheshire
WA16 6ES

Tel: 101 [REDACTED]

Email:

simon.wheeler@thamesvalley.pnn.police.uk

Monday June 11th 2018

Licensing Act 2003

Premises Licence Number: LP2002172

Premises: The Botanist

Premises Address: Unit 1, 1-5 Kings Street, Reading, RG1 2HB

To Thomas Mead (Designated Premises Supervisor)

Cc Premises Licence Holder

Thames Valley Police wish to make you aware that your current series of promotions relating to "Bottomless Brunch's", and the currently advertised "Royal Ascot Brunch" due to take place on 21st and 23rd June 2018 are in our opinion a breach of the mandatory licensing condition regarding responsible drink promotions contained within your premises licence.

The advertising material for this promotion clearly state that time slots of one and a half hours are provided for the unlimited provision of alcohol. It is stated that within that set period and for one set fee dependent on the type of alcohol selected the customer can consume one item of food from the brunch menu along with unlimited alcohol.

If you look on page 5 of your current licence this should assist you to understand the relevant section below which states:

- 1) The responsible person must ensure that staff on the 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 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 objectives;

The "bottomless" promotion is therefore both timed ie for a one and a half hour period, includes the sale of unlimited alcohol for a set fee, and is likely to encourage the irresponsible consumption of alcohol within the set period.

I must reinforce for you that this promotion is a breach of the mandatory conditions and therefore a breach of your licence. A continuation of this activity may result in further action against the licence holder including all options available to us under the Licensing Act 2003.

Please confirm in writing that you have received this letter and understand its full content.

Contact details are provided in full at the top of this letter.

Yours Faithfully

PC 5787 Simon Wheeler

Reading LPA Licensing Dept

Wheeler Simon

From: Tom Mead <[REDACTED]@thebotanist.uk.com >
Sent: 12 June 2018 22:25
To: licensing@reading.gov.uk; Wheeler Simon; Smyth Declan;
richard.french@reading.gov.uk; peter.narancic@reading.gov.uk;
clyde.mason@reading.gov.uk
Subject: Royal Ascot Brunch and associated promotions

Dear PC Wheeler,

Thank you for your email which I confirm receipt of.

We are currently considering our position and will revert back to you.

Kind regards,

Tom Mead
General Manager

The Botanist . 1-5 King Street . Reading, Berkshire . RG1 1AU
Tel . 0118 9595749

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For more information please visit <http://www.symanteccloud.com>

Wheeler Simon

From: Anthony Lyons <[REDACTED]@kuits.com>
Sent: 15 June 2018 11:03
To: Wheeler Simon
Cc: Samantha Lawson
Subject: RE: Botanist, Unit 1, 1-5 King Street, Reading (NEW218/18)

Dear Simon

Thanks for your email.

Before I go back to my client it would be helpful to understand why you consider the responsible approach to the "Bubbles and Brunch" promotion to be irresponsible and how it may present a significant risk such that one or more of the licensing objectives will be undermined? (Sec 10.41 Sec 182 Guidance)

Regards

Tony

From: Wheeler Simon [mailto:Simon.Wheeler@thamesvalley.pnn.police.uk]
Sent: 14 June 2018 18:53
To: Anthony Lyons <[REDACTED]@kuits.com>
Cc: 'French, Richard' <Richard.French@reading.gov.uk>; Smyth Declan <Declan.Smyth@thamesvalley.pnn.police.uk>; 'Narancic, Peter' <peter.narancic@reading.gov.uk>; 'Masson, Clyde' <clyde.masson@reading.gov.uk>
Subject: RE: Botanist, Unit 1, 1-5 King Street, Reading (NEW218/18)

Mr Lyons

Please receive this as acknowledgement of your recent communication.

In short, I do not agree with your interpretation of the legislation relating to responsible drink promotions, and as such am unable to support at this time the continuation of this particular promotion.

Therefore I would advise you and your client to discontinue with this promotion in its current guise.

However, in order to provide greater clarity and consistency both the Reading borough Council Licensing Authority and Thames Valley Police shall be meeting regarding this issue to discuss our joint concerns.

We shall contact you in the near future regarding this and any other likeminded promotion.

Regards

Simon

Simon Wheeler Police Constable 5787
Advanced Practitioner

Switchboard (non emergency): ☎ 101

Mobile: [REDACTED]

✉ Castle Street, Reading, Berkshire, RG1 7TH

From: Samantha Lawson [mailto:[REDACTED]@kuits.com] On Behalf Of Anthony Lyons

Sent: 13 June 2018 16:45

To: Wheeler Simon <Simon.Wheeler@thamesvalley.pnn.police.uk>

Subject: Botanist, Unit 1, 1-5 King Street, Reading (NEW218/18)

Dear PC Wheeler,

As you are possibly aware, we act on behalf of NWTC who trade in Reading as The Botanist.

Our client has sought our advice with regards to your letter of 11th June which suggests that, in your opinion, there is a breach of the mandatory licensing condition regarding irresponsible drink promotions.

Our clients are acutely aware of the mandatory condition which outlaws irresponsible drinks promotions. It was for this reason that the brunch offer was carefully designed to ensure that there was no exposure to criticism.

As you will be aware, an irresponsible promotion is one that encourages the sale of alcohol for consumption on the premises in a manner which carries "a significant risk of undermining one or more of the licensing objectives". The brunch offer simply does not do that for the following reasons:

- The offer has a significant food element as per the attached menu;
- In order to be eligible for the offer, a customer needs to make a pre-booking via The Botanist website. In this way, our client knows precisely who will be attending the premises together with contact details;
- Every customer booking for the brunch not only receives a comprehensive note of the terms and conditions (<http://thebotanist.uk.com/booking-terms/bottomless-brunch-rules>) but also is verbally reminded of the need to drink responsibly when sitting down for a meal;
- The cost of participation in the offer is £25 a head. No discount is applied;
- The offer is strictly limited to an hour and a half hour period from the time the table is booked. This is entirely different to the definition of an irresponsible promotion to which you refer – which requires or encourages a customer to drink a quantity of alcohol within a time limit. There is no such requirement or encouragement. Our customers are perfectly free to choose which type of drink they would like (including free tap water and orange juice being available) and to drink responsibly;
- All customers must be aged 18 and over;
- Guests must remain seated for the duration of the offer;
- Food and drink is served by waiter/waitress to the tables. No bottles are left with customers. Crucially this affords the staff the opportunity to interact with their customers and in the unlikely event that there's any degree of intoxication this will immediately be identified and service will stop;
- A written record is kept of refusals and will be available for inspection by responsible authorities.

We have advised numerous clients on offers of this type. The key to responsible retailing is to ensure that the appropriate safeguards are in place.

However, in view of the comments contained within your correspondence, our client has decided to make some changes in the promotion which they are confident will serve to further alleviate the concerns of the Police.

They therefore propose to rebrand the promotion from the "Bottomless Brunch" to "Bubbles and Brunch". By doing this they remove any suggestion of the offer being drink-led. The marketing of the offer will be carefully scrutinised to avoid any suggestion of excessive drinking.

Secondly, as you know, robust terms and conditions are already in place on emails and booking confirmations. My client will also reprint menus in the new "Bubbles and Brunch" branding and will emphasise that any abuse of the offer will result in its immediate termination.

As mentioned above, table water and orange juice will be freely available.

My clients point out that the key overriding factor here is that staff are trained to recognise the point at which a customer may have had sufficient to drink and not to permit any further consumption in accordance with that training.

Finally, my client points out that the brunch is intended to be a convivial experience, for customers to meet friends whilst enjoying some great food as well as drink.

We trust that this response will reassure the Police and the Licensing Authority that this is a well-managed offer and certainly not irresponsible.

I look forward to receiving your acknowledgement of this email and confirmation that my client can continue with this offer.

Should there be any particular points you may wish to discuss then please feel free to call me on 0161 838 7888 or my mobile [REDACTED]

I look forward to hearing from you.

Yours sincerely,

Anthony Lyons
For and on behalf of Kuit Steinart Levy LLP

Anthony Lyons
Partner
Licensing
for and on behalf of kuit | steinart | levy
LLP

DDi: +44 (0)161 838 [REDACTED]

Mobile : [REDACTED]

Dept: +44 (0)161 838 [REDACTED]

Fax: +44 (0)161 838 [REDACTED]

kuit | steinart | levy LLP
3 St Marys Parsonage
Manchester M3 2RD

www.kuits.com

At Kuits we care about your privacy. We have updated our privacy policy to comply with recent changes to data protection. For more details please see our [privacy policy](#) [Here](#)

Please note that all meetings are held at our offices on 7th Floor, Blackfriars House, Parsonage, Manchester, M3 2JA. Cybercrime and fraud alert. Please be aware that we do not send notifications of changes to our bank details by email. Some clients of law firms have been tricked into forwarding monies to them. If you receive an email that appears to be from one of the ones we supplied at the outset of the matter or indicating a change in our bank details, please contact our Head of Fraud and alert the fee earner dealing with your matter. Do not reply to the email or act on any information contained in it into an incorrect account.



- BOTTOMLESS BRUNCH -

Select one dish from our botanical brunch menu below...

POACHED EGG ON TOAST

with a choice of:

Hand-carved honey roast ham and hollandaise

Roast garlic mushroom and spinach with hollandaise

Smoked salmon and hollandaise with chives

Avocado with homemade tomato jam

OMELETTE

topped with either haddock fondue or creamy mushrooms
and served with buttered granary toast

CROQUE-MONSIEUR

hand-carved ham and Gruyère cheese French toast
sandwich topped with a fried egg and served
with tomato jam

KEDGEREE

curried rice with smoked salmon and haddock,
topped with a poached egg

FULL ENGLISH

4oz cumberland sausage, smoked streaky bacon, baked
beans, black pudding, roast mushrooms and
tomato; served with toast, tomato jam and
your choice of eggs

VEGGIE BREAKFAST

grilled halloumi, avocado, baked beans, roasted mushroom
and tomatoes, served with toast, tomato
jam and your choice of eggs

BREAKFAST BURGER

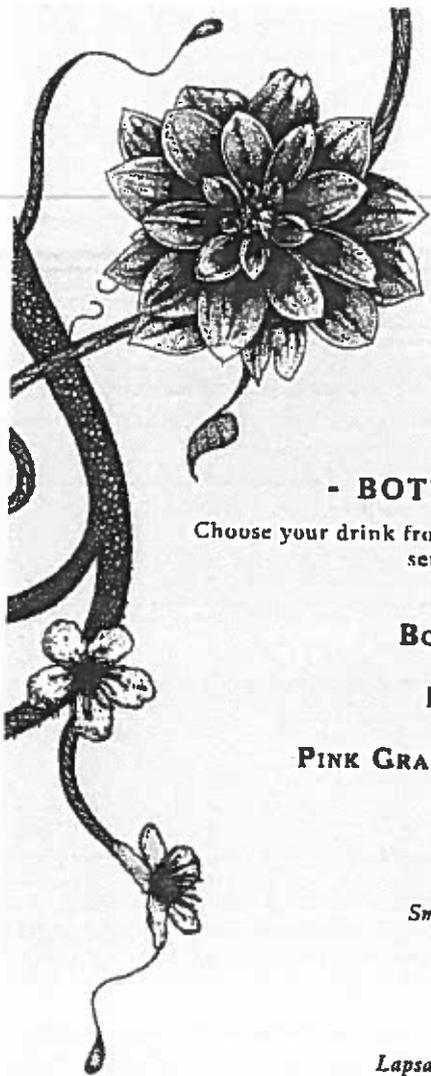
with Cumberland pork patty, smoked streaky bacon,
Gruyère cheese, tomato jam and a fried egg;
served with lyonnaise potatoes

7OZ RUMP STEAK

with lyonnaise potatoes and two fried eggs

HOMEMADE BUTTERMILK PANCAKES

layered with maple-glazed bacon and banana,
drizzled with maple syrup



- BOTTOMLESS DRINKS -

Choose your drink from the selection below and enjoy bottomless servings whilst you dine...

BOTANIST BUCKS FIZZ

BOTANIST BELLINI

PINK GRAPEFRUIT & PEACH SANGRIA

BLOODY MARYS

including:

Smoked Garlic & Rosemary

Red Chilli & Oregano

Classic Mary

Lapsang Souchong Cayenne Mary



PROSECCO SACCHETTO

Veneto, Italy

ENGLISH SPARKLING BRUT ROSÉ

Hush Heath '1504', Kent, UK

£10 extra per person



TV 3



Declan Smyth
Licensing Officer
Reading

New World Trading Company (UK) Ltd
2 Malt Street
Knutsford
Cheshire
WA16 6ES

Police Station
Castle Street
Reading
Berkshire
RG1 7TH

Tel: 01865 845249

Fax:

declan.smyth@thamesvalley.pnn.police.uk

www.thamesvalley.police.uk

2nd November 2018

Licensing Act 2003

Premises Licence Number: LP2002331

Premises: The Botanist

Premises Address: Unit 1, 1-5 Kings Street, Reading, RG1 2HB

On the 1st November 2018 I visited your premises with a colleague PC Simon Wheeler to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection. The licensing inspection was carried out with Mr Akeem Grandison.

During my inspection, I found a number of items that require your attention as outlined below:

- 1) A Section 57 could not be located at the premises. A Section 57 notice details where Part A of the premises licence is kept and who has custody of it. Please ensure this is rectified.
- 2) The address on the personal licence of the DPS - was confirmed to have the incorrect address on it. The DPS will need to apply to the issuing authority/ Council to amend this right away. Failure to notify the issuing authority of a personal licence of a change of address is an offence under the Licensing Act. Similarly, the address stated on the premises licence for the DPS is also incorrect. The premises licence holder should ensure that this is also amended with Reading Borough Council.
- 3) The list of authorised alcohol sellers was not up to date. As per the mandatory conditions, all sales of alcohol must be made or authorised by a personal licence holder. The list contained staff that did not work at the premises were not included. Please ensure this is rectified.
- 4) Condition 8 on page 9 of your premises licence in relation to staff training could not be demonstrated as being complied with. No records of training were produced or could be shown. Whilst I acknowledge that

Serving with Pride and Confidence

staff training documents are in a digital format (ZONAL), they were not produced for inspection. Please ensure this is rectified. Please also ensure that refresher training is carried out every six months and documented accordingly.

5) Condition 12 on page 9 of your premises licence in relation to the use of a refusal book could not be demonstrated as being complied with. Whilst I acknowledge that the ZONAL system can record this information no reports were produced for inspection. Please ensure that refusals are recorded in accordance with the wording of the condition and that all staff are aware of it and know how to use it.

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. For information on the benefits, procedures and costs associated with it, please contact george.friel@reading.gov.uk

8) **PUBWATCH**. You are advised to attend the monthly meetings. Information in relation to Pubwatch can be obtained from Thames Valley Police, Reading Borough Council and Mr Rob Kennedy (Pubwatch, Chairman) who is the general manager of Q-Club on Friar Street.

9) **CCTV**. I have noted that currently the premises has no external cameras for the front or rear entrances. Thames Valley police would recommend that you rectify this as currently they are major blind spots. In doing this you would be promoting the safety of your staff and customers and would also be aiding in the prevention of crime and disorder.

10) No **Refusals Log** was available for inspection. 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.

11) **Incidents Log**. Thames Valley Police would recommend that as part of the daily routine that the staff and management document any and all incidents. It was stated by a staff member that on occasion the toilets are used by unwanted guests. If this is a common occurrence 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.

12) **Noise Documentation**. I acknowledge that the manager has an App on his phone that allows him to monitor noise levels. Thames Valley Police would recommend that this be recorded into a file or log book so as to aid in the premises due diligence recording processes.

13) **Drugs Policy.** Thames Valley Police completed a drugs swabbing of the premises on the 1st November. No documentation was available to show that the management or staff were implementing any checks or training.

14) **Door Staff.** Thames Valley Police would recommend that the premises increase the levels of security by a minimum of one security member every Friday and Saturday night. Currently only 2 members work the front entrance leaving the rear entrance unmanned. When viewing the CCTV with the duty manager of footage from Saturday 27th October at 23:55 it was noted that members of the public walked straight into the premises, using the rear entrance without being greeted by any security or staff member.

15) **Search Policy.** Thames Valley Police would recommend that the premises introduce a policy and to document the searches. This will help in the reduction of crime and disorder.

16) **Toilet Checks.** Thames Valley Police would recommend that the premises introduce a policy and to document to aid in managing the toilet area. This will aid in the reduction of crime and disorder.

17) **Door staff Visibility.** Thames Valley Police would recommend that the door staff/ security wear a uniform that clearly makes them identifiable. Currently this is not happening. As a minimum level we would recommend that the security staff wear a Tabard that has a reflective strip on the shoulders and midriff. This will allow members of the public and CCTV to pick them out in a crowded situation helping with the prevention of crime and disorder.

Whilst we are considering what, if any, further actions needs to be taken in relation to the visit on the 1st November 2018, you are advised to rectify the above as soon as possible. Once you believe the above matters have been rectified then please notify me. I expect that all the above will be address and actioned by 30th November 2018.

Yours faithfully

Mr Declan Smyth
Licensing Officer

TVP4



Alison Bell
Director of Environment and
Neighbourhood Services
Civic Offices, Bridge St, Reading, RG1 2LU
☎ 0118 937 3787

Our Ref:EVU 053475

e-mail: richard.french@reading.gov.uk

23 May 2018

New World Trading Company (UK) Ltd
2 Malt Street
Knutsford
Cheshire
WA16 6ES

Your contact is: Mr Richard French, Licensing

Dear Sirs

Licensing Act 2003
Premises Licence Number:LP2002172
Premises: The Botanist
Premises Address: Unit 1, 1-5 King Street, Reading, RG1 2HB

On the 23rd May 2018 I visited your premises to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection. The inspection was carried out with Mr Akeem Grandison.

During my inspection, I found a number of items that require your attention as outlined below:

- 1) A Section 57 could not be located at the premises. A Section 57 notice details where Part A of the premises licence is kept and who has custody of it. Please ensure this is rectified.
- 2) The list of authorised alcohol sellers was not up to date. As per the mandatory conditions, all sales of alcohol must be made or authorised by a personal licence holder. The list contained staff that did not work at the premises and some staff who did work at the premises were not included. Please ensure this is rectified.
- 3) Condition 3 on page 8 of your premises licence in relation to a written risk assessment for door supervisors on a Sunday to Thursday could not be demonstrated as being complied with. Please provide me with a copy of these risk assessments.
- 4) Condition 6 on page 9 of your premises licence in relation to notices asking customers to leave quietly was not being complied with. No notices were found at either of the two exits. Please ensure this is rectified.
- 5) Condition 7 on page 9 of your premises licence in relation to a written closure and dispersal policy could not be demonstrated as being complied with. Please provide me with a copy of this policy - which should have already been sent to the police upon being granted the premises licence.

6) Condition 8 on page 9 of your premises licence in relation to staff training could not be demonstrated as being complied with. Whilst I acknowledge that the CPL training package is good, I could not see that it covers the specific training as outlined in the condition. Please ensure this is rectified. Please also ensure that refresher training is carried out every six months and documented accordingly.

7) Condition 12 on page 9 of your premises licence in relation to the use of a refusal book could not be demonstrated as being complied with. No refusal book (written or electronic) was shown. Please ensure that refusals are recorded in accordance with the wording of the condition and that all staff are aware of it and know how to use it.

Advisories

1. I advised you on the requirement to ensure that any prospective member of staff has the correct right to work documents before they start any employment. Please check the gov.uk website for list of acceptable documents. You are also advised to keep those documents securely as they may need to be inspected by Home Office Immigration Enforcement should they decide to attend the premises.

2. You are advised to make use of the various schemes that are operational within the town centre for all venues. This includes use of the night safe radio (echo tango) and attendance at the monthly Pubwatch. For information on the town safe radio and the costs associated with it, please contact george.friel@reading.gov.uk Information in relation to Pubwatch can be obtained from ourselves, PC Wheeler at Thames Valley Police or Mr Rob Kennedy who is the manager of Q-Club in Friar Street.

3. In relation to condition 10 on your premises licence about possible noise emanation from the premises, you are advised, if you are not already doing so, to make periodic observations in and around the premises when live music is being performed to ensure that no noise is coming from the premises. This should be documented and appropriate steps to mitigate any noise should then be taken.

Please rectify points 1-7 above within 28 days and notify me when you believe they have been completed so I can arrange a re-inspection.

If you have any questions about the content of this letter then please contact me.

Yours faithfully

Mr Richard French
Licensing Enforcement Officer

TUP 5



LICENSED PREMISES INCIDENT REPORT

Shoulder No/Name: P6637 COLE **Station:** Reading **LPA:** EA

Premises Name/Location: BOLANIST, KINGS ROAD, READING
Incident Date: 1/8/17 **Incident Time:** 22:00
Command & Control URN: **Crime Report(s):**
CCTV Seized? NO CCTV
Sources of Information: DOOR STAFF

Officers were called up by ET as there was an aggressive outside the premises who had thrown a bottle at the door staff when they have refused him entry which led the door staff to initially believe that this was an acid attack.

Officers arrested the subject upon hearing the information from door staff, they have then stated they had no CCTV, Town safe radio and refused to complete MG11's (one door staff member completed a PNB) while the other staff members claimed that they did not see or hear anything despite the head doorman saying one of the other doormen was present while it happened.

PC 951 Barber arrested the subject for drunk and disorderly.
 PC 6637 COLE attempted to get MG11's from staff and PS4587 Morris went to speak to the manager when the staff refused to engage fully and they refused to complete any further paperwork.

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)
[REDACTED]	[REDACTED]	Offender	Arrested -NFA later	[REDACTED]

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

Incident 3rd February 2018 at 1045pm

INCIDENT REPORT		
Site The Botanist	Date 3/02/18	TIME Approx 1045
Name M. Rias	Job Title H/P	BADGE NUMBER 0130 1113 235
Incident Reference No.		
Incident (continue overleaf if necessary)		
<p>Two ICL Males were being aggressive towards the bar staff. A member from the Management team approached to see if he can resolve the issue but the two ICL Males became aggressive and also verbally abused the Manager. At this point the Manager asked a member of door staff to escort the two ICL Males off site as they became more aggressive, one outside the two males abused the door staff and assaulted the doorman and hurled abuse at the door man. As the second door man came out one male was across the road making threats and hurling abuse the police were called they helped to control the one of the males the other ran away, one male was restrained briefly but let go, the police.</p>		
Action Taken		
<p>Both door man statements have been given to the area manager.</p>		
Door man involved in the incident		
<ul style="list-style-type: none"> - Carl Godinho - M. Rias 		
Manager		
<ul style="list-style-type: none"> - Andy - Henry 		
Ambulance called	Yes / No	Who by:
Police attend	Yes / No	Who by:
Time of arrival:		Time of arrival: Approx 1045
Details of officers attending		
1. Name	2. Name	
Rank	Rank	
Badge Number	Badge Number	

Incident on 14th September 2018 at 1135pm

INCIDENT REPORT			5
Site <u>Botanists READING</u>	Date <u>14/9/18</u>	TIME <u>23.35</u>	
Name <u>M Riad</u>	Job Title <u>HD</u>	BADGE NUMBER <u>0150111328524</u>	
Incident Reference No.			
Incident (continue overleaf if necessary)			
<p>4x IRA IRISH Guys was driving in THE VENUE AND RAN A BAR TABS UP TO £400 when approached to pay they refused to pay it we ASKED THEM several times but no luck they then walked out the venue to front door where we tried to speak to them to get them to pay but they got ABUSIVE towards us they then walked off from the venue.</p>			
Action Taken			
<p>BARSTAFF phoned police and we WAVED police down to let them know what happened</p>			
ambulance called	Yes / No	Who by:	Time of arrival:
police attend	Yes / No	Who by:	Time of arrival:
Details of officers attending			
1. Name		2. Name	
Rank		Rank	
Badge Number <u>6885</u>		Badge Number	
Incident Reference Number (if known / fill in when known)			
Details of witnesses / patrons involved			
1. Name		2. Name	
Contact No		Contact No	
Address		Address	
3. Name		3. Name	
Contact No		Contact No	
Address		Address	
Signature of Manager on Duty			
Supervisor		Signature	
		Signature	

Incident on 17th August 2018 at 11.40pm

INCIDENT REPORT			
Site	THE BOTANIST	Date	17/8/18
Name	M. KHAZ	Job Title	HD
Incident Reference No.		TIME	11:40
Incident (continue overleaf if necessary)		BADGE NUMBER	C13611523055205
<p>ICA MORE ENTERED VENUE TO SEE A WORK COLLEAGUE. EVEN THO HE WAS TOLD DOOR SHUT ON HIS RETURN HE TOOK PICTURE OF DOOR STAFF. THEN WENT IN TO VEHICLE. HE WAS ASKED HOW TO DELETE THE IMAGE. HE BECAME VERY ABUSIVE. THREATENED DOOR STAFF (HE IS A LOCAL FROM WHITBY LEAVING TAYRATIC ROAD, HE SHALL COME LOOKING FOR DOOR STAFF) ICA SEEMED HIGHLY DRUGGED UP. INTORICATED WE DO NOT HAVE POLICE YARD SO CULD NOT PUT ICA IN ECHO TRAILD HOWEVER A MEMBER FROM GENERAL PUBLIC CALLED POLICE. A RIOT VAN WITH A HANDFUL OF OFFICERS CAME TO THE VENUE.</p>			
<p>Action Taken THE OFFICERS WERE VERY HELPEFUL THEY CALMED THE INDIVIDUAL, ARRESTED THE ICA PUT HIM IN THE VAN.</p>			
Ambulance called	Yes / No	Who by:	Time of arrival:
Police attend	Yes / No	Who by: GENERAL PUBLIC	Time of arrival: 00:00
Details of officers attending			
1. Name		2. Name	
Rank		Rank	
Badge Number		Badge Number	
Crime Reference Number (if known / fill in when known)			
Details of witnesses / patrons involved			
1. Name	2. Name	3. Name	
Contact No	Contact No	Contact No	
Address	Address	Address	
Name of Manager on Duty			Signature
Supervisor			Signature

Incident 6th July 2018 at 11.45pm

INCIDENT REPORT		
Site THE BOTAN ST	Date 6/7/18	TIME 11 45
Name M RIAZ	Job/Title HD	BADGE NUMBER 01801113 2303 8209
Incident Reference No.		
Incident (continue overleaf if necessary)		
<p>IC1 MALE ASKED TO LEAVE VENUE DUE TO BEING HIGHLY INTOXICATED. WITH HARASSING CUSTOMERS, FEMALE WAITRESSES. DOOR STAFF CALLED TO SPEAK TO HIM REGARDING TELLING STAFF (THAT HE HAD A PIECE ON HIS PENIS)</p> <p>IC1 THREATENED DOORSTAFF. HE WAS ALLOWED TO FINISH HIS DRINK. HOWEVER, IC1 CONSTANTLY BECAME AGGRESSIVE. HIS FRIEND LEFT HIS IN DETAILS AS THEY BELIEVED HE WAS MENTALLY IN A BAD PLACE. THEY ADVISED HIM TO LEAVE BUT HIS CONSTANT PERSISTENCE OF BEING AGGRESSIVE LED THEM TO LEAVE HIM ON HIS OWN.</p> <p>BOTONAST STAFF WITNESSED HIS BEHAVIOUR THROUGH OUT THE NIGHT. (CHEF & HOST)</p> <p>Action Taken BOTONAST STAFF KINDLY ALLOWED HIM TO DRINK HIS PINT. ADVISED HIM TO CALM DOWN CATCH A TAXI RETURN SAFELY TO WIDENING HAM, X HE IS ALLOWED TO RETURN NEXT WEEK.</p> <p>DOORSTAFF SPOKE TO PASSING BY POLICE VAN AT 12 29 AND PASSED ON IC1 DESCRIPTION POLICE WAS KNOW AWARE OF HIS BEHAVIOUR.</p>		
Ambulance called	Yes / No	Who by:
Police attend	Yes / No	Who by:
Time of arrival:		Time of arrival:
Details of officers attending		
1. Name	2. Name	
Rank	Rank	
Badge Number	Badge Number	
Crime Reference Number (if known / fill in when known)		
Details of witnesses / patrons involved		
1. Name	2. Name	3. Name
Contact No	Contact No	Contact No
Address	Address	Address
Name of Manager on Duty		Signature
Supervisor		Signature

Doorbook showing inconsistencies (Duplicated dates and pre-signed by duty managers).

DATE	DAY	NAME	BALE NUMBER / REP NUMBER	ENTRY DATE	TIME IN	LOG	TIME OUT	LOG	DUTY MANAGER SIGNATURE
12-10-18	FRI	Mohammed Riaz	0130113 2305 3205	12-10-18	18:45	[Signature]	00:15	[Signature]	[Signature]
12-10-18	FRI	Mohammed Mughit	1019 5420 7918 1102	12-10-18	18:45	[Signature]	00:15	[Signature]	[Signature]
13-10-18	SAT	Mohammed Riaz	0130 113 2305 3205	12-10-18	18:45	[Signature]	00:15	[Signature]	[Signature]
12-10-18	SAT	Mohammed Mughit	1019 5420 7918 1102	12-10-18	18:45	[Signature]	00:15	[Signature]	[Signature]
11-10-18	FRI	Mohammed Riaz	0130 113 2305 3205	12-10-18	18:45	[Signature]	00:15	[Signature]	[Signature]
11-10-18	FRI	Mohammed Mughit	1019 5420 7918 1102	12-10-18	18:45	[Signature]	00:15	[Signature]	[Signature]
20-10-18	SAT	SAGUR TRABELSI	1015 4975 0470 1749	20-10-18	18:45	[Signature]	00:15	[Signature]	[Signature]
20-10-18	SAT			20-10-18	18:45	[Signature]	00:15	[Signature]	[Signature]
27-10-18	SAT	Parvati Dhanu	013471 5308 2115	27-10-18	18:45	[Signature]	00:15	[Signature]	[Signature]
27-10-18	SAT	JAMIC DAVIS	1273999631721	27-10-18	18:45	[Signature]	00:15	[Signature]	[Signature]
28-10-18	FRI	SAGUR TRABELSI		28-10-18	18:45	[Signature]	00:15	[Signature]	[Signature]
28-10-18	FRI	MUHAMMAD RAHIM		28-10-18	18:45	[Signature]	00:15	[Signature]	[Signature]

DATE	DAY	NAME	BALE NUMBER / REP NUMBER	ENTRY DATE	TIME IN	LOG	TIME OUT	LOG	DUTY MANAGER SIGNATURE
20-10-18	SAT	SHOBNA GYMC	1012 8311 2186 3804	20-10-18	19:00	[Signature]		[Signature]	[Signature]
20-10-18	FRI	SAGUR TRABELSI	1015 4975 0470 1749	20-10-18	18:45	[Signature]	00:15	[Signature]	[Signature]
24-10-18	FRI	Mohammed Riaz	0130113 2305 3205	24-10-18	18:45	[Signature]	00:15	[Signature]	[Signature]

Narancic, Peter

From: Smalley, Robert
Sent: 22 November 2018 10:51
To: Narancic, Peter
Subject: FW: Botanist-1-5 King Street, Application to vary a premises licence [OFFICIAL]

FYI

Robert Smalley
 Business Support Officer
 Licensing Department | Directorate of Environment and Neighbourhood Services

Reading Borough Council
 Civic Offices Bridge Street Reading RG1 2LU
 (please note new office address)

0118 9373762
Licensing@reading.gov.uk

PLEASE NOTE, AS OF 1ST MARCH 2017 LICENSING TELEPHONE LINES WILL ONLY BE AVAILABLE FROM 9AM TO 1PM DAILY

Are you thinking about applying for a new licence or varying your current one? Take advantage of our pre-application consultation:

Licensed Driver: <http://www.reading.gov.uk/taxilicences>
 Licensed Premises: <http://www.reading.gov.uk/alcohol-premises-licence>

To access the licensing section of our website, please click this link: <http://www.reading.gov.uk/licensing>

PLEASE READ - IMPORTANT INFORMATION - NO MORE ENTITLEMENTS TO DRIVE

From 01 February 2019 we will be implementing changes to the way private hire, hackney carriage and school transport driver's licence renewal applications are processed, as approved by the Licensing Committee on 11 April 2018. Please follow the link below for full information

<http://www.reading.gov.uk/taxilicences>

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

From: Bill Donne [mailto:
Sent: 21 November 2018 22:18
To: Monroe's 1; Licensing; Smalley, Robert
Subject: Botanist-1-5 King Street, Application to vary a premises licence

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

I shall like to make a representation against the grant of a variation to their premises licence to extend their operating hours for licensable activities on the grounds of:

- Prevention of Crime and Disorder

The Council has just renewed the Cumulative Impact policy and re-stated that restaurants within the zone should not be granted hours beyond midnight. This policy has been applied to many operators in town and I believe that the policy should be applied in this case too, as I do not believe they have provided sufficient evidence within their application to rebut this policy.

Furthermore, I believe that the planning consent granted for their premises was for A3 use.

Should this matter go before the licensing committee I shall wish to address the committee to express my concerns.

Regards

Bill Donne
Consultant

[REDACTED]
[REDACTED]

W.Donne
Licensing Practitioner
Silver Fox Licensing Consultants
61 St Mary's Butts
Reading
Berkshire
RG1 2LG

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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.

Premises Licence Number	LP2002331
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Premises Details

Trading name of Premises and Address	
The Botanist Unit 1, 1-5 Kings Street Reading RG1 2HB	
Telephone Number	

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

Licensable Activities

Licensable Activities authorised by the Licence
Performance of Live Music - Indoor Playing of Recorded Music - Indoor Late Night Refreshment - Indoor Sale of Alcohol by Retail - On & Off the Premises

Authorised Hours for Licensable Activities

The times the licence authorises the carrying out of licensable activities	
Hours for the Performance of Live Music	
Monday	from 0800hrs until 2300hrs
Tuesday	from 0800hrs until 2300hrs
Wednesday	from 0800hrs until 2300hrs
Thursday	from 0800hrs until 0000hrs
Friday	from 0800hrs until 0000hrs
Saturday	from 0800hrs until 0000hrs
Sunday	from 0800hrs until 2300hrs
Hours for the Playing of Recorded Music	
Monday	from 0800hrs until 2300hrs
Tuesday	from 0800hrs until 2300hrs
Wednesday	from 0800hrs until 2300hrs
Thursday	from 0800hrs until 0000hrs

Friday from 0800hrs until 0000hrs
Saturday from 0800hrs until 0000hrs
Sunday from 0800hrs until 2300hrs
Hours for the Provision of Late Night Refreshment

Monday from 2300hrs until 2300hrs
Tuesday from 2300hrs until 2300hrs
Wednesday from 2300hrs until 2300hrs
Thursday from 2300hrs until 0000hrs
Friday from 2300hrs until 0000hrs
Saturday from 2300hrs until 0000hrs
Sunday from 2300hrs until 2300hrs

Hours for the Sale by Retail of Alcohol

Monday from 0800hrs until 2300hrs
Tuesday from 0800hrs until 2300hrs
Wednesday from 0800hrs until 2300hrs
Thursday from 0800hrs until 0000hrs
Friday from 0800hrs until 0000hrs
Saturday from 0800hrs until 0000hrs
Sunday from 0800hrs until 2300hrs

Opening Hours

Hours the Premises is Open to the Public

Monday from 0800hrs until 2300hrs
Tuesday from 0800hrs until 2300hrs
Wednesday from 0800hrs until 2300hrs
Thursday from 0800hrs until 0030hrs
Friday from 0800hrs until 0030hrs
Saturday from 0800hrs until 0030hrs
Sunday from 0800hrs until 2300hrs

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: New World Trading Company (UK) Ltd
Address: 2 Malt Street, Knutsford, Cheshire, WA16 6ES

Additional Details

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

Name: Mr Robert Laybourn
Address: Flat ■■■, ■■■ Whitehall Quay, Leeds, LS1 4BW

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

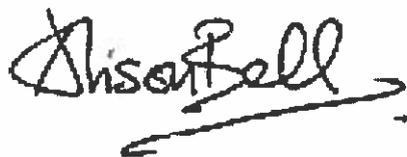
Personal Licence Number: 16047

Issuing Authority: South Kesteven DC

This Licence shall continue in force from 02/07/2018 unless previously suspended or revoked.

Dated: 26 July 2018

Head of Environment & Neighbourhood Services

A handwritten signature in black ink that reads "Alison Bell". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Annex 1

Mandatory Conditions

Supply of Alcohol

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

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

Film Exhibitions

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

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

Door Supervisors

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

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

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

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

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

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

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

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

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

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

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

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

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.

Annex 2

Conditions Consistent with the Operating Schedule

Conditions agreed with the Licensing Authority

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 for licensable activities and recordings shall be kept for a minimum of 31 days with time and date stamping. The CCTV cameras will provide total coverage of the licensable area including access and egress points. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or a Thames Valley Police officer, together with facilities for viewing upon request. Recorded images shall be of such a quality as to be able to identify the recorded person.
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 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. A copy of the premises' age verification policy shall be prominently displayed.
3. The Premises Licence Holder shall conduct a written Risk Assessment of every event involving regulated entertainment and the sale of alcohol held at the premises, between Sunday to Thursday inclusive, to establish if door staff are required. The risk assessment shall be made available upon request to authorised officers of Reading Borough Council and a Thames Valley Police officer.
4. SIA registered door supervisors shall be employed on Friday and Saturday evenings from 8pm until the premises closes.
5. Where a requirement for SIA door supervisors is identified the Premise Licence holder or nominated representative shall keep and maintain a register of door supervisors. The register will show the following details:
 - a) the name, home address and registration number of all door supervisors working at the premises.
 - b) SIA registration number.
 - c) date and time that the door supervisor commenced duty, countersigned by the Designated Premises Supervisor or Duty Manager.
 - d) Any incident of crime and disorder, or concerning children must be recorded giving names of the door supervisors involved.

- e) date and time the door supervisor finished work, countersigned by the Designated Premises Supervisor or Duty Manager.
- f) The door supervisor register must be kept at the licensed premises and be available for inspection by Thames Valley Police or an authorised officer from Reading Borough Council and shall be retained for period of six months from the date of the event.

6. 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.

7. A closure and dispersal policy, submitted in writing to Thames Valley Police, for controlling the closing of the premises and the departure of customers at the conclusion of the licensed activities shall be put in place and shall be actively operated. Staff shall be available to ensure that customers disperse quietly from the premises and the area immediately outside the premises.

8. The premises licence holder shall ensure that any staff employed by them involved in the sale of alcohol undergo training before employment in relation to the Challenge 25 proof of age checking policy. This shall include, but not be limited to, dealing with refusal of sales, proxy purchasing and identifying intoxicated persons to purchase alcohol. Such training sessions are to be documented and refreshed every 6 months. Records of training shall be kept for a minimum of 1 year and be made available for inspection to an authorised officer of Thames Valley Police and Reading Borough Council.

9. Customers under the age of 18 years of age shall not be permitted on the premises after 8pm, unless accompanied by a responsible adult.

10. The licensee shall ensure that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to undue disturbance to local residents. This includes noise from any amplified music or speech played at the premises.

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

12. 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 shall be made available for inspection to an authorised officer of Reading Borough Council and Thames Valley Police.

13. No open containers shall be permitted to be removed from the licensed premises or designated smoking area unless they are for consumption in these areas.

Annex 3

Conditions attached after a hearing by the Licensing Authority

N/A

Annex 4

Plans

As attached plan no. 1127-00 dated 11/02/2016
