

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 11 JUNE 2020

Present: Councillors Edwards (Chair), Rowland and Skeats.

2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - TORTILLA

The Deputy Director of Planning, Transport and Regulatory Services submitted a report on an application for the grant of a Premises Licence in respect of Tortilla, Unit 1, 4-6 Broad Street, Reading RG1 2BH.

The report stated that the application was for the grant of a premises licence to permit the following licensable activities:

Hours for the Sale of Alcohol (On and Off the premises)

Monday to Sunday 1000 hours until 0000 hours

Provision of Late-Night Refreshment

Monday to Sunday 1100 hours until 0000 hours

Opening Hours

Monday to Sunday 0800 hours until 0030 hours.

The report explained that Planning Permission for A3 use of the premises had been granted, with the permitted hours of operation set at 0800 to 2300 hours. A copy of the Planning Permission was attached at Appendix RS1.

A copy of the licensing application form was attached to the report at Appendix RS2. Reading Borough Council had submitted a list of additional conditions to be attached to the Premises Licence, and these were attached to the report at Appendix RS3. Condition 15 included an undertaking by the applicant not to operate beyond the current permitted hours until such time as an extension to the hours set out in the Planning Permission had been applied for and granted.

The report stated that during the 28-day consultation period, one representation had been received from a neighbouring premises, which was attached to the report at Appendix RS4. The applicant had submitted a response to the objector via email and a copy was attached to the report at Appendix RS5.

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

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

The report also stated that any conditions placed on the premises licence should be appropriate and proportionate with a view to promoting the licensing objectives and that the Licensing Authority could grant (subject to appropriate conditions to promote the licensing objectives), amend, alter or refuse an application should it be deemed appropriate for the promotion of the licensing objectives. The Council's Licensing Policy also placed an onus on applicants who wished to open past 2300hrs to demonstrate how

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they would mitigate the issues of crime and disorder and potential public nuisance. It was felt that the list of additional conditions, which had been agreed by the applicant, would mitigate these issues.

The report set out paragraphs 3.1, 3.2, 5.6, 5.7, 6.1, 6.2, 6.5, 6.24, 6.25, 10.1 and 10.3 of the Council's Statement of Licensing Policy. The report also set out paragraphs 1.2 to 1.5 and 8.41 to 8.49 from the Secretary of State's Guidance to the Licensing Act 2003 issued in April 2018.

Mr Jack Spiegler of Thomas & Thomas Solicitors, the solicitor for the Applicant, and Mr Rob Lucy, Property Director of Mexican Grill Ltd, the applicant, were present at the meeting and addressed the Sub-Committee.

Robert Smalley, Licensing Enforcement Officer, presented the report at the meeting and asked the Sub-Committee to note that the date quoted on the report had been superseded due to the Coronavirus pandemic, and that the date on which the application was heard was 11 June 2020.

Resolved -

That, in order to promote the four licensing objectives and having regard to the oral and written representations made in advance and at the meeting, the Secretary of State's guidance issued under section 182 of the Licensing Act 2003 (April 2018), the Council's Statement of Licensing Policy, the application for the grant to a Premises Licence in respect of Tortilla, Unit 1, 4-6 Broad Street, Reading, RG1 2 BH, be granted to permit:

Sale by retail of Alcohol (on and off the premises)

Monday to Sunday 1000 hours until 0000 hours

Provision of Late-Night Refreshment

Monday to Sunday 2300 hours until 0000 hours

Opening Hours

Monday to Sunday 0800 hours until 0030 hours

and that the following conditions shall apply:

1. The Premises Licence Holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV. There shall be at least one camera positioned at each entry and exit point to monitor any external areas to the premises. This includes any areas designated for tables and chairs and/or a designated smoking area. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or Reading Borough Council together with facilities for viewing upon request. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.

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2. Signs shall be placed in prominent positions on the premises notifying customers that CCTV is in operation.
3. All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incident shall also be recorded. Where known, any offender's name shall also be recorded.
 - (a) This record shall be available for inspection by a Police Officer or an authorised officer of Reading Borough Council upon request and shall be retained for one year. The record shall be signed off by the DPS or nominated representative at the end of each trading session.
 - (b) A weekly review of the incident register shall also be carried out by the DPS.
4. Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not be limited to:
 - The premises age verification policy
 - The law relating to underage sales
 - Dealing with refusal of sales
 - Proxy purchasing
 - Recognising valid identity documents not in the English language
 - Identifying attempts by intoxicated persons to purchase alcohol
 - Identifying signs of intoxication
 - Conflict management
 - How to identify and safeguard vulnerable persons who attend and leave the premises
 - Identifying signs of drug usage and prevention
 - The four licensing objectives.

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

5. All staff involved in the sale of alcohol shall be trained to record refusals of sales of alcohol in a refusals log (whether written or electronic). The log shall contain:
 - Details of the time and date a refusal was made
 - The identity of the staff member refusing the sale
 - Any detail or description of the person refused and the reason why

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

6. The premises shall at all times operate an age verification policy of at least Challenge 25 to prevent any customers who appear to staff members to be under the age of 25 from purchasing alcohol without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, national identity card or proof of age card showing

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the "PASS" hologram are to be accepted as identification. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premises.

7. The premises Licence Holder shall display in a prominent position a copy of their policy on checking proof of age.
8. A closure and dispersal policy for controlling the closing of the premises and the departure of customers from the premises at the conclusion of licensed activities shall be put in place and shall be actively operated. At the end of licensable activities, staff - including door staff - shall be available to disperse customers away from the premises in line with the dispersal policy. The policy shall be in written format and made available upon request to an authorised officer of Reading Borough Council and Thames Valley Police.
9. The premises shall at all times operate as a restaurant. All sales of alcohol must be made in conjunction with, and ancillary to a substantial food order. There shall be no vertical drinking permitted at the premises.
10. Delivery orders that include alcohol must be made in conjunction with, and ancillary to, a substantial food order. All staff making deliveries must ensure that they implement a Challenge 25 age verification policy. Any refusals must be recorded in the refusal log.
11. Deliveries shall only be made to a full and proper residential or commercial postal address. Deliveries shall not take place to car parks, bus shelters, fields etc.
12. Signs shall be placed at all exits informing customers that glassware and any open drink containers shall not be removed from the premises. Staff shall monitor this and take appropriate action to prevent any drinks being removed from the premises.
13. The immediate vicinity outside of the premises and in any external areas associated with the premises shall be kept clear of litter.
14. The Premises Licence Holder shall participate in the Local Town Radio Scheme when the premises are open for licensable activities Monday to Sunday inclusive.
15. No licensable activities stated on the licence will be effective between 2300 hours and 0000 hours until the Premises Licence Holder has applied for and been granted planning permission to operate to these times.

(The meeting started at 9.30 am and closed at 11.04 am).