

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 1 DECEMBER 2020

Present: Councillors Rowland (In the Chair), Maskell and Skeats.

14. APPOINTMENT OF CHAIR FOR THE MEETING

Councillor Rowland was nominated by Councillor Maskell and seconded by Councillor Skeats. As there were no other nominations, Councillor Rowland was appointed Chair for the meeting.

15. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - PHEASANT INN, SOUTHAMPTON STREET, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by Thames Valley Police for the review of a Premises Licence in respect of the Pheasant Inn, 225 Southampton Street, Reading, RG1 2RB.

The report stated that Thames Valley Police had requested a review of the Premises Licence due to serious concerns that the premises was failing to support the licensing objectives that due diligence was suitably delivered and had failed to ensure compliance with the conditions on their licence which had led to the undermining of the four licensing objectives. These failings had led to extremely serious incidents, which included assaults involving weapons and glassware, general incidents of anti-social behaviour affecting residents, concerns surrounding drug usage supported by high swab readings within the premises, and ongoing failure to comply with licence conditions or provide suitable measures to promote the licensing objectives. A copy of the review application form and appendices was attached to the report at Appendix LIC-1

The report stated that during the 28-day consultation period, representations had been received from Reading Borough Council's Licensing and Environmental Health Teams which were attached to the report at Appendices LIC-2 and LIC-3 respectively. Further information provided by Thames Valley Police was attached at Appendix LIC-4.

A copy of the current licence was attached at Appendix LIC-5 and authorised the following licensable activities:

Hours for the Exhibition of Films

Monday to Thursday from 1000hrs until 2330hrs
Friday and Saturday from 1000hrs until 0030hrs
Sunday from 1000 hrs to 2300hrs

Hours for Indoor Sports

Monday to Thursday from 1000hrs until 2330hrs
Friday and Saturday from 1000hrs until 0030hrs
Sunday from 1000hrs to 2300hrs

Hours for the Playing of Recorded Music

Monday to Thursday from 1000hrs until 2330hrs
Friday and Saturday from 1000hrs until 0030hrs
Sunday from 1000hrs until 2300hrs

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Hours for anything similar to Recorded Music

Sunday to Thursday from 1000hrs until 2300hrs
Friday and Saturday from 1000hrs until 0030hrs

Hours for the Provision of Late Night Refreshment

Sunday to Thursday from 2300hrs until 2330hrs
Friday and Saturday from 2300hrs until 0030hrs

Hours for the Sale by Retail of Alcohol

Monday to Thursday from 1000hrs until 2330hrs
Friday and Saturday from 1000hrs until 0030hrs
Sunday from 1000hrs until 2300hrs

Non-Standard Timings for all licensable activities:

30 minutes drinking up time.

Preceding a Bank Holiday Monday from 1000hrs until 0115hrs, with 15 minutes drinking up time.

Christmas Eve from 1000hrs until 0030hrs with 30 minutes drinking up time.

Good Friday from 1200hrs until 2230hrs.

Christmas Day, Boxing Day and 27th December from 1000hrs until 2400hrs plus 30 minutes drinking up time.

New Year's Eve in addition to the hours permitted for that day, the period between the end of permitted hours on that day and the beginning of permitted hours the following day.

Opening Hours

Hours the Premises is Open to the Public

Sunday to Thursday from 1000hrs until 0000hrs
Friday and Saturday from 1000hrs until 0100hrs

Seasonal Variations:

Good Friday from 1200hrs until 2245hrs

Christmas Eve from 1000hrs until 0100hrs

New Years Eve in addition to permitted hours for that day, the period between the end of permitted hours on that day and the beginning of permitted hours the following day.

Sunday preceding a Bank Holiday Monday from 1000hrs until 0130hrs.

The following additional documents were attached to the papers:

Appendix LIC-5 Additional Information supplied by Thames Valley Police;
Appendix LIC-6 Documents submitted on behalf of the Premises Licence Holder.

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

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

The report stated further that in determining the application the Licensing Authority must also have regard to the representations received, the Licensing Authority's statement of licensing policy and any relevant section of the statutory guidance to licensing authorities. Furthermore, in determining the application, the Licensing Authority could take such of the following steps as it considered appropriate and proportionate for the promotion of the licensing objectives:

- Take no further action
- To issue formal warnings to the premises supervisor and/or premises licence holder
- Modify the conditions of the licence (including, but not limited to hours of operation of licensable activities)
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises licence supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

(Where the Sub-Committee took a step mentioned in the third and fourth bullet points above it may provide that the modification or exclusion was to have effect for a period not exceeding three months or permanently.)

The report set out paragraphs 1.2 to 1.5, 1.8, 1.8, 9.12, 9.13, 9.42, 9.43, 11.1, 11.2, 11.10, 11.16 to 11.19 and 11.25 from the Secretary of State's Guidance to the Licensing Act 2003 issued in April 2018. The report set out paragraphs 1.5, 1.6, 2.19, 3.2, 3.2, 3.7, 4.15, 5.13, 5.15, 7.1, 7.4, 9.12, 9.13, 9.15, 9.16, 9.18, 9.20 and 9.21 of the Council's Statement of Licensing Policy.

PC Simon Wheeler, Thames Valley Police, was present at the meeting and addressed the Sub-Committee on the review application.

Robert Smalley, Licensing and Enforcement Officer and Katie Heath, Senior Environmental Health Officer, attended the meeting and addressed the Sub-Committee on behalf of Reading Borough Council as Responsible Authorities.

Mr Leo Charalambides, Kings Chambers, attended the meeting and addressed the Sub-Committee, and was accompanied by Mr Darren Kelly and Mr Mick Sheridan of Admiral Taverns (the Premises Licence Holder), Mr Malcolm Ireland, Solicitor, Napthens Solicitors and Ms Jane Brooker, the Designated Premises Supervisor.

Peter Narancic, Senior Licensing and Enforcement Officer, presented the report at the meeting.

The Sub-Committee noted that there had been breaches of the current conditions attached to the Licence and considered that the addition of new conditions would enable the Premises Licence Holder to promote the four Licensing Objectives. The Sub-Committee also noted that there had been appreciable efforts to return the premises to more of a community pub as befitting its location and neighbourhood.

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To further ensure this, the Sub-Committee also suggested that frequent monitoring and inspections by both Thames Valley Police and the RBC Licensing Team should be undertaken to promote cooperation and mutually support the premises going forward.

Resolved -

- (1) That, having taken into account all the representations made today (both orally and written) together with the Secretary of States Guidance on licensing and Reading Borough Council's licensing policy, there was insufficient evidence to warrant a revocation of the licence, as a reasonable and proportionate response, nor was a suspension of the licence in order.
- (2) That, in order to promote improved management of the premises to ensure compliance with the licensing objectives, the previous non-mandatory conditions on the licence be removed and replaced with the following conditions:
 1. The licensee shall participate in any Pub Watch or equivalent scheme if such a scheme is operative;
 2. 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 and an appropriate number of cameras shall be installed to cover the external areas immediately outside the premises. 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, subject to the provisions of the Data Protection Act. Recorded images shall be of such a 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.
 - (a) A sign advising customers that CCTV is in use shall be positioned in a prominent position. A fully trained person who can operate the system shall be available at all times when the premises is open to the public.
 3. 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, military ID or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) are to be accepted as identification.
 - (a) Notices advertising the Challenge 25 policy shall be displayed in prominent positions on the premises.
 - (b) The Premises Licence Holder shall display in a prominent position a copy of their written policy on checking proof of age (age verification policy).

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4. An effective written policy against the use and supply of illegal drugs in the premises shall be implemented and signs promoting that policy shall be displayed at the premises. The written policy shall be made available to a Police Officer or authorised officer of the Reading Borough Council upon request;
5. Staff employed to sell alcohol shall undergo training upon induction before they are allowed to sell alcohol. This shall include, but not be limited to:
 - The premises age verification policy;
 - 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;
 - Drug Policy and substance awareness and effects;
 - Search Policy;
 - Dispersal Policy;
 - Crime scene preservation;
 - Child Sexual Exploitation.
 - (a) Refresher training shall be provided every 6 (six) months.
 - (b) Signed induction and refresher training records are to be kept for a minimum of 2 (Two) years of the date of training, and made available for inspection by a Police Officer or authorised officer of Reading Borough Council upon request.
 - (c) Staff authorised to sell alcohol shall be trained to BII Level 1 award in responsible alcohol retailing (ARAR) or any other similarly nationally recognised approved curriculum within four weeks for existing and subsequent employees of employment.
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 immediate area quietly. Staff shall be available to assist in the dispersal of customers at the cessation of licensable activities each evening.
7. Existing fire safety precautions shall be maintained and the premises licence holder shall ensure that a written fire risk assessment is available upon request for inspection by a Police Officer or authorised officer of Reading Borough Council;
8. The placing of refuse, such as bottles, into receptacles outside the premises shall only take place between the hours of 0800 hours and 2000 hours;
9. Arrangements must be put in place to ensure that waste collection contractors do not collect refuse between 2000 hours and 0800 hours;

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10. No person under 18 years of age shall be admitted to any part of the Premises at any time for the purpose of the sale and consumption of alcohol.
11. Any children must be accompanied by an adult at all times.
 - (a) Notices shall be displayed outside the premises or relevant part thereof advising of the restrictions on the admission of children.
12. The licensee shall monitor the number of people on the inside premises and shall ensure that a maximum permitted occupancy of 80 people, including staff members, is not exceeded.
- 12a. The external area occupancy numbers shall be determined in consultation with the Royal Berkshire Fire and Rescue Service.
13. The beer garden shall not be used for the consumption of food and drink between 2200hrs and 0000hrs.
14. All external doors/windows must be kept closed, other than for access and egress, when events involving amplified music or speech are taking place and in any case after 2200 hours whenever the premises is open for licensable activity. Where such doors and windows remain shut, a suitable ventilation system shall be provided allowing a minimum of eight air changes per hour;
15. The licensee shall ensure that no noise shall emanate from the premises including the outside area nor vibration be transmitted through the structure of the premises which gives rise to undue disturbance to local residents;
16. During operating hours, the licensee or a nominated representative shall be available to receive and respond to nuisance-related complaints. A contact number shall be readily available to residents upon request;
17. Dancing shall be limited to the public bar area only, providing all furniture has been removed and no drinking shall be permitted in that area during dancing;
18. An entry, re-entry, closure and dispersal policy for controlling the opening and closing of the premises and the departure of customers from the premises at the conclusion of the licensed activities shall be put in place and shall be actively operated. The policy shall be in written format and made available upon request to an authorised officer of Reading Borough Council and Thames Valley Police;
19. A written risk assessment shall be carried out before any licensable activity involving regulated entertainment is carried out. The risk assessment must be available upon request by a Police Officer or authorised officer of Reading Borough Council.
20. All drinks which are served on draught will be served in containers made of toughened glass, plastic, polycarbonate or an equivalent material which is not capable of forming shards when broken.

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21. The premises licence holder shall ensure that a refusal log (either written or electronic) is in operation at the premises. All staff involved in the sale of alcohol shall be trained in how to use and maintain said log. The log shall contain the following:
- (a) Description of person attempting to purchase alcohol;
 - (b) Time said person attempted to purchase alcohol;
 - (c) The reason for refusing a person alcohol;
 - (d) Name of staff member dealing with the refusal.

The log shall be signed off weekly by the designated premises supervisor or nominated representative and shall be made available for inspection to officers of Reading Borough Council and Thames Valley Police.

22. An incident log (either written or electronic) shall be used, maintained and kept at the premises. The log shall record any incident that undermines the promotion of the licensing objectives and any incident that involves police attendance at the premises. The log should contain the following:
- Description of incident;
 - Time of incident;
 - Action taken in relation to the incident;
 - Description of any person involved in the incident.

The incident log shall be made available to authorised officers of Reading Borough Council and Thames Valley Police upon request.

23. Before any person is employed at the premises sufficient checks will be made of their right to work documents to ensure they are legally entitled to employment in the UK. Such checks will include:
- Proof of identity (such as a copy of their passport);
 - Nationality;
 - Current immigration status;

Employment checks will be subject of making copies of any relevant documents produced by an employee, which will be retained on the premises and kept for a minimum period of one year. Employment records as they relate to the checking of a person's right to work will be made available to an authorised officer of Reading Borough Council or Thames Valley Police upon request.

24. A current written authorisation list shall be displayed in a prominent position on the premises confirming the details of all current staff that have been authorised to sell alcohol by a Personal Licence Holder. The authorisation list shall include the name of the staff member authorised, the name and personal licence details of the person authorising them to sell alcohol. This list shall also contain the date and signature of the staff member authorised and countersigned by the authorising Personal Licence Holder.

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25. A section 57 notice shall be displayed in a prominent position detailing the location of the Part A of the premises licence, and a list of staff members that have an awareness of its location and content.
26. Prior to each occasion on which the premises carries on licensable activities the premises shall risk assess the requirement for SIA approved door supervisor(s). An appropriate number of door supervisors will be utilised in accordance with said risk assessment which will take cognizance of local events such as Bank Holiday weekends Christmas and New Year's Eve as non-exhaustive examples. The risk assessment must be in writing and available immediately upon request to authorised officers of Reading Borough Council and Thames Valley Police. As a minimum, two door supervisors will be utilised on Friday and Saturday evenings from 20:00 until the last customer has left the premises.
27. When employed, a register of Door Supervisors shall be kept. The register must show the following details:
 - (a) Full SIA registration number and name.
 - (b) Date and time that the Door Supervisor commenced duty, countersigned by the Duty Manager.
 - (c) Date and time that the Door Supervisor finished work, countersigned by the Duty Manager.
 - (d) Any occurrence or incident of interest involving crime & disorder or public safety must be recorded giving names of the Door Supervisor involved.
 - (e) A record will be kept on site of all monthly SIA checks that are made via the register of licence holders via the www.sia.homeoffice.gov.uk website to check the validity of all door staff licences. A scan, photocopy or photographic image of the SIA badge held by each door supervisor shall be recorded and retained in a register along with an ID photo of the individual to ensure that the badge is held by the "correct" person. All records to be retained for twelve months in line with (vi) below.
 - (f) The Door Supervisor register shall be kept at the premises and be available for inspection by an authorised Officer from Reading Borough Council or Thames Valley Police upon request, and shall be retained for a period of twelve months.
28. The Premises Licence Holder (PLH) shall ensure that all door supervisors whilst employed at the premises shall wear hi visibility jackets/ tabards in bright green, yellow or orange in order that they can be clearly visible and identifiable at all times to the public and via CCTV both internally and externally. When tabards are worn, hi visibility armbands must also be worn that incorporate displaying SIA badges. If hi visibility full sleeved jackets are worn the PLH must ensure that all door supervisors badges are also displayed

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via an easily visible arm band of a different hi visibility colour to the jacket that is being worn.

29. Whilst Door Supervisors are employed at the premises ALL Door Supervisors working at the premises will be deployed with digitally recording Body Worn Video (BWV). The BWV will be used to record any incidents which occur both inside and outside of the premises involving customers either entering, exiting or gathering in the vicinity of the premises or in any queue that impact any of the four licensing objectives. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or Thames Valley Police together with facilities for viewing upon request, subject to the provisions of the Data Protection Act.
30. All SIA door supervisors employed at the premises will be trained in respect of a Door Supervisors Operational Policy which must be written and provided by the premises licence holder (PLH) and a signed training record to confirm the same will be maintained for production to authorised officers of Reading Borough Council and Thames Valley Police upon request.
31. The Premises Licence Holder (PLH) shall ensure that a written operational policy relating to the safe removal of persons from the premises and/or its immediate vicinity by staff and door supervisors shall be put in place, actively operated and included within the Door Supervisors Operational 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.

This shall include but not be limited to:

- (a) Persons who have been identified by staff as being vulnerable or at risk.
 - (b) Persons who are refused entry to the premises or refused service within the premises.
 - (c) Persons who are ejected from the premises
32. The Premises Licence Holder (PLH) shall ensure that upon induction all door supervisors employed at the premises receive as a minimum standard written training in a) control and restraint techniques and b) legal training covering the powers and policies relevant to their role. Refresher training shall be provided every 6 (six) months and signed records shall be produced upon request to authorised officers of Thames Valley Police and Reading Borough Council. Written records for both induction and refresher training are to be kept for a minimum of 2 (two) years of the date of training.
 33. No externally promoted events or bookings shall be undertaken and no external promoters utilised at the premises.
 34. The Premises Licence Holder shall implement a written search policy (following discussion with Thames Valley Police), to minimise the risk of illegal weapons and drugs being brought onto the premises, including search, detection, confiscation, storage and disposal of drugs procedures.

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35. Notices shall be displayed advising the public that the right to conduct an outer body search is reserved as a condition of entry, and that Thames Valley Police shall be informed if anyone is found in possession of illegal drugs or offensive weapons.
36. The venue shall also actively partake in drugs initiatives run by TVP (including, but not exclusively, drug itemiser, passive drug dogs and spiked drinks campaigns).

(The meeting started at 9.42 am and finished at 3.13 pm)