

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 2 SEPTEMBER 2021

Present: Councillors Edwards (Chair), Rynn and Woodward.

4. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 2 held on 15 July 2021 were agreed as a correct record and signed by the Chair.

5. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - ZAPP, 30 CANTERBURY ROAD, READING

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 Zapp, 30 Canterbury Road, Reading.

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 for Consumption Off the Premises

Monday to Sunday 0000 hours until 2400 hours

Opening Hours

Monday to Sunday 0000 hours until 2400 hours.

The report explained that the premises would not be open to the public.

A copy of the licensing application form was attached to the report at Appendix RS1.

The report stated that during the 28-day consultation period, representations had been received from RBC Licensing, RBC Planning and Thames Valley Police (TVP) which were attached to the report at Appendices RS2, RS3 and RS4 respectively. The Licensing team and Thames Valley Police had provided the applicant with proposed conditions that they consider to be appropriate and proportionate to the promotion of the licensing objectives, which were set out within Appendices RS-2 & RS-4. The applicant's representative, Mr Botkai, had responded on behalf of the applicant stating that his client considered them to be dis-proportionate.

At the meeting it was reported that a set of conditions had now been agreed with the applicant and these were submitted to the Sub-Committee. RBC Licensing, RBC Planning and Thames Valley Police (TVP) maintained an objection to the application for 24 hour opening hours and Sale of Alcohol for Consumption Off the Premises.

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

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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 report set out paragraphs 7.15, 8.11, 8.14, 8.16 to 8.19, 9.1, 9.3 to 9.5 and 9.8 to 9.11 of the Council's Statement of Licensing Policy. The report also set out paragraphs 1.5, 8.41 to 8.49, 9.11 to 9.13, 10.46, 10.49 to 10.50 and 14.63 from the Secretary of State's Guidance to the Licensing Act 2003 issued in April 2018.

Robert Botkai, Winckworth Sherwood LLP, and David Coral, representing the applicant, addressed the Sub-Committee and responded to questions.

Peter Narancic, RBC Licensing, Natalie Weekes, RBC Planning and Declan Smyth, TVP, addressed the Sub-Committee and responded to questions.

Robert Smalley, Licensing Enforcement Officer, presented the report at the meeting.

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 Zapp, 30 Canterbury Road, Reading, be granted to permit:

Sale by retail of Alcohol

Monday to Sunday 0000 hours until 2400 hours

Opening Hours

Monday to Sunday 0000 hours until 2400 hours

and that the following conditions shall apply:

PREVENTION OF CRIME AND DISORDER

Close Circuit Television (CCTV)

1a. Where a CCTV system is to be installed it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with Thames Valley Police. Where a CCTV system is to be installed it shall be fully operational before the licence is used to authorise licensable activities.

1b. The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.

1c. The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority.

1d. The correct time and date will be generated onto both the recording and the real time image screen.

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1g. The Premises Licence Holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the justified request of an authorised officer of the Licensing Authority or Thames Valley Police.

1h. There shall be clear signage indicating that CCTV equipment is in use and recording at the premises.

1i. If the CCTV system, fails for any reason then the designated premises supervisor or nominated representative are required to contact both Thames Valley Police licensing@thamesvalley.pnn.police.uk and the Licensing Team at Reading Borough Council at licensing@reading.gov.uk outlining the reason if known and when it is likely to be repaired. This is to be done within 24 hours of the failure.

1j. When the CCTV system has been repaired the designated premises supervisor or nominated representative are required to contact both Thames Valley Police licensing@thamesvalley.pnn.police.uk and the Licensing Team at Reading Borough Council at licensing@reading.gov.uk informing them of the repair. This is to be done within 24 hours of the repair.

PROTECTION OF PUBLIC NUISANCE

2. Clearly legible and suitable notices shall be displayed at all entry and exits points requesting employees and other visitors including waste collection and goods deliveries to respect the needs of neighbouring residents and business and to keep noise levels to a minimum whilst at the premises and to leave the area quietly.

3. 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 and businesses. This includes noise from any amplified music or speech played at the premises.

4. Delivery bikes, or any other vehicle used for the delivery of orders, shall be used and stored in a way that does not cause undue disturbance to neighbouring residents or businesses.

5. Riders will be permitted to collect orders and deliver on foot, by pedal bike, electric bike (or other electric vehicle) only.

PROTECTION OF CHILDREN FROM HARM

Staff Training

6a. 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
- Recognising valid identity documents not in the English language
- Identifying attempts by intoxicated persons to purchase alcohol
- Identifying signs of intoxication
- Conflict management
- The four licensing objectives

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6b. Refresher training shall be provided every 6 (six) months.

6c. 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.

7. The Designated Premises Supervisor shall ensure they and staff who are authorised to sell alcohol, are able to converse with representatives of Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives as contained in the Licensing Act 2003.

i. The Prevention of Crime and Disorder.

ii. Public Safety.

iii. The Prevention of Public Nuisance.

iv. The Protection of Children from Harm.

Age Verification

8. The Premises Licence Holder shall display a copy of their written age verification policy on checking proof of age in a prominent position on the premises;

9. A Challenge 25 age verification policy will be used at the delivery address. Acceptable forms of ID for production at the delivery address are a passport, a photocard driving licence, a card bearing the "PASS" hologram, Military ID (or any other nationally accredited scheme) or other form or method of identification that complies with any mandatory condition that may apply to this licence are to be accepted as identification.

10. The premises licence holder shall display in a prominent position on their website and/or app a copy of their policy on checking proof of age.

Refusals Book

11a. All staff to be trained to record refusals of sales of alcohol in the electronic register. If the electronic register system fails then this shall be recorded in written form and it should be documented in a bound book similar to a A4 day by day diary and marked refusals. The book/register shall contain :

(i) Details of the time and date the refusal was made.

(ii) The identity of the staff member refusing the sale.

(iii) Details of the alcohol the person attempted to purchase.

11b. This book/register shall be available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police. A weekly review of the refusal's book/register shall also be carried out and signed off by the Designated Premises Supervisor or their nominated representative.

Incident Register

12a. The Premises Licence Holder shall require the Designated Premises Supervisor, or in their absence other responsible person, to keep an "Incident report register" this will be by means of an electronic register. If the electronic register system fails then this shall be recorded in written form and it should be documented in a bound book similar to a A4 day by day diary and marked 'Incident Register'.

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12b. All staff are to be trained to record all incidents which have an impact on any of the four licensing objectives, or instances when authorised officers from Reading Borough or Thames Valley Police have attended the premises in which full details of all incidents are recorded. This shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident.

12c. The time and date when the report was completed, and by whom, is to form part of the entry and will record the following:

- all crimes relating to the premises;
- any complaints relating to the licensing objectives received;
- any incidents of disorder;
- any visit by a relevant authority or emergency service.

12d. The register is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or Thames Valley Police when required.

12e. A weekly review of the incident register shall also be carried out and signed off by the Designated Premises Supervisor or their nominated representative.

Right to Work

13. Before any person is employed at the premises sufficient checks will be made of their bona fides to ensure they are legally entitled to employment in the UK. Such checks shall include:

- (i) Proof of identity (such as a copy of their passport)
- (ii) Nationality
- (iii) Current immigration status

Employers will be subject to making copies of any relevant documents produced by the employee, which will be kept for the duration of their employment and for a period afterwards in line with government legislation at that time. 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, Thames Valley Police or Home Office Immigration upon request.

Online Sales and delivery

14. The supply of alcohol can only be done, boxed and dispatched for delivery from this named premises.

15. No customers shall be permitted to attend the premises at any time.

16. All sales of alcohol must be completed within the hours authorised on the licence. Alcohol must be paid for at the time of ordering by payment card or other electronic means. Orders and payments must be done online or via the company's app only.

17. Alcohol shall only be delivered to a bona fide residential or commercial address. Deliveries shall not be made to public places. Alcohol must not be delivered to an address other than as per the order.

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18. 18. Staff making deliveries of alcohol must be at least 18 year of age.

19. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery. The customer will be required to declare that he or she aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld, and that refusal will be logged in the refusal's book/log.

Other

20. All alcohol products shall only be purchased from outlets registered with HMRC's Alcohol Wholesale Registration Scheme. The Premises Licence Holder shall have available on the premises, for inspection by an authorised officer of Reading Borough Council or Thames Valley Police at any reasonable time, true copies of invoices, receipts or other records of transactions for all alcohol products purchased in the preceding three months.

21. The collection of waste or recycling materials (including bottles) from the premises shall take place between 08:00 hours and 22:00 hours daily.

22. The delivery of consumer goods (save for milk, bread, newspapers and magazines) to the business shall only take place between 08:00 - 22:00 hours daily.

23. The licence holder shall not provide any licensable activity at the premises in a manner or at times that constitutes a breach of any planning restriction.

24. Regular review meetings with the applicant, RBC Licensing and Thames Valley Police will be held every three months from commencement of operation for a duration of 12 months, to consider whether any licensing objective concerns have been raised and agree any action plan or steps to be taken.

(The meeting started at 9.30 am and closed at 11.33 am)