

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 26 MAY 2022

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

1. MINUTES

The Minutes of the meeting of Licensing Applications Sub-Committee 2 held on 25 November 2021 were confirmed as a correct record.

2. APPLICATION FOR A TEMPORARY EVENTS NOTICE - ZORBA'S, HARRIS ARCADE, 16 STATION ROAD, READING

The Deputy Director of Planning, Transport and Regulatory Services submitted a report on an application for a Temporary Events Notice in respect of Zorba's, Harris Arcade, 16 Station Road, Reading, RG1 1JX.

The report stated that the application was for a Temporary Events Notice to permit the following licensable activities:

Late Night Refreshment

Saturday 4 June 2022 and Sunday 5 June 2022 from 0300hrs until 0500hrs

A copy of the current Premises Licence and the application form for the event were attached to the report at Appendices RS-1 and RS-2 respectively.

During the three working day consultation period for the application, a representation had been submitted by Thames Valley Police and this was attached to the report at Appendix RS-3. Additional Information and photographs of the premises submitted by the Police were attached at Appendix RS-4.

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 further stated 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 options as it considered appropriate and proportionate for the promotion of the licensing objectives:

- (a) To serve a Counter Notice and state the reasons for their decision;
- (b) Not to serve a Counter Notice and state the reasons for their decision;
- (c) To reinstate existing premises licence conditions on the Temporary Events Notice.

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The report explained that should the Sub-Committee decide to serve a Counter Notice the event should not take place. It must be noted that the applicant had the option to appeal this decision to the magistrates' court within 21 days of receiving the decision. Should the Sub-Committee decide not to serve a Counter Notice the event should take place. It must be noted that the objector had the option to appeal this decision to the magistrates' court within 21 days of receiving the decision.

The report set out paragraphs 7.4, 7.6, 7.7, 7.10, 7.20, 7.28, 7.29, 7.32-7.34 and 7.37-7.40 from the Secretary of State's Guidance to the Licensing Act 2003 issued in April 2018. The report also set out paragraphs 4.11c, 5.31, 5.32, 5.34-5.36, 9.27 and 9.28 of the Council's Statement of Licensing Policy.

Matthew Joannou, the applicant and his representative Bill Donne, Silver Fox Consultants, attended the meeting, addressed the Sub-Committee on the application and responded to questions.

Objector, Declan Smyth, Thames Valley Police, also attended the meeting, addressed the Sub-Committee on the application and answered 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 Council would:

Grant the application for a Temporary Event Notice, subject to the conditions set out below, in respect of Zorba's, Harris Arcade, 16 Station Road, Reading, RG1 1JX, as permitted by s. 106A(2)(a)(b) and (c), for:

Late Night Refreshment

Friday 4 June 2022 and Saturday 5 June 2022 from 0300hrs to 0500hrs

and that the following conditions should apply:

1. From 2300 on the evening of 3 June 2022 to 0500 in the morning of 4 June 2022 and from 2300 on the evening of 4 June 2022 to 0500 in the morning of the 5 June 2022, there shall be two door supervisors, consistent with condition 1 of the Licence which provides "The Premise Licence holder shall have Door Supervisors on a Friday and Saturday evening from 2300 hours until closing time", the emphasis being on the plural of Door Supervisors in this condition;
2. Consistent with condition 5 of the Licence which provides that "Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or a Thames Valley Police Officer,

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together with facilities for viewing upon request”, there shall be a suitably qualified person on the premises for the hours set out above to immediately provide that CCTV footage, if required;

3. Having heard discussions about the need to update the licence in order to reflect modern operating conditions, particularly as far as CCTV was concerned, the Sub-Committee noted and commended the applicant for undertaking to update the licence and recommended that, if the police provided model conditions, in particular for CCTV, the applicant then submit an application for minor variation of the licence reflecting the model conditions.

(The meeting started at 9.30 am and finished at 12.00 pm)