

LICENSING ACT 2003 HEARING ON THURSDAY 18th APRIL 2019 @ 0930HRS

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

1. Premises:

After Dark Nite Club
112 London Street
Reading
Berkshire
RG1 4SJ

2. Applicants Requesting Review:

Environmental Protection and Nuisance team

3. Grounds for Review

The application is for the review of a premises licence in respect of the above mentioned premises. The application has been submitted by the Council's Environmental Protection and Nuisance team who are a named responsible authority in the Licensing Act 2003 in regard to the Premises Licence holder's failure to prevent public nuisance following discussions and the issuing of a noise abatement notice.

4. Date of receipt of application: 04 March 2019

A copy of the review application received is attached at [Appendix PN-1](#)

5. Date of closure of period for representations: 01 April 2019

6. Representations received:

During the 28 day consultation period, representations were received in regard to this review application from:

Reading Borough Council Licensing Team. Shown at [Appendix PN-2](#)

Thames Valley Police. Shown at [Appendix PN-3](#)

Interested party. Shown at [Appendix PN-4](#)

7. Background

This well known premises is located at the top end of London Street and is within the Council's Cumulative Impact Area.

The Premises Licence Holder and designated premises supervisor is stated as:
Mr Zahid Sardar Khan

The premises currently has the benefit of a premises licence for the activities and hours detailed below: A copy of the current licence is attached at [Appendix PN-5](#)

The times the licence authorises the carrying out of licensable activities

Hours for the Sale by Retail of Alcohol

Monday to Sunday from 1100hrs until 0200hrs

Hours for the Performance of Live Music

Monday to Sunday from 1100hrs until 0200hrs

Hours for the Playing of Recorded Music

Monday to Sunday from 1100hrs until 0200hrs

Hours for the Performance of Dance

Monday to Sunday from 1100hrs until 0200hrs

Hours for anything similar to Live Music, Recorded Music and the Performance of Dance

Monday to Sunday from 1100hrs until 0200hrs

Hours for the Provision of Late Night Refreshment

Monday to Sunday from 2300hrs until 0200hrs

Other

Hours the Premises is Open to the Public

Monday to Sunday from 1100hrs until 0230hrs

8. Licensing Objectives and Reading Borough Council's Licensing Policy Statement

In determining this application 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

In determining this 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.

9. Power of Licensing Authority on the determination of a Review

In determining the application the sub-committee can take such of the steps as it considers appropriate for the promotion of the licensing objectives, which are:

1. take no further action
2. to issue formal warnings to the premises supervisor and/or premises licence holder
3. modify the conditions of the licence (including, but not limited to hours of operation of licensable activities)
4. exclude a licensable activity from the scope of the licence

5. remove the designated premises licence supervisor
6. suspend the licence for a period not exceeding three months
7. revoke the licence.

Where the sub-committee takes a step mentioned in 3 or 4 it may provide that the modification or exclusion is to have effect for a period not exceeding three months or permanently.

Amended Guidance issued under section 182 of the Licensing Act 2003 April 2018

Licensing objectives and aims

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

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

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

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;

Purpose

1.7 This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

1.8 The police remain key enforcers of licensing law. This Guidance does not bind police officers who, within the parameters of their force orders and the law, remain operationally independent. However, this Guidance is provided to support and assist police officers in interpreting and implementing the 2003 Act in the promotion of the four 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.

The role of responsible authorities (eg Police)

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 area. 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.

Hearings

9.31 The Licensing Act 2003 (Hearings) Regulations 2005 governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, where the applicant and all of the persons who made relevant representations have given notice to the authority that they consider a hearing to be unnecessary. Where this is the case and the authority agrees that a hearing is unnecessary, it must forthwith give notice to the parties that the

hearing has been dispensed with. Notwithstanding those regulatory provisions, in cases where the licensing authority believes that a hearing is still necessary, it is recommended that the authority should, as soon as possible, provide the parties with reasons in writing for the need to hold the hearing. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

Determining actions that are appropriate for the promotion of the licensing objectives

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

The Review process

11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

Powers of a licensing authority on the determination of a review

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement - either orally or in writing - that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

Reading Borough Council Licensing Policy Statement (2018)

1.5 This licensing policy aims to make Reading's night time economy an economy for all. A diverse range of responsibly run premises are to be encouraged. The licensing authority wishes to discourage drunkenness and a move away from alcohol led vertical drinking establishments. We would expect responsibly run premises to actively promote the licensing objectives through promoting extra seating at their premises; instigating effective dispersal from their premises at the conclusion of licensable activities and engagement with the licensing authority and other responsible authorities in policies, initiatives and strategies that promote Reading as a safe, healthy, diverse and vibrant night time economy suitable for all.

1.6 The predominantly urban nature of Reading as a town means that an appropriate balance needs to be struck between the needs of local business and the needs of local residents. This licensing policy seeks to encourage all stakeholders to engage in the licensing process so that the needs of all can be

taken into account and issues dealt with in a spirit of partnership and cooperation.

Other Initiatives

2.19 Reading's night time economy has achieved Purple Flag and Best Bar None status. These are nationally recognised schemes meaning the town has achieved a level of excellence and we would expect all licence holders and potential applicants to take cognisance of these standards and practices. The Authority and its partners shall seek to work with all stakeholders in the town to maintain these standards. The town also has a very successful and well attended Pubwatch scheme both in the town centre and in the outer areas of Reading. This scheme is supported by Thames Valley Police and Reading Borough Council and is a particularly useful forum for licence holders to share information, best practice and work in a collaborative manner so as to make the night time economy as vibrant and safe as possible for all. The Authority would expect all prospective applicants and current licence holders to make use of their local Pubwatch scheme and engage fully in any relevant initiatives that stem from it.

Crime and Disorder Act 1998

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.

Other Legislation that the Licensing Authority will consider

3.7 The Licensing Authority will also have cognisance to the following legislation when it decides to discharge its responsibilities under the Licensing Act. This list is not exhaustive:

- Environmental Protection Act 1990 which deals with noise and nuisance
- Regulatory Reform Order 2005 which deals with fire safety
- Highways Act 1980 which deals with pavement café licences
- Reading Borough Council Act 2013 which deals with street trading and touting
- Health and Safety at Work Act 1974 and Food Hygiene regulations
- Planning legislation (see paragraphs 2.2-2.9 of this policy)

Licensable Activities

4.15 This policy relates to all applications for the following licensable activities:

- The sale of alcohol by retail
- The supply of alcohol to club members
- The provision of regulated entertainment:
 - Performance of a play
 - Performance of a film
 - An indoor sporting event
 - Boxing or wrestling
 - Performance of live music

- Performance of recorded music
- Performance of dance
- The provision of late night refreshment (the sale of hot food and drink between 2300hrs and 0500hrs)

7. Licensing Hours

General Approach

7.1 The Licensing Act 2003 gives the licensing authority the power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of this policy. The licensing authority will make appropriate decisions on licensing hours for the locality of each premises. All applications will be considered on its individual merits.

7.2 When an application receives representations, the authority may consider reducing the opening hours and times for licensable activities if it considers it appropriate for the promotion of the licensing objectives.

7.4 Where it is deemed appropriate and proportionate to do so, the authority may seek to reduce the hours for licensable activities in order to promote an orderly and gradual dispersal from a certain area or certain premises.

7.5 All applicants and licence holders are expected to achieve and to adhere to any relevant planning permissions - including hours of operation. Applicants are expected to achieve planning permission before applying for any licence. Where the planning authority have set a terminal hour on a premises planning permission, the licensing authority will generally only grant a licence to that hour. This is to ensure consistency and integration between licensing and planning as detailed in section 2 of this policy.

Licensed Premises in Residential Areas

7.6 When dealing with applications and issuing licences, the authority is likely to impose stricter conditions on premises operating in residential areas if it considers it appropriate and proportionate to do so. This will apply to all premises types.

7.7 Generally, any licensed premises looking to open past 11pm (2300hrs) in a residential area will need to demonstrate clearly in their operating schedule that public nuisance will not result from later operation. As part of the operating schedule, applicants should read the Secretary of State's Guidance, this policy and any other relevant document and ensure that robust measures are included in any application.

7.8 Premises that wish to provide regulated entertainment may be subject to additional conditions to ensure that residents are not disturbed. This may include the use of sound limiters; keeping doors and windows closed and restricting the hours when music is played.

7.9 Premises with outdoor areas such as beer gardens and smoking areas may also be subject to further restrictions in regard to their operation and use.

7.10 Where any outside area is used for drinking and/or smoking - including the public highway outside of a licensed premises - and complaints of public nuisance or noise are received the authority will consider controls to limit the disturbance.

7.11 Premises that are planning to put on events that involve regulated entertainment may be required to provide the authority with a detailed event management plan of that event which may include a detailed noise risk assessment.

7.12 The licensing authority will seek the input of the Council's Environmental Protection and Nuisance team when looking at measures that may be appropriate for the prevention of public nuisance. This will include taking cognisance of any representations that are submitted as part of the application process or any enforcement action they have taken under their own legislation - such as noise abatement notices.

Enforcement Approach

9.12 Where offences are found to have been carried out on licensed premises, the Authority has a number of enforcement options available to it. The Authority will work with partner agencies to determine which enforcement option is appropriate for the promotion of the licensing objectives. The seriousness of the offences found will be taken into consideration as well as any previous issues of non-compliance or criminality that have taken place at the licensed premises.

9.13 The enforcement options available to the Authority are wide-ranging. The Authority may consider, for example, that a letter detailing the issues found during an inspection followed by a period of time to rectify them is sufficient to promote the licensing objectives. Similarly, the Authority may consider that the breaches are sufficiently serious to warrant an immediate performance meeting with a licence holder so that a discussion can take place about the adequacy of the processes in place at the premises. This could, for example, lead to recommendations being put to the licence holder to implement much more robust conditions and processes to avoid a repeat of the breaches found. The authority may also decide to prosecute relevant persons for offences being carried out on licensed premises. Licence holders should note that the authority can take one or more of these options available to it at the same time for the same offences should it be deemed appropriate to do so.

9.15 Licensed premises that have a history of non-compliance over a period of months and years and/or incidents of serious crime taking place at that premises, will likely find that the Authority will initiate a review with a view to asking for the licence to be considered for revocation.

9.16 When considering what enforcement action to take, the Authority will always consider what is the most appropriate and proportionate step to promote the licensing objectives. The Authority is not required to wait for offences to occur before deciding it needs to take appropriate action. Case law - notably *East Lindsey District Council v Abu Hanif* - states that the promotion of the licensing objectives requires a prospective consideration of what is warranted in the public interest having regard to the twin considerations of prevention and deterrence.

Similarly, the Secretary of State's Guidance to the Licensing Act makes clear that there is no requirement for the Authority to wait for the outcome of any criminal proceedings before it initiates any enforcement action. This is the approach that the Authority will take when considering what, if any, action should be taken when condition breaches and other criminal activity is found at licensed premises.

9.18 Any responsible authority or person defined as 'any other person' within the Act can initiate a review of any premises licence or club premises certificate. When another responsible authority or other person initiates a review, the Authority will deal with it as the Licensing Authority and may also wish to make representation in support of the review within its role as a responsible authority if it has relevant information.

9.20 The Authority shall endeavour to work with licence holders and applicants where it is believed that steps can be taken to rectify issues identified at licensed premises. However it can not merely continue that approach if it has previously failed or the licence holder is unresponsive. It is the responsibility of all licence holders and responsible authorities to ensure that licensed premises are not undermining the promotion of the licensing objectives and that licensable activity is carried out lawfully. The Authority will work with partners to determine what action is appropriate for each premises where issues are discovered. Each premises and the action required for each will be assessed on its own individual merits.

9.21 The Council, in determining a review application can take the following steps in order to promote the licensing objectives:

- modify the conditions on the licence
- exclude a licensable activity from the scope of the licence
- remove the designated premises supervisor
- suspend the licence for a period not exceeding three months
- revoke the premises licence

Relevant Case law for consideration

(R) on the application of Hope and Glory Public House v Westminster City Council (2011) EWCA Civ31

East Lindsey District Council v Abu Hanif (2016)

Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Rebecca Moon, on behalf of the Environmental Protection and Nuisance Team, Reading Borough Council.

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description After Dark Nite Club 112 London Street	
Post town Reading	Post code (if known) RG1 4SJ
Name of premises licence holder or club holding club premises certificate (if known) Mr Zahid Sardar Khan	
Number of premises licence or club premises certificate (if known) LP2002134	

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Mrs Rebecca Moon Senior Environmental Health Officer Environmental Protection and Nuisance Team Reading Borough Council Civic Offices Bridge Street RG1 2LU
Telephone number (if any) 0118 937 2325
E-mail address (optional) rebecca.moon@reading.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

-
-
-
-

Please state the ground(s) for review (please read guidance note 2)

I am applying for a review of the premises licence of the After Dark Nite Club on the grounds of failure to prevent public nuisance.

Since October 2017, when new management took over the premises, the Council's Environmental Protection and Nuisance team has been investigating complaints about music noise coming from the premises affecting residents in a nearby flat.

On 10th November 2017 a noise abatement notice was served as a result of Council noise officers witnessing music noise within the flat at unacceptable levels.

Whilst the manager has stated that he has attempted to improve the situation since then, we are continuing to receive complaints. These have been verified by officer visits which have confirmed that there is regularly music noise coming from the club that is clearly audible inside of the residents' flat late at night, including with their windows closed. There have been three witnessed breaches of the noise abatement notice.

The Environmental Protection team has requested a noise report for the premises as required by condition 3.1 of the existing premises licence, but the licence holder has failed to provide it, therefore he is in breach of the premises licence. We also have evidence that the premises has been playing recorded music past their 2 am cut-off.

Please provide as much information as possible to support the application (please read guidance note 3)

There have been ongoing complaints from a nearby resident about music breakout noise from the club since the new management took over. These are summarised in Table 1 below.

A noise abatement notice was served on 10th November 2017 due to loud music coming from the club which was causing a statutory nuisance under the Environmental Protection Act 1990. This notice is still in force, and is exhibited as RM/1. The service of this notice meant that the Council considered that the noise coming from the premises was causing an unreasonable interference in the use and enjoyment of the residents' property. This is a serious matter and breach of the notice is an offence for which the premises licence holder can be prosecuted.

Music noise has been witnessed at nuisance levels inside the resident's flat late at night by noise officers on five occasions, three of which were breaches of the abatement notice. Officer visits are summarised in Table 2 below.

The Environmental Protection and Nuisance team has given the premises a number of warnings, and recommendations, to resolve the noise problem but this has not been effective. Communications which we have had with the club are summarised in Table 3 below.

**Table 1
Noise complaints**

29/09/2017	First complaint received about loud music noise from club
6& 7/10/17	Loud music both nights until late. Call to Council out of hours 8/10/17 at 02:26
10/10/17	Loud music
13/10/17	Loud music until 2:25
15/10/17	Loud music 02:17, breach of licence - phone call to Council
20/10/17	Loud music 00:05-2:30 am
21/10/17	Loud music until 2:35 am
18/11/2017	Loud music until 1:30 am
24-25 th /11/2017	Resident reports improvement in noise levels for that weekend
22/12/17	Loud music 1.10 am
23/12/17	Loud music from 12.50 am
31/12/17	Very loud music 2.10 am
3/1/18	Loud music at 11.30pm - manager undertaking sound checks in car park
5/1/18	Loud music 23.55 pm
6/1/18	Loud music from 00.51am
13/1/18	Loud music from 19:16 - 1:30 am, phone call to Council 00:14
26/1/18	Loud music midnight onwards
24/3/18	Report from resident - has been an improvement
14/4/18	Loud music from 12:10 am
25/5/18	Loud music from 11 pm
10/6/18	Loud music 00:48
1/7/18	Loud music 01:39
1/9/18	Loud live music from 18:25 pm until early hours
26/10/18	Loud music 10pm-after midnight
27/10/18	Blaring music from 11pm onwards
10/11/18	Very loud music from 8.30pm throughout evening
30/11/18	Loud live followed by recorded music
7/12/18	Loud music

8/12/18	Loud music
14/12/18	Loud music from 22.10 when the music began blaring (Bill Haley: Shake Rattle and Roll) and then proceeded to go up and down until just after midnight when it was suddenly so loud, the music was deafening. The songs in order were: Shakira: Hips Don't lie Blur: Parklife Madness: Baggy Trousers Queen: Bohemian Rhapsody Kings of Leon: Sex on Fire
15/12/18	Loud music from 00.39, songs audible as follows: 00.39: Joy Division: Love will tear us apart 00:53: Aerosmith: Dude looks like a Lady
17/1/18	Loud music on Thurs night midnight for half an hour - (sound checks?)
2/2/18	Music very loud from 00:55 on the Sun morning, could hear songs: Michael Jackson - Billie Jean A-ha - Take on me Green Day - Basket Case
1/3/18	Loud music from 10 pm
2/3/18	Loud music until 3 am

**Table 2
Officer visits**

28/10/17	Noise officer visit - 2:20 am, music only audible with window open, resident reported it had been turned down. BREACH OF LICENCE as music audible until 2:30 am (Report exhibited RM/2)
29/10/17	Noise officer visit - STATUTORY NUISANCE WITNESSED due to loud music 01:50 (Report exhibited RM/3)
10/11/17	Noise officer visit - STATUTORY NUISANCE WITNESSED due to loud music 12:55 am - 2:10 am - notice only served that day (Report exhibited RM/4)
9/12/17	Noise officer visit to outside of premises 01:35 following complaint of loud music from club - faint bass beat audible not nuisance levels
16/2/18	Noise officer visit - statutory nuisance witnessed - BREACH OF ABATEMENT NOTICE (report exhibited RM/5)
6/4/18	Noise officer visit to outside premises 23:40 - 00:10 music audible but not nuisance levels at ground level
14/9/18	Attempted officer visit - club closed
21/9/18	Noise officer visit - statutory nuisance witnessed- live music loud within property - 21:55 - 22:55 - BREACH OF ABATEMENT NOTICE (report exhibited RM/6)
15/12/18	Officer visit but noise started after they left, at 00:39
8/2/19	Noise officer visit 23:50 - 01:10 bass beat audible with windows open, not nuisance levels (report exhibited RM/7)
9/12/19	Noise officer visit - statutory nuisance witnessed - loud music and MC from within property 23:10 - 01:30 - BREACH OF ABATEMENT NOTICE (report exhibited RM/7)

Table 3: Communications with the After Dark Club

2/10/17	Letter to club to inform them of noise complaints (letter exhibited RM/8)
20/10/17	Letter to club to state further noise complaints (letter exhibited RM/9)
10/11/18	Noise abatement notice served
8/1/18	Email received from manager stating actions taking to try to resolve problem. Stated that they often find going up to the limiter would be a nuisance to the neighbours (this indicates that the limiter is not set at the appropriate level). Email exhibited RM/10
20/2/19	Email sent to premises licence holder to inform him of breach of noise abatement notice (Email exhibited RM/11)
5/9/18	Letter to club requesting acoustic report as required by licence. Letter exhibited RM/12
4/10/18	Letter sent to club advising them not to hold any more live music until sound proofing and/or noise limiter in place. Further request for acoustic report. Letter exhibited RM/14
5/12/18	Email received from club stating they had problems with the noise limiter on Fri 30 th November 2018.
6/2/19	Performance meeting held with licence holder, Police Licensing Officer, Environmental Health Officer and Licensing Officer to discuss concerns. Premises licence holder stated that he had not been reducing music to background levels at 2 am during the wind down period but has been only slightly reducing the levels. Also he stated that he does not want to employ an acoustic consultant to set the noise limiter as he knows the venue better.

Noise limiter

Following the noise abatement notice being served, the premises licence holder has sought advice from an acoustic consultant. They have stated that the venue requires significant improvements to the sound insulation and that this may not be economical, and that the alternative is to utilise the noise limiter to control sound levels (Email exhibited RM/13).

The manager has stated that a noise limiter is being used, but this is not effectively controlling the sound breakout from the venue as nuisance levels of music have been witnessed even when the limiter is in place. The manager has stated that they often find going up to the limiter would be a nuisance to the neighbours which also indicates that the limiter is not set at the appropriate level (see email exhibit RM/10).

Therefore it is the view of the Environmental Protection and Nuisance team that the sound limiter needs to be set by an acoustic engineer who will need to measure the noise breakout experienced by the residents in their flat in order to set the appropriate limit. Because much of the sound is escaping through the roof, setting the limiter at ground level is not adequate as flats on upper floors are likely to be exposed to higher levels of noise.

The Environmental Protection team has requested a noise report for the premises as required by condition 3.1 of the existing premises licence:

Where it is considered by the Council that there may be a risk of noise disturbance due to high levels of sound then the Head of Environment and Consumer Services (HECS) may require that any or all of the following be provided by the Designated Premises

Supervisor:-

- a. *A report by an independent person who is qualified to be a member of the Institute of Acoustics identifying the weakness in the sound control measures and recommending actions to remedy this.*
- b. *Sound insulation measures as recommended in any Acoustic report to be completed within a reasonable time scale as specified by the Council.*
- c. *The installation of an Entertainment Noise Controller which is to be set at a level of 90 dBA or such other level as may be agreed by HECS, after subsequent monitoring.*
- d. *A sound measuring device which can be used on a regular basis to check actual noise levels.*

However, the licence holder has failed to provide it, which is a breach of the premises licence. Neither has he been willing to have the noise limiter set by an acoustic specialist to ensure that it is set at an appropriate level, which has been suggested as a more cost effective alternative to a full noise report.

Licence breaches

- As stated above, the premises licence holder has failed to provide a noise report as requested under condition 3.1 of the existing premises licence, which is a breach of the premises licence.
- The premises has been failing to comply with the licensing objective of prevention of public nuisance, as evidenced by the complaints about noise, the noise officer visits and the breaches of the noise abatement notice. The noise has on a number of occasions amounted to a statutory nuisance.
- An officer visit confirmed that music was being played until 2:30 am loud enough to be heard in the resident's property, and the premises licence holder also admitted at a recent performance meeting that he only reduces the volume slightly at 2 am. This is a breach of the premises licence as music is only permitted until 2 am.

Recommendation to committee

We do not believe that imposition of additional conditions onto the premises licence on its own will be sufficient to prevent public nuisance. This is because the premises licence holder has been unwilling to comply with the existing condition requiring a noise report to be submitted, and has not been complying with their licensed hours.

As we have witnessed three breaches of the noise abatement notice the Council could be prosecuting the premises licence holder. This remains an option, however at this stage we feel that a more time efficient resolution to the problem would be via this licence review process.

We therefore recommend either:

A: Revocation of the premises licence, or

B: No live or recorded music to be permitted at the premises until a noise limiter can be correctly set. It is possible that this won't resolve the problem if the sound insulation is so inadequate that to have an acceptable level of noise outside the club, the volume will have to be impracticably low inside the club. If this occurs then a noise report should be produced and sound insulation improvement works carried out prior to music being reinstated.

If the committee is minded to choose option B then we would recommend the following conditions be imposed on the licence:

- The Live Music Act exemption under paragraph 177A of the Licensing Act be dis-applied and a condition attached to state:
'All licence conditions shall apply to live and recorded music being played at the premises at all times'.
- 'No live or recorded music are permitted at the premises at any time unless a noise limiter has been set at an appropriate level by a qualified acoustic engineer and this has been approved in writing by the Council's Environmental Protection and Nuisance team'.
[Appropriate in this case means: inaudible with window closed which is believed to be achievable as residents have a good standard of glazing; with window open residents can have a good nights' sleep without being unduly disturbed by noise from the premises]
'Should it not be possible for a limiter to be set at an appropriate level due to inadequacies in the sound insulation then parts a and b of condition 3.1 shall be complied with prior to live and recorded music being permitted.'
- 'Music shall be reduced to background level or switched off at 2 am'.

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day		Month		Year		
↓	↓	↓	↓	↓	↓	↓

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

rebecca moon

.....

Date 4/3/19

.....

Capacity Senior EHO, Environmental Protection and Nuisance Team – Statutory Authority for the prevention of public nuisance.

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any) 0118 937 2325	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) rebecca.moon@reading.gov.uk	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

6. This is the address which we shall use to correspond with you about this application.



Reading
Borough Council
Working better with you

rem/i

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

☎ 0118 937 3787

Our Ref: 604817

Direct: ☎ 0118 9374133

E-mail:

10 November 2017

Mr Zahid Khan
After Dark Nite Club
112 London Street
Reading
RG1 4SJ

Your contact is: Leanne Dowsett - Environmental Protection & Nuisance

Dear Sir/Madam

Environmental Protection Act 1990

Alleged Noise Nuisance from: , 112 London Street, Reading

The Council has received further complaints about noise nuisance from music from the After Dark Nite Club on Friday 3rd and 4th November 2017. Further to our meeting on 25th October, and a telephone conversation on 3rd November to discuss the complaints, I advised you to keep the noise levels to a minimum so that it does not cause a disturbance to nearby residential properties. However, Officers from Reading Borough Council have now witnessed the noise breakout on two occasions and consider it to be a statutory nuisance. I therefore have a duty to serve the attached notice.

Please find enclosed an Abatement Notice under section 80 of the Environmental Protection Act 1990. Please read the notice carefully and let me know if you have any questions regarding it. Any breach of the notice may leave you liable to prosecution. For this reason you may wish to seek your own legal advice. You may appeal against the notice to the Magistrates Court within 21 days beginning with the date of the service of the notice. I draw your attention to the notes of this notice, which explain your rights of appeal in more detail.

I should advise that we have the power to obtain a warrant to enter your premises (by force if necessary) to seize any equipment used in the making of the noise. The council may hold on to the equipment for 6 months in which time it will apply to the courts for a forfeiture order where the items become the property of the council. Obviously we do not wish to have to take the matter that far and hope that you can take simple steps such as reducing the volume to comply with the notice.

Should you require any further help or information regarding this matter you may contact me.

Yours faithfully


Leanne Dowsett

Environmental Health Officer
Environmental Protection & Nuisance


Rm/11

Notice No: EP/LD3/ 3099

ENVIRONMENTAL PROTECTION ACT 1990
Section 80

CL 5013 5247 9GB

ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE

13 NOV 2017 

To Mr Zahid Sardar Khan

Of 

TAKE NOTICE that under the provision of the Environmental Protection Act 1990 ("The Act") the Reading Borough Council ("the Council") is satisfied of the likely recurrence of a statutory nuisance under section 79 (1) g of the Act at the premises known as

After Dark Nite Club, 112 London Street, Reading, RG1 4SJ

within the Borough of Reading arising from music breakout noise emanating from the After Dark Nite Club which is causing a nuisance to nearby residential premises

This Abatement Notice is served on you because you are the person responsible for the statutory nuisance by reason of your act and/or sufferance of the same.

The Council hereby prohibits the recurrence of the nuisance and requires you to abate the nuisance forthwith

What happens if you fail to comply with this Notice

If, without reasonable excuse, you contravene or fail to comply with any requirement or prohibition imposed by this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990. You will be liable on conviction to unlimited fine and will be liable to a further fine for each day on which the offence continues after conviction.

If the council considers that these criminal proceedings would afford an inadequate remedy, it may take proceedings against you in the High Court for securing the abatement, prohibition or restriction of the nuisance.

Whether or not the Council takes proceedings for this offence under Section 80(4) of the Environmental Protection Act 1990, it may abate the nuisance itself and do whatever may be necessary in execution of the notice if you fail to comply with the notice. Any expenses incurred in doing so may be recovered by the council from you.

Your right to appeal

You may appeal against this notice to a magistrates court within 21 days, beginning with the date of service of this notice. Please refer to the relevant Regulations, which are reproduced at the end of this form.



Giorgio Framalico *A*

DATED 10th November 2017

Head of Planning, Development and Regulatory Services
(The officer appointed for this purpose.)

Address for all communications
Leanne Dowsett
Reading Borough Council
Civic Offices
Reading
RG1 2LU
Tel 0118 937 4133

I SERVED A NOTICE OF WHICH THIS IS A COPY, BY HAND ON 10/11/17 AT 11.00 AM AT 112 LONDON STREET DATE 10/11/17.

- (5) On the hearing of the appeal the court may -
- (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
 - (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above the court -
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

3. (1) Where -
- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
 - (b) either -
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,
- the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where -
- (a) the nuisance to which the abatement notice relates -
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice -
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

RM/2

NOISE CALLOUT ROTA REPORT SHEET

CASE OFFICER: Leanne Dowsett - EP CALLOUT OFFICER: Michael Alleyne - PSH +A

Case no: NRN/EP/LD/740

Flare No: 604817

Following A Callout I Would Recommend The Following Action

- | | Tick (or type yes/no) |
|------------------------------------|-------------------------------------|
| Dealt With By Telephone - No Visit | <input type="checkbox"/> |
| Visited Property | <input checked="" type="checkbox"/> |
| Service Of S80 Notice | <input type="checkbox"/> |
| Obtain Further Information | <input type="checkbox"/> |
| Nuisance Was Not Heard | <input type="checkbox"/> |
| OTHER | |

CALLOUT DETAILS: Loud Amplified Music

ADDRESS (Cause of complaint): After Dark Nite Club, 112 London Street, Reading.

DATE:.... 28th October 2017.... **DAY:**.... Saturday**TIME:** 01:30hrs

HEARD AT (Place): [REDACTED] St Giles Close RG1 [REDACTED]

01:30hrs - Answering Service called: [REDACTED] reporting loud music heard coming from After Dark Nightclub.

01:42hrs - Phoned: [REDACTED] who informed me that the After Dark had been playing music from 21:00hrs - 01:10hrs at a tolerable level but had now turned it up.

02:20hrs - I arrived at [REDACTED] St Giles Close; located to the rear at the right of the After Dark club. [REDACTED] is a purpose built block of flats which are fitted with double glazed windows. The flat is located at the on the second floor approximately 20/30m away from the club/music source.

I entered the bedroom and could see the club through the window. I could only hear what sounded like amplified music when the window was open.

I was informed the music had been turned down 5mins before I arrived.

PTO

02:30hrs - No statutory nuisance was heard however music did not cease until 02:30hrs which is 30mins over the licence condition period.

ACTION TAKEN: ..NA.....

Signed:



Date: 28/10/17

Rm 13

NOISE CALLOUT ROTA REPORT SHEET

CASE OFFICER: Leanne Dowsett - EP CALLOUT OFFICER: Michael Alleyne - PSH +A

Case no: NRR/EP/LD/740

Flare No: 604817

Following A Callout I Would Recommend The Following Action

	Tick (or type yes/no)
Dealt With By Telephone - No Visit	<input type="checkbox"/>
Visited Property	<input checked="" type="checkbox"/>
Service Of S80 Notice	<input type="checkbox"/>
Obtain Further Information	<input type="checkbox"/>
Nuisance Was Not Heard	<input type="checkbox"/>
OTHER	

CALLOUT DETAILS: *Loud Amplified Music*

ADDRESS (Cause of complaint): *After Dark Nite Club, 112 London Street, Reading.*

DATE:.... *29th October 2017*.... DAY:.... *Sunday*TIME: *01:11hrs*

HEARD AT (Place): *[redacted] St Giles Close RG1 [redacted]*

01:11hrs - Answering Service called: *[redacted]* called *[redacted]* (partner) reporting loud music heard coming from After Dark Nightclub.

01:25hrs - Phoned: *[redacted]* who informed me that music being played at the After Dark had varied in volume all night. Since 00:25hrs the volume had increased and stayed at the same level. He could hear Karma Chameleon by Culture Club playing.

01:50hrs - I arrived at *[redacted]*, St Giles Close; located to the rear at the right of the After Dark club. *[redacted]* is a purpose built block of flats which are fitted with double glazed windows. The flat is located at the on the second floor approximately 20/30m away from the club/music source.

I entered the bedroom and could see the club through the window. I could hear what sounded like amplified music being played, mainly repetitive drums and some bass, through the double glazed window which was closed. The music was coming from coming from the After Dark.

The music was loud enough to disturb someone trying to sleep in the bedroom which would be considered a statutory nuisance.

The following is a list of songs I could clearly recognise:

02:00hrs (clocks went back to 1hr) - Rapper's Delight by the Sugarhill Gang. Not just the music but also the rapping.

02:05hrs (01:05hrs) - It Takes Two by Rob Base & DJ EZ Rock

02:10hrs (01:10hrs) - Together in Electric Dreams

02:20hrs (01:20hrs) - Night Fever by Bee Gees

02:24hrs (01:24hrs) - If you let me stay - Terrance Trent D'arby

02:30hrs (01:30hrs) - All Night Long by Mary Jane Girls

02:58hrs (01:58hrs) - ? by Notorious B.I.G

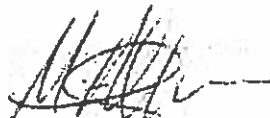
03:03hrs (02:03hrs) - 99 Red Balloons by Nena

03:08hrs (02:08hrs): Music was turned down or off.

03:10hrs (02:10hrs): Left [REDACTED] no further music was heard.

ACTION TAKEN: ..NA.....

Signed:



Date: 29/10/17

Rm / 4

Classification: OFFICIAL

NOISE CALLOUT ROTA REPORT SHEET Ref

CASE OFFICER Leanne Dowsett CALLOUT OFFICER Ms Alexandra Bryan

case no 604817 address 112 London Street Reading

Following A Callout I Would Recommend The Following Action

	Tick (or type yes/no)
Dealt With By Telephone - No Visit	<input type="checkbox"/>
Visited Property	YES
Service Of S80 Notice	<input type="checkbox"/>
Obtain Further Information	<input type="checkbox"/>
Nuisance Was Not Heard	<input type="checkbox"/>
OTHER.....	<input type="checkbox"/>

CALLOUT DETAILS [REDACTED]

ADDRESS (Cause of complaint)_ 112 London Street Reading

DATE 10 November 2017 DATE Friday TIME 11:50

HEARD AT (Place) [REDACTED] St Giles Close

ACTION TAKEN

Received call from answering service at 11:50 - [REDACTED] had called reporting loud music from After Dark Nightclub.

Phoned [REDACTED] at 12:00 and she informed me that the music was very loud in volume and that they could not sleep.

12:55 - Arrived at property and could hear the music very loudly in the carpark to the flats. Entered property and sat in the tenant's bedroom where they would currently be. Could see the club through the window and could hear loud bass amplified music easily through the window whilst closed. The music was clearly coming from the After Dark club.

1:05 - music gets lower but still audible and then picks back up again very loudly - this is likely due to the type of song. I was able to clearly define the beat and music of the

Classification: OFFICIAL

song. The tenant informed me that the music started loudly at 11:40. I could also clearly hear the cheering of the crowd in the club also.

1:14 - there is an increase in volume, having conversation with tenants but can still hear music clearly over this.

1:20 - can make out the actual song playing, it was a remix of Whitney Houston.

1:23 - large increase in bass and thumping, again still very audible even whilst talking

1:30 - reduction but then immediately picked back up again - likely beat of song and joined with cheering of crowd (DJ feeding off of crowd)

1:40 - still loud base and music with clearly defined beat of song, thumping continues

1:50 - can hear DJ or someone rapping over the song + loud bass

1:52 - LOUDEST SO FAR, heavy bass + clapping/cheering

MUSIC IS LOUD ENOUGH AND CHANGES IN NOISE (STILL AUDIBLE AT ALL TIMES) WOULD DISTURB SOMEONE TRYING TO SLEEP IN THE BEDROOM WHICH COULD BE CONSIDERED

A STATUTORY NUISANCE

1:57 - same as above

1:59 - noise reduced and then song back on at 2:00am with heavy bass.

2:02 - cheering and then quiet

2:05 - still quiet

2:10 - can hear people leaving club but no further music played, I left the property.

Signed: Ms Alexandra Bryan

Date: 13/11/2017

Rm15

Classification: OFFICIAL

NOISE CALLOUT ROTA REPORT SHEET Ref

CASE OFFICER Leanne Dowsett CALLOUT OFFICER Ms Alexandra Bryan

case no 604817 address 112 London Street Reading

Following A Callout I Would Recommend The Following Action

	Tick (or type yes/no)
Dealt With By Telephone - No Visit	<input type="checkbox"/>
Visited Property	YES
Service Of S80 Notice	<input type="checkbox"/>
Obtain Further Information	<input type="checkbox"/>
Nuisance Was Not Heard	<input type="checkbox"/>
OTHER.....	

CALLOUT DETAILS [REDACTED]

ADDRESS (Cause of complaint) 112 London Street Reading

DATE 16th February 2018 DATE Friday TIME 11:35pm

HEARD AT (Place) [REDACTED] St Giles Close

ACTION TAKEN

Received call from answering service at 11:35pm - [REDACTED] had called reporting loud music from After Dark Nightclub.

Phoned [REDACTED] at 11:40pm and she informed me that the music was very loud in volume since 7:30pm and that they could not sleep. The tenant asked me how long I would be at the property as they were concerned about getting their baby to sleep and I agreed that I would visit and take notes over a 30 minute period.

12:30am- Arrived at property and could hear the music very loudly in the carpark (bass was very loud) to the flats. Entered property and sat in the tenant's bedroom where they would currently be. Could hear loud bass amplified music easily through the window whilst closed. The music was clearly coming from the After Dark club.

12:37am - amplified bass then drops out (music still loud) and then bass returns at

Classification: OFFICIAL

volume

12:39am - DJ on mic shouting (patrons shouting as well?)

12:40am - repetitive bass at high volume

12:44am - continued DJ shouting over mic and loud music

12:45am - bass drops out, music track continues at loud volume and can make out some words and then due to the music track, loud bass again

12:50am - increase in volume and bass, continues..

12:53am - same as above, can hear rap and make out some words

12:54am - increase in volume and bass again

12:56am - drum + bass evening (?) can hear DJ over music, there is a constant change in tempo and bass

12:58am - large increase in crowd noise, then bass drops again, DJ feeding off of crowd

1:00am - music is very audible in property, can talk at normal levels and still hear music and bass over talking

1:02am - DJ shouting/talking over mic - can almost make out words and then bass drops, DJ feeding off of crowd again?

1:03am - increase in volume again

1:04am - treble and bass increase

1:05am - increase in volume (volume is up and down constantly, mixed with DJ shouting)

I informed T's to let Leanne know whether the music continued past 2am and to continue to make notes throughout the weekend if noise continued.

MUSIC IS LOUD ENOUGH AND CHANGES IN NOISE (STILL AUDIBLE AT ALL TIMES) WOULD DISTURB SOMEONE TRYING TO SLEEP IN THE BEDROOM WHICH COULD BE CONSIDERED A STATUTORY NUISANCE

Signed: Ms Alexandra Bryan

Date: 19/02/2018

NOISE CALLOUT ROTA REPORT SHEET Ref

RM/6

CASE OFFICER REBECCA MOON CALLOUT OFFICER Zara Way

case no 617499 address After Dark, London Street, Reading

Following A Callout I Would Recommend The Following Action

	Tick (or type yes/no)
Dealt With By Telephone - No Visit	<input type="checkbox"/>
Visited Property	<input type="checkbox"/>
Service Of S80 Notice	<input type="checkbox"/>
Obtain Further Information	<input type="checkbox"/>
Nuisance Was Not Heard	<input type="checkbox"/>
OTHER.....	

CALLOUT DETAILS

ADDRESS (Cause of complaint) ^{✓ B THIS IS A TYP0} [REDACTED] Road Reading.....

DATE 21st September 2018... DAY Friday..... TIME 22:00

HEARD AT (Place)

21:55- Arrived and complainant said noise the noise levels had been up and down before I arrived but was now gradually getting louder. We sat in the living room where I could hear muffled live music. I could not distinguish what song was playing or make out any vocals.

22:17- We moved into the bedroom and the volume noticeably increased and I could make out male vocals and the guitar and drums very clear. With the windows closed the instrumentals were very loud and would disturb sleep. The music would stop very briefly between songs before starting up again.

22:25- We opened the windows and the volume increased further. I could still not make out exact words of the male vocals but it was rock music with a very prominent drum beat. Closed windows again.

22:45- The volume of the band increased and drum beat in particular was very fast and loud and would definitely disturb sleep.

22:55- Music stopped

00:05- Walked round to After Dark to find out if the club night was still on, I was told by the bouncer it was unlikely but it could still start later. Returned to the house just in

case music started up again but by 00:30 it hadn't so I left the property.

Statutory nuisance witnessed.

Zara Way

Signed:



Date: 27/09/2018

RM/7

NOISE CALLOUT ROTA REPORT SHEET

CASE OFFICER: Rebecca Moon CALLOUT OFFICER: Rachael Bright

CASE NO: 740 ADDRESS: [REDACTED] St Giles Close, Reading, RG1 [REDACTED]

Following A Callout I Would Recommend The Following Action

	Tick (or type yes/no)
Dealt With By Telephone - No Visit	<input type="checkbox"/>
Visited Property	<input type="checkbox"/>
Service Of S80 Notice	<input type="checkbox"/>
Obtain Further Information	<input type="checkbox"/>
Nuisance Was Not Heard	<input type="checkbox"/>
OTHER.....	

CALLOUT DETAILS

ADDRESS (Cause of complaint) After Dark Nite Club, 112 London St, Reading
.....

DATE 8th and 9th Feb 2019

DAY Friday, Saturday night (into Sunday early hours)

TIME Fri night: 23:50 to 01:12, Sat night: 22:40 to 23:45 and 00:20 to 01:30

HEARD AT (Place) [REDACTED] St Giles Cl, Reading, RG1 [REDACTED]

ACTION TAKEN

Friday evening visit

I rang the complainant at 2240 hours on Friday 08 February 2019 to confirm that the night club is open. She confirmed that it was open. Weather Friday night: slight drizzle of rain, no wind. Parked up and arrived at the complainant's property at 23:50 hours. On the ground floor, outside, I could not hear anything. I sat in the living room and could not hear any noise when the windows were closed. This was the case in the bedroom too. When I opened a window in the living room at 01:10 I could hear a faint low beat sound (boom). It was not clear enough to hear lyrics/ tune. I informed the complainant that I plan to visit again the following evening (Saturday night).

Saturday evening visit

I arrived at the complainant's property at 2240 hours after talking to complainant who confirmed that the club was open. The complainant informed me that according to the twitter page of 'After Dark' there was going to be a drag night event happening. I sat in the bedroom of the complainant's house as this is where the complainant would be at the time of the night (to get to sleep). I noticed the windows in both the bedroom and living room are double glazed.

23:10 - Windows closed, I can hear a low beat, cannot clearly hear lyrics. When I open the windows, the noise is clearer and louder.

23:20 - Windows closed, can hear the tune of a song and what it sounds like singing. Unable to clearly identify what the lyrics are. I can also hear a lot of talking / people having conversations. No one was in the car park below the flat, the talking noise sounded like it might have come from the smoking area (which is positioned in front of the night club). The music sounds more like pre-recorded/DJ music rather than live music due to the low bass / beat sound. The noise can be heard more in the bedroom than in the living room.

23:35 - I can only hear the low beat sound, no lyrics.

23:45 - Left the property. I informed the complainant to call me in the night if the noise picks up. As I left the property, I noticed that the low beat sound was quieter on the ground floor in comparison to the noise I heard when the windows were open in the bedroom of the complainant's property.

00:05 - I received a call from the complainant who informed me that the noise has just got louder. She informed me that she could noticeably hear two songs being played: Respect by Aretha Franklin and Let's Dance by David Bowie.

00:20 - I arrived at the complainant's property and sat in the bedroom to listen for the noise (windows closed). I could still hear the low beat and people chatting/laughing (smoking area?). I then could hear a tune of a song, the tune sounded like Chelsea

Dagger; by the Fratellis (the song has quite a distinguishable tune). I could only hear the tune, not the lyrics.

00:25 - The music sounded like it was getting louder; I could hear tunes as well as the low beat. Unable to distinguish what songs they were, no lyrics of the songs could be heard.

00:30 - The low beat noise sounded like it went back to its 'usual' sound - turned the volume down?

00:33 - Still could hear the continuous low beat. When I opened the windows, the low beat sounds very clear, and at this point I would find it hard to go to sleep or go back to sleep with the windows open.

00:37 - (Windows closed) The low beat/booming sound is still continuous. Sometimes I could hear the tune of songs clearer than others.

00:38 - I could distinctively hear a voice speaking over a microphone for a period of time. Once the voice stopped, it sounded like a crowd of people were cheering/whooping.

00:39 - I then heard a tune of a song clearly, very distinguishable. Unable to hear lyrics / name of song unknown.

00:40 - I could hear again people cheering/screeching. I then again heard a voice talking over a microphone and the crowd cheering again when the voice paused.

00:43 - I heard the crowd screaming/cheering again. The noise from the crowd was muffled (didn't sound like it was outside).

00:46 - I could hear a man talking over the microphone and people were again cheering. The music starts playing and I could hear singing (sounded like it was live music). Not clear what the lyrics were.

00:50 - I could hear cheering again. The low/bass beat has died down a little.

00:53 - I could hear a tune and the beat becomes more distinguishable.

00:59 - The beat sound is still continuous (sounds like DJ music rather than live music at that point in time).

01:00 - Cheering sounds start again in the direction of the club. Again the sound is muffled (sounds like it is inside rather than outside).

01:04 - Lots of chatting/talking outside (smoking area?).

01:06 - Noise of the DJ music gets louder as the tune of the songs become louder.

01:13 - I could hear singing over the song. Sounded like a pre-recorded song rather than live music. The lyrics of the song were not clear.

01:16 - I could hear drumming which sounded it was part of a song.

01:25 - As well as the continuous low beat I could hear the tune of a song, unable to identify the lyrics.

01:30 - I left the complainant's property and informed the complainant that they should make notes in the diary sheets provided if they hear anything significant (e.g. voice over the mic, identify songs etc).

After hearing the noise on both nights (Saturday being worse), I would say that the noise sourced from the After Dark Nite Club would impact normal life within the flat. This caused an unacceptable interference with the personal comfort or amenity of those who lived within the flat, particularly in relation to sleeplessness.

Signed: R. Bright

Date: 11/02/2019



Reading
Borough Council

Working better with you

copy

12/10/17

Alison Bell
Director of Environment and
Neighbourhood Services
Civic Offices, Bridge Street, Reading
RG1 2LU

☎ 0118 937 3787
SMS TEXT: 81722

Our Ref: EP/LD3604817

Direct: ☎ 0118 972325
e-mail: leanne.dowsett@reading.gov.uk

2 October 2017

┌ The Manager or Mr Zahid Khan
After Dark Nite Club
112 London Street
Reading
RG1 4SJ

└ Your contact is: Leanne Dowsett- Environmental Protection

Dear Sir/Madam

Environmental Protection Act 1990

Alleged Noise Nuisance from: After Dark Nite Club, 112 London Street, Reading, , RG1 4SJ

I am writing to inform you that I have recently received a complaint with regards to noise coming from your premises, in particular with regards to Vibrations and music from club last friday on 29th September until 2:30am.

I would like to emphasise that I currently regard this report as unproven. However, the Council has a duty to impartially investigate complaints of noise nuisance. The purpose of this letter is to let you know that a complaint has been received, to explain what steps the Council will take to look into it, and to give you an opportunity to respond.

I should also point out that should further complaints be received, we may need to notify the licensing team with a view to reviewing your licence. I understand that you may have a noise controlling device installed under condition 3 of your licence. Can you please advise me if this is being used or not yet installed. If this is not in place, what measures you have to ensure that nearby residents are not affected by noise from your premises.

Please find enclosed an advice sheet entitled 'investigating commercial noise nuisance'. The sheet outlines the law concerning noise nuisance and also the measures that are routinely taken by officers to investigate complaints of this nature.

If you consider the complaint made to be unjustified, or would like to discuss the matter further, I would strongly encourage you to contact me. I'd be happy to meet you should you wish to discuss this further.

Yours faithfully

Leanne Dowsett
Environmental Health Officer

FACT SHEET

Investigating Commercial Noise Nuisance

The Environmental Protection team in Environmental Health has responsibility to investigate complaints of nuisance noise coming from commercial premises. Allegations of this nature are investigated under the Environmental Protection Act 1990 ("the Act").

It is important to understand that the Act does not state time curfews by which noise must cease or set maximum sound levels that are allowed. The investigating officer will be looking to see whether the noise being complained about significantly affects other people in their own premises and would be unreasonable to the average person. Factors that will be considered include:

- The time of day the noise occurs
- How long the noise goes on for
- The type and source of noise
- The location in which the noise occurs
- How loud the noise is
- How the noise affects others

A noise that significantly affects others and is being caused unreasonably can amount to a statutory nuisance under the Act. Common examples of noise nuisances are:

- Delivery times prior to 8 am
- Alarms sounding at night
- Construction noise outside of the hours of 8 am – 6 pm Mon-Fri & 9 am – 1 pm Sat
- Loud music
- Noise from external plant such as air conditioners and refrigeration units

We recognise that noise complaints can be motivated by a range of reasons. Please note that no conclusions will be made based solely on information from complainants without further supporting evidence.

To investigate, officers may make visits to the area to listen for noise and to check how others are being affected. These visits may be made during normal working hours and also at other times, such as late at night or at the weekend. Officers may also install noise monitoring equipment in the neighbourhood, which is to help record whether noise escaping from a premises is disruptive to others on their own land.

The purpose of these steps is to help establish whether there is noise coming from your premises that significantly affects others and would therefore be unreasonable.

If our investigation finds that a statutory nuisance exists or is likely to be caused, the Council has a duty to take steps to ensure that no further nuisance occurs. To achieve this, we would, if necessary, serve a noise abatement notice. This is a legal document that identifies a nuisance and requires the person upon whom it has been served to take steps to ensure no further nuisance is caused. Failure to comply with a notice of this type may constitute a criminal offence.

If you believe the complaint that has been made is unjustified, please contact the investigating officer to discuss your concerns. It can also be helpful if you contact us at an early stage to discuss the complaint, as this can help to resolve the matter more quickly and will also greatly assist the officer in coming to a fair conclusion.



RM/a

Alison Bell
Director of Environment and
Neighbourhood Services
Civic Offices, Bridge Street, Reading
RG1 2LU

Zahid Khan
After Dark Nite Club
112 London Street
Reading
RG1 4SJ

☎ 0118 937 3787
SMS TEXT: 81722

Our Ref: EP/LD3604817

Direct: ☎ 0118 972325
e-mail: leanne.dowsett@reading.gov.uk

20th October 2017

Your contact is: Leanne Dowsett- Environmental Protection

Dear Sir/Madam

Environmental Protection Act 1990

Alleged Noise Nuisance from: After Dark Nite Club, 112 London Street, Reading, , RG1 4SJ

I wrote to you a couple of weeks ago to advise that we have received complaints about noise from your premises.

I am now also aware that the fire exit route at the back of the premises has rubbish and other items blocking the exit. The fire exit is an urgent matter that needs to be dealt with before you are open to the public. It needs to be cleared asap.

The accumulations could also provide harbourage to rodents and so needs to be cleared.

The Council has a duty to impartially investigate complaints of noise nuisance. The purpose of this letter is to let you know that a complaint has been received, to explain what steps the Council will take to look into it, and to give you an opportunity to respond.

We have now had further complaints about the excessive noise levels of music, from a number of people, which is very disappointing as you have only recently opened. I should also point out that should further complaints be received, we may need to notify the licensing team with a view to reviewing your licence.

I understand that you may have a noise controlling device installed under condition 3 of your licence. Can you please advise me if this is being used or not yet installed. If this is not in place, what measures you have to ensure that nearby residents are not affected by noise from your premises.

I would like to meet with you next week please to discuss these issues as the club cannot continue to cause a noise disturbance to its neighbours. Please call me on 0118 974133 to arrange a meeting asap.

Yours faithfully

Leanne Dowsett
Environmental Health Officer

Rm/10

Dowsett, Leanne

From: Zahid Khan <afterdarkclubreading@outlook.com>
Sent: 08 January 2018 19:42
To: Dowsett, Leanne
Subject: RE: FW: After Dark Abatement Notice (hard copy also sent) [OFFICIAL]

Hi Leanne,

I hope your Christmas and New Years went well!

Oh dear – that is not good to hear. We really are trying a variety of ways to stop being a nuisance.

I feel we have solved nearly all the problems by putting our amps to 50% power, using the limiter and reducing our volume:

However, it is not good that neighbours are complaining. That night in particular was performed by a DJ who we didn't know so well and although the limiter is being used we often find that going up to the limiter would be a nuisance to our neighbours. I am disciplining DJs to go to a level below the limiter – but i can be more sensitive to volume changes quicker. I am learning quickly the specific details re sound of this club.

We have been talking with a local practice based in Caversham since December (Paragon Acoustic Consultants). They are helping direct where we should concentrate our efforts on.

We also talking to many other experienced people in the field, and there are quite a lot of things we will be doing. For example, we have almost finished constructing a sound map of the building, which will allow us to identify big leaks.

We will be purchasing sound traps for the corners to dissipate the build up of sound in these corners.

We are buying a new speaker system this month which will be a modular system and will allow the sound to be distributed more evenly in the main room as currently there are 2 x speakers on one wall and is not a sophisticated setup; we can concentrate on having better quality sound in the venue and that will allow us to put the volume down even more.

Also, since Christmas we have stopped hiring DJs for most of our regular club nights and have moved all playing of music to internal staff. My team (and myself) are all playing the music. By having this important area under internal-control - we are able to play music now at very appropriate levels. We often find that we are playing well under the Limiters effect.

I really hope you see us making changes. If you have any ability to talk to any of the neighbours who have complained – please forward my most humble apologies for our behaviour in the first few months of us opening. We were not as experienced with our equipment as we now are. The old manager was here for 27 years and we have been here 3 months. We have a lot to learn, and are willing to learn everything necessary so that our neighbours can rely on us in being a sensible part of the community. The club has not been improved for many years and we are taking up the challenge in making it survive and prosper. We may slip up in the future – but we will take responsibility and not upset the balance in this area. For any problems – neighbours are welcome to call me on [redacted] at any time. This will greatly help us to find the level we can operate at as well.

I hope that's ok. If there is anything else you require please do let me know.

Thank you.

Kind regards,

Zahid

Sent from Mail for Windows 10

From: Dowsett, Leanne <Leanne.Dowsett@reading.gov.uk>
Sent: Wednesday, December 20, 2017 3:51:59 PM
To: Zahid Khan
Subject: RE: FW: After Dark Abatement Notice (hard copy also sent) [OFFICIAL]

Hi Zahid

After my last email, we did have a call at 01:15am on the Friday night/Saturday morning 9th December alleging that the music had increased in volume around that time. An officer visited and could hear bass music from outside your premises but it was not thought to be a breach of the notice at the time. We are not aware of any issues over the weekend of the 16th Decem. ar.

I appreciate you still have work to do but will continue to use the sound limiter to keep the volume at an acceptable level. Have you had any quotes or professional advice about ways the building could be insulated? We would advise to use someone who is registered with the Institute of Acoustics.

Regards,

Leanne Dowsett
Environmental Health Officer
Environmental Protection & Nuisance | Directorate of Environment & Neighbourhood Services

Reading Borough Council
Civic Centre
Bridge Street
Reading
RG1 2LU

0118 937 4133 (74133)

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



From: Zahid Khan [mailto:afterdarkclubreading@outlook.com]
Sent: 20 December 2017 14:34
To: Dowsett, Leanne
Subject: Fwd: FW: After Dark Abatement Notice (hard copy also sent) [OFFICIAL]

Rm/11

Dowsett, Leanne

From: Dowsett, Leanne
Sent: 20 February 2018 16:36
To: 'Zahid Khan'
Subject: Noise from the After Dark [OFFICIAL]

Zahid,

We had two complaints about loud music on Friday 16th February from the After Dark Club. This was witnessed by an officer from Reading Borough Council who confirmed that the noise was clearly audible outside the premises and inside neighbouring properties. Noise from music, people cheering and the DJ introducing the songs etc was heard. This is a breach of your Abatement Notice and legal action will now be considered.

You advised me that you were seeking advice from an Acoustic Consultant a few weeks ago and were to forward the conclusions to this department for information. Can you please ensure that this is sent to me by email by the end of the week. Can you also please confirm the action that you have taken to date to reduce the noise breakout from the premises and how this is being reduced to background level.

Regards,

Leanne Dowsett
Environmental Health Officer
Environmental Protection & Nuisance | Directorate of Environment & Neighbourhood Services

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Civic Centre
Bridge Street
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RG1 2LU

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RM/12



Reading
Borough Council
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Alison Bell
Director of Environment and
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☎ 0118 937 3787
SMS TEXT: 81722

Our Ref: EP/604817

Direct: ☎ 0118 9372325
e-mail: rebecca.moon@reading.gov.uk

5 September 2018

Mr Zahid Khan



Your contact is: Rebecca Moon - Environmental Protection

Dear Mr Khan,

Cc After Dark Nite Club

Environmental Protection Act 1990 and Licensing Act 2003
Noise Nuisance from: After Dark Nite Club, 112 London Street, Reading, RG1 4SJ

I am writing regarding the continuing complaints that I am receiving about noise from your premises. This is in particular regarding noise from loud music.

You have informed me that you have a noise limiter in place; however, as the noise still appears to be clearly audible and causing disturbance inside a resident's property, it is my view that the limiter has not been set at an appropriate level and/or there is a problem with the sound insulation at the premises.

I now request that you provide me with a report from an acoustic specialist. The report must be submitted to me by the 8th October 2018 at the latest. The report should answer the following:

- Is the type of noise limiter suitable?
- Can it be set at a level to avoid disturbance to nearby residents from recorded and live music?
(the specialist may need access to a local resident's property in order to set the limiter and we can help to arrange this if necessary)
- If no to the above, does the noise insulation at the premises need to be improved and/or does the sound system or types of music at the premises need to be changed? If so what is required?

The above steps are requested as they are requirements of your premises licence (see condition copied overleaf). If you fail to provide me with a suitable report by 8th October I will consider that you are in breach of your licence and will have no choice but to apply for a review of your licence to request a reduction in hours or revocation. Please also be aware that the noise abatement notice served remains in force and should breaches be witnessed you may be prosecuted.

Continued overleaf

3 Noise

3.1 Where it is considered by the Council that there may be a risk of noise disturbance due to high levels of sound then the Head of Environment and Consumer Services (HECS) may require that any or all of the following be provided by the Designated Premises Supervisor:-

- a. A report by an independent person who is qualified to be a member of the Institute of Acoustics identifying the weakness in the sound control measures and recommending actions to remedy this.
- b. Sound insulation measures as recommended in any Acoustic report to be completed within a reasonable time scale as specified by the Council.
- c. The installation of an Entertainment Noise Controller which is to be set at a level of 90dBA or such other level as may be agreed by HECS, after subsequent monitoring.
- d. A sound measuring device which can be used on a regular basis to check actual noise levels.

Yours sincerely

Rebecca Moon
Senior Environmental Health Officer

Leanne

Rm/13

From: Zahid Khan <afterdarkclubreading@outlook.com>
Sent: 23 Feb 2018 17:08
To: "Dowsett, Leanne" <Leanne.Dowsett@reading.gov.uk>
Subject: Paragon

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

Here is the email below from Paragon for your perusal.

Kind Regards,

Zahid

Sent from Mail for Windows 10

From: John Gillott
Sent: 23 February 2018 13:01
To: Zahid Khan
Subject: RE: Conclusions Required Today

Dear Zahid

Further to our conversations today we confirm that the engineer that you spoke to in December has left the company. Patrick Short and myself visited your premises on the London Road and discussed the project with you a couple of weeks ago, and have been looking at likely costs for our services. We are concerned that the costs of the acoustic consultancy services and noise mitigation are likely to exceed your budget advised of £15k. In terms of our services including survey works, acoustic modelling, reports and recommendations, we estimate that the fees will lie in the region £8,000.00 + VAT to £10,000.00 +VAT. The noise mitigation works are not known at this stage prior to undertaking works, however, we feel that increasing the acoustic performance of the club building envelope may be costly. Under the circumstances, we have suggested that in the first instance you consider limiting the music noise levels within your club if possible by using your noise limiter on the music system. If you would like to discuss this point further we will be pleased to talk to yourselves.

Kind Regards

John Gillott
Acoustic Consultant
T; (0)118 944 8444
M: (0)779 565 4802
E: johng@paragonacoustics.com
<http://www.paragonacoustics.com/index.html>



30/11/18 - noise complaints.

Dowsett, Leanne

From: Zahid Khan <afterdarkclubreading@outlook.com>
Sent: 26 February 2018 09:59
To: Dowsett, Leanne
Subject: RE: Paragon

Hi Leanne,

We reduced the levels extremely low on both Fri and Sat night 11pm - 2am. And i monitored the sound continuously outside throughout the nights.

I am still responding to your email from last week and was hoping to send it friday but i am still compiling it.

However, here are some examples of what has happened since Aug 17

- Limiter reinstalled Nov 17
- All three Amps reduced to 50% power
- Sealed vents and installed weatherstrip on doors
- Bass traps installed
- Limiter serviced feb 18
- Vents resealed
- New speaker drivers installed
- No more external sound systems (even with limiters as we attempted to use on 16/2) for club nights 11pm
- 2am until soundproofing is complete
- Security to supervise crowds on london street when dispersing at end of night (something the old management team usually did)

Things happening this week:

- First batch of soundproofing materials arriving to encase speakers before friday
- Sound absorption tiles (to replace all ceiling tiles) arriving this week

I shall send you a more detailed email today.

Please let me know if there are complaints at all.

Kind regards,

Zahid

Get [Outlook for Android](#)

From: Dowsett, Leanne <Leanne.Dowsett@reading.gov.uk>
Sent: Friday, February 23, 2018 8:13:42 PM
To: afterdarkclubreading@outlook.com
Subject: RE: Paragon

Thanks Zahid

Can you confirm that you will be reducing the noise levels today lower than you have before. I stress that we will be taking further action if we receive any more complaints. This can include removing equipment and/or prosecution.

Regards,

Rm114



Reading
Borough Council

Working better with you

Mr Zahid Khan



Alison Bell
Director of Environment and
Neighbourhood Services
Civic Offices, Bridge Street, Reading
RG1 2LU

☎ 0118 937 3787
SMS TEXT: 81722

Our Ref: EP/604817

Direct: ☎ 0118 937 2325
e-mail: rebecca.moon@reading.gov.uk

4 October 2018

Your contact is:

Rebecca Moon- Environmental Protection

Dear Mr Khan,

Cc After Dark Nite Club
RBC Licensing

Environmental Protection Act 1990 and Licensing Act 2003
Noise Nuisance from: After Dark Nite Club, 112 London Street, Reading, RG1 4SJ

I am writing to inform you that an officer visited a nearby resident on the evening of Friday 21st September and heard noise from live music emanating from your club at a level considered to be a nuisance. The Council considers this to be a breach of the noise abatement notice served on you on 10th November 2017 for which you can be prosecuted.

I would advise that you do not hold any further live music events until you have appropriate sound proofing and/or noise limiter in place.

You have not yet provided me with an acoustic report as requested in my letter dated 5th September 2018. This is a breach of your premises licence for which you can be prosecuted, and your premises licence may be reviewed to reduce your hours or revoke your licence. Please provide me with the report as soon as possible.

Please contact me to confirm your proposed actions and inform me of your upcoming event dates as I note that you are not open every Friday and Saturday night as published.

Yours sincerely

Rebecca Moon
Senior Environmental Health Officer

Name of Officer	Clyde Masson
Type of Application	Review of Premises Licence - Licensing Act 2003
Name of Premises	After Dark
Address	112 London Street
	Reading
	RG1 4SJ
Content of Application:	
<p>The application is for the review of a premises licence in respect of the above mentioned premises. The application has been submitted by the Council's Environmental Protection and Nuisance team who are a named responsible authority in the Licensing Act 2003.</p> <p>The premises is located within the Council's Cumulative Impact Area.</p>	
Licensing Officer's Comments:	
<p>The Licensing Authority - in its role as a Responsible Authority - fully support the application for review submitted by the Council's Environmental Protection and Nuisance team. We also fully support the recommended actions set out in the review application which are:</p>	
Recommended Actions	
<p>1. That the committee consider whether revocation is an appropriate and proportionate step given the noise complaints reported to the Council and the three breaches of a noise abatement notice placed on the premises;</p> <p>2. Or if the committee do not believe that revocation is appropriate and proportionate, that they consider:</p> <p>a) Removing the exemption in relation to live and recorded music at paragraph 177A of the Licensing Act 2003 so that all noise conditions would come into effect;</p> <p>b) That live and recorded music be prohibited from taking place at the premises until the noise limiter has been correctly set and, failing this, that no music take place until a suitable noise reports are submitted to the Council as per condition 3.1 on the current licence.</p> <p>c) That music be reduced to background levels and/or switched off at 0200hrs.</p> <p>3) The Licensing Authority - having had sight of some proposed conditions submitted by Thames Valley Police as part of this process - would also support the imposition of these conditions on the licence as replacements for the outdated conditions currently on the licence. We would also propose</p>	

the following additional conditions for consideration:

a) The premises licence holder shall ensure that advertising or promotional material for licensable activities at the premises is not placed on any street furniture, structure of public highway not belonging to the premises licence holder. Failure by the premises licence holder to remove any promotional material illegally displayed will be a breach of this condition and any other legislation that applies in Reading in relation to unlawful advertising on street furniture.

b) When the premises is open and conducting licensable activities past 2300hrs, the last entry time for customers shall be one hour prior to the cessation of licensable activities.

c) All drinks purchased at the premises shall be decanted into plastic or non glass drinking vessels.

4) That the Licensing Sub-Committee consider removing the current named DPS from the licence.

5) If the Licensing Sub-Committee were not minded to revoke the premises licence and decided to amend the conditions on the licence as outlined above, that they consider a period of suspension in order for the conditions to be put into place and complied with.

Licensing team interactions with the After Dark Night Club

The current premises licence holder and designated premises supervisor is stated as a Mr Zahid Sardar Khan. He has been in place since 31st August 2017.

The Licensing team are aware that a noise abatement notice - issued by our Environmental Protection and Nuisance team - was placed on the premises on 10th November 2017 because of continual complaints from residents about noise nuisance.

The following interactions have taken place:

1. A licensing inspection took place on 27th February 2018. This letter is attached at appendix LIC-1 and details a severe lack of compliance with licensing conditions and legislation. This inspection seemed to support the concerns that the premises licence holder did not have a sufficient understanding of licensing and the conditions attached to the licence; did not know how to run a night club within the Cumulative Impact Area and that it was more luck than judgement that a serious incident had not taken place at the premises. It should be noted that one of the conditions that was flagged up as being in breach was condition 3.1 in relation to the noise report.

2. A follow up licensing inspection took place on 29th March 2018. This

letter is attached at appendix LIC-2. Whilst there was an improvement in compliance, there were still a number of outstanding issues including breaches of conditions, failure to produce the noise report as per condition and a concern over the management of the venue.

3. Thames Valley Police took drug swabs were taken at the premises which indicated high levels of cocaine use at the premises. This letter is attached at appendix LIC-3.

4. Licensing officers visited the premises in respect of an event being held under a Temporary Event Notice on 28th June 2018 for two 17 year old children. The application that was submitted for this event outlined measures that were to be put in place to deal with an under 18 event - both internally and externally. It gave a number of undertakings such as having safe areas for customers; what to do if children were refused entry; production of the names and contact details of people coming; how the queue outside the premises will be managed and commitments around the safeguarding of persons at the premises. It was officers opinion that none of these measures had been put into place when officers arrived at the premises 45 minutes before the event was due to start. Again, this raised issues relating to competence, compliance and whether it was safe for under 18's to be on the premises. This temporary event notice is attached at appendix LIC-4.

5. The Licensing Authority became aware of an event that was proposed to be held on 30th November 2018 into the early hours of 1st December 2018. This event would be deemed as a high risk event and was to be put on by a promoter who had held other high risk events in the town centre. When these concerns were raised with the premises licence holder and DPS, he stated that he would cancel the event. However, the event still took place despite these assurances that it would be cancelled and led to a large police presence having to disperse customers; the alleged entry to the venue of people who were banned from other venues in town and alleged overcrowding of the venue. The Licensing Authority is not aware of why the premises licence holder informed the police that the event had been cancelled yet proceeded to allow the event to go ahead - albeit under a different name. The issues that stemmed from the event show a pattern of lack of control at the venue and a lack of policies and procedures being put in place to deal with such an event. Further, if the premises licence holder and DPS had attended the pubwatch meetings and made use of the town safe radio - as he was informed he should do - then he would have been aware of the concern that existed around these types of events and why other venues in town had refused to host the event.

6. Officers of the Council and Thames Valley Police Licensing Officer met with the premise licence holder on 06th February 2019 where the issues of compliance with conditions, continued noise issues and failure to get the noise limiter professionally set and incident on 30th November 2018 where police officers were deployed was discussed. Officers were not satisfied that

the premises licence holder had fully understood his responsibilities that came with running a night club and that it was not acceptable to learn on the job which was being portrayed as ok. Further to this the premise licence holders refusal to comply with the Environmental Protection Officers requirement for the noise limiter to be professionally set so noise could be limited correctly.

7. On 22nd February 2019 a licensing enforcement officer from the Council carried out an inspection of the After Dark premises to see if compliance with licensing conditions were being carried out. Whilst the inspection recognised that improvements had been made in a documented format, the issue of noise had still not been correctly addressed. Further to this, the inspection was carried out at 23:05hrs when the club was not busy, therefore some conditions could not be verified as being implemented in practice.

8. On 14th March 2019 an officer of the council found flyposting in the underpass at Reading Railway Station in respect of a House & Garage music event on Friday 22nd March 2019. The poster is attached at appendix LIC-5.

Mr Khan was written to and reminded that it is a breach of his premises licence conditions to flypost in Reading and that all flyposting should be removed immediately.

17 Fly posting

17.1 The designated premises supervisor shall not display in an unlawful manner advertisements promoting the entertainment or the premises, in particular;

a. no display of advertisements should take place on street furniture;

b. no display of advertisements should take place on premises or structures placed on, over, in or adjacent to the highway, unless the Designated Premises Supervisor has first obtained the written consent of the owner of the premises or structure. Such consent shall be shown to the licensing authority on request.

Case Law and Secretary of State's Guidance:

The Licensing Sub Committee will be aware of the Hope and Glory case law and the considerations it should give when making a decision:

(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.

The above approach 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.

Therefore the Licensing Authority should take whatever action is required in order to ensure that the licensing objectives are promoted. The review process is a regulatory process and any matter that engages the potential of the licensing objectives being engaged or undermined is a matter the licensing authority can take into consideration.

The Secretary of State's Guidance to the Licensing Act (current edition April 2018) states that the Licensing Authority has a wider duty to safeguard the public:

1.5 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.

The Guidance also states the following about the review process and what responsible authorities should do if their processes fail:

11.18 Where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement - either orally or in writing - that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to

pay for employing an illegal worker.

In Summary, the Licensing team fully support the application for review submitted by the Environmental Protection and Nuisance team for the reasons outlined within this representation. Repeated interventions by the Council and the police have not led to full compliance with licence conditions or notices and has not given officers any confidence that the venue is being managed competently. Compliance is particularly crucial for venues operating as a night club in the towns Cumulative Impact Area. The breaching of conditions; the ongoing noise complaints; the breaching on three occasions of a noise abatement notice and the holding of events which are not satisfactorily managed or risk assessed, all undermine the promotion of the licensing objectives. We would respectfully ask the Licensing Subcommittee to seriously consider the recommendations made in the review paperwork and within the body of this supporting representation to ensure that the licensing objectives are not undermined still further.

Date Received	22/03/2019	Date Due	01/04/2019
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Date	22	03	2019
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Alison Bell
 Director of Environment and
 Neighbourhood Services
 Civic Offices, Bridge St, Reading, RG1 2LU
 ☎ 0118 937 3787

Our Ref:053399 EVU

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

27 February 2018

Mr Zahid Sardar Khan
 After Dark Nite Club
 112 London Street
 Reading
 RG1 4SJ

Your contact is: **Mr Richard French, Licensing**

Dear Mr Khan

Licensing Act 2003

Premises Licence Number: LP2002134

Premises: After Dark Nite Club

Premises Address: 112 London Street, Reading

On the 27th February 2018 at 1200hrs I visited your premises with colleagues from Thames Valley Police to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection.

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

1) Part B of your premises licence was not on display. All pages of Part B need to be displayed. This is an offence under Section 57 of the Licensing Act 2003 and should be rectified immediately.

Licence conditions from page 8 of the licence onwards:

2) Condition 1.1 in relation to policies and practices being in place to deal with violence to staff was not being complied with. This is a breach of Section 136 (1) of the Licensing Act 2003 and should be rectified immediately.

3) Condition 2.1 in relation to the DPS carrying out an inspection of the licensed premises before opening to the public was not being complied with. There was no documented evidence this was taking place. This is a breach of Section 136 (1) of the Licensing Act 2003 and should be rectified immediately.

4) Condition 2.5 in relation to the DPS providing suitable and sufficient first aid arrangements on site was not being complied with. There was no documented evidence that any person was suitably qualified to give first aid to customers or staff. This is a breach of Section 136 (1) of the Licensing Act 2003 and should be rectified immediately.

5) Condition 3.1 in relation to noise and condition 4 in relation to disturbance have been in breach to the extent that the premises has had a noise abatement notice put on it by the Environmental Protection and Nuisance team. There was a lack of due diligence and written documentation in place for dealing with general noise from the premises and the issues associated with access and egress to the premises. Such due diligence should include a written dispersal policy for customers exiting the premises; a properly supervised queuing system for access to the premises and a noise management plan to control the noise within the premises. This is not an exhaustive list. You stated that you were using a noise limiter and stopped permitting external promoters bringing in their own speakers. I also note your comments about soundproofing the roof to prevent noise escaping. These measures may assist with the control of noise inside the venue but should be used in conjunction with other policies and procedures to ensure residents are not disturbed by the activities of the club. Please ensure that measures are put in place right away.

6) Condition 5.1 in relation to the employment of attendants was not being complied with. This is a breach of Section 136 (1) of the Licensing Act 2003 and should be rectified immediately.

7) Condition 8.1 in relation to the Council having to give consent for alterations, repairs or decoration at the premises was not being complied with. Some decoration and alteration had taken place before the club reopened last year without the Council's consent therefore this is a breach of Section 136 (1) of the Licensing Act 2003.

8) Condition 12.1 to 12.3 in relation to door supervisors was not being fully complied with. I have concerns that the number of door supervisors being employed do not meet the 'appropriate numbers' requirement as set out in condition 12.3 - particularly when there are hundreds of customers on the premises. Condition 12.3 also states that door supervisors should be employed for vetting and controlling patrons as well as ensuring good order and public safety. There needs to be a policy in relation to the roles of door supervisors and their duties - whether that is carrying out searches; confiscating drugs; carrying out toilet checks or assisting with access and egress from the premises. It seems, at the moment, that the door staff are not being directed to carry out any of the above because there are no venue policies. Door supervisors when deployed effectively and in correct numbers are essential to promoting the four licensing objectives and preventing crime and disorder. Please ensure clear policies are implemented and communicated to the door staff. You are also reminded to check the SIA badges on the SIA's licensing register to ensure they are still valid and that all staff are fully up to date with best practice procedures in relation to drug confiscation.

9) Condition 13 in relation to the door supervisor register was not being fully complied with. Some of the information appeared to be missing from the register and six months worth of logs were not produced. This is a breach of Section 136 (1) of the Licensing Act 2003 and should be rectified immediately.

10) Condition 15.1 in relation to an assessment being carried out in relation to offensive weapons being brought on to the premises was not being complied with. It was admitted that no searching was being undertaken by the door staff and no assessment had been carried out or documented. This is a breach of Section 136 (1) of the Licensing Act 2003 and should be rectified immediately.

11) Condition 16.1 in relation there being an active policy to prevent drugs from being brought onto the premises was not being complied with. Again, it was admitted that no searching was being undertaken and no written evidence of any drugs policy could be produced. This is a breach of Section 136 (1) of the Licensing Act 2003 and should be rectified immediately.

12) Condition 17 in relation to flyposting was not being complied with. An event called 'Tuk DnB' was found to be advertised on street furniture on 14th February 2018. Flyposting is a breach of Section 136 (1) of the Licensing Act, the Town and Country Planning Act and the Berkshire Act. Please ensure that events are not advertised in this way.

13) Condition 18 in relation to the use of toughened glass at the premises was not being complied with. It was admitted that not all glasses met this requirement. This is a breach of Section 136 (1) of the Licensing Act 2003 and should be rectified immediately.

14) Condition 22.1 in relation to the DPS having achieved National Drugs Certificate was not being complied with. This is a breach of Section 136 (1) of the Licensing Act 2003 and should be rectified immediately.

15) Condition 25.1 in relation to the implementation and usage of a search policy was not being complied with. It was admitted that searching was not being carried out at the premises. This is a breach of Section 136 (1) of the Licensing Act 2003 and should be rectified immediately.

16) Condition 26.1 in relation to CCTV was not being complied with. The system of 7 cameras could not be deemed comprehensive; there were blind spots and the cameras did not cover all internal and external areas. You are also reminded that the CCTV cameras should provide 'high quality images.....suitable for evidential use in a court of law'. This is a breach of Section 136 (1) of the Licensing Act 2003 and should be rectified immediately.

17) You stated that you had seven members of staff yet no training records could be produced for any of them - particularly in relation to licensing training. We would expect, as a matter of course, for all staff to be trained on the premises age verification policy; what forms of ID are acceptable; how and where to record refusals and how to identify persons who may be intoxicated. It would also be best practice for all staff to be able to identify any persons who may become vulnerable and how to deal with any incidents that occur on the premises.

18) It is a requirement under various immigration legislation that all staff provide a valid right to work document to you before they are employed. You are advised to keep each right to work document in the relevant staff members file.

We are extremely concerned with all of the above. The lack of staff training; the lack of policies; the lack of a comprehensive CCTV; the lack of searching and general security management at the premises as well as the already breached noise abatement notice clearly shows that this premises is severely undermining the promotion of the licensing objectives.

We also discussed two recent temporary event notices which have led to concern and complaints from members of the public. Any event that specifically targets persons under

the age of 18 needs to be properly controlled and risk assessed. It is very unwise, for example, to hold mixed aged events. It is also the responsibility of the licence holder to ensure that the event is properly managed both outside in terms of queue management and dispersal but also inside to ensure that children are not put in harm's way. You are strongly advised to carry out a robust risk assessment of these types of events as well as any other event you intend on holding. You are also reminded that alcohol should not be sold or displayed when an event for under 18's is carried on at the premises and that any event aimed at 14 and 15 year olds will likely require a parent or guardian to accompany the child. Whilst we are not necessarily opposed to these events, they do need to be risk assessed and managed correctly so as to ensure that children are not exposed to harm.

Please complete all of the above within 7 days and notify me when you believe that all issues have been resolved. I acknowledge that you stated the CCTV should be fixed and upgraded by 9th March and will await your confirmation on this.

Please contact me if you have any questions in relation to this letter.

Yours faithfully

Mr Richard French
Licensing Enforcement Officer

c/c Declan Smyth and Simon Wheeler of TVP



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

Our Ref:EVU 053399

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

29 March 2018

Mr Zahid Sardar Khan
 After Dark Nite Club
 112 London Street
 Reading
 RG1 4SJ

Your contact is:

Mr Richard French, Licensing

Dear Mr Khan

Licensing Act 2003
Premises Licence Number:LP2002134
Premises: After Dark Nite Club
Premises Address: 112 London Street, Reading

On the 29th March 2018 at 1400hrs I visited your premises with colleagues from Thames Valley Police to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection.

It was good to see that significant improvements were found in relation to licensing compliance since our last visit of 27th February 2018. Below are some points that arose from the inspection which we believe need some work.

1. All staff should have individual staff files and should be trained on all of the policies you have produced and which are licensing conditions. This includes:

Condition 1.1 in relation to violence to staff.
 Condition 15.1 in relation to assessments for offensive weapons
 Condition 16.1 in relation to a policy to prevent drugs coming onto the premises
 Condition 25.1 in relation to a search policy
 General licensing training (age policy/refusals/forms of ID/incidents)

All staff should sign for all of the relevant training and it should be refreshed as and when required. We also discussed varying ways in which training can be delivered (tests, quizzes).

Further, you were advised to keep and check all of your employees Right to work documents and that these should be kept on file.

2. Condition 2.5 in relation to first aid arrangements was not being complied with. There were no qualified first aiders on site. Please arrange for at least one member of staff to be trained. I believe you stated that there was a suitable course on 7th April.

3. Condition 3.1 in relation to noise nuisance needs more documentary evidence to show it is being complied with. You stated that you took noise readings. Noise readings need to be detailed as do the times that they were taken. I note that policies in relation to dispersal was in place but need to be put into practice with members of staff so that they are aware of it.

4. Conditions 12.1 to 12.3 relate to the employment of door supervisors. I still have a concern that the number of door staff may not be adequate for the amount of customers in attendance at the premises. You have a policy in relation to what door staff should be doing. Given the high drug readings (see the end of this letter) you may wish to expand on this policy and communicate it to the door staff. You should also document the toilet checks that are being carried out so that it can assist in deterring customers from taking drugs in the toilet.

5) Condition 13 in relation to the door supervisor register being completed correctly had not been implemented. Please ensure that the door supervisor register is completed correctly; that SIA badges are checked on the SIA website and that the duty manager signs the register at the end of each trading session.

6) Condition 16.1 relates to an active drug prevention policy. I acknowledge you now have a policy, however given the drug readings from the toilet it seems to either not be robust enough or it is not being implemented correctly. There needs to be more active searching on the front door; the right of search as a condition of entry should be implemented; toilet checks should be undertaken and items that have been seized should be logged correctly and dealt with using the prescribed Pubwatch protocol. The door staff should be made fully aware of this policy and should be actively implementing it. You should also make sure that they sign to understand this policy.

7) Condition 25.1 relates to a search policy. Please see my comments above in point number 6. You should also add to the policy about what happens when customers are refused entry and how that situation will be dealt with.

8) Your attention is drawn to the drug swabbing results attached to this letter. This indicates that there is an issue with drugs being taken in the toilets. This links in with the above points made in relation to your drug policy and search policy. These need to be substantially enhanced to prevent drugs being brought onto the premises.

If you have any questions in relation to this letter then please contact me.

Yours faithfully

Mr Richard French
Licensing & Enforcement Officer

Attn Licensee ONLY
 After Dark Nite Club
 112 London Road

licensing@thamesvalley.pnn.police.uk



03 April 2018

 Reading
 RG1 4SJ

Dear Licensee,

As you may be aware, on 29 March 2018 your premises was swabbed for traces of drugs.

I have listed the full set of results in the table below but, based on your highest result I can tell you that overall, in relation to drugs misuse, we consider your premises to currently be of **significant concern**.

Because of this, it is vital that you give the matter your urgent attention. Advice and guidance is available to assist you in addressing the issue (see below). It should be noted that if such advice is declined or ignored and the problem persists, then the police will seriously consider taking licensing enforcement action.

Location	Drug Type	Reading	Grading
Ladies Toilets - Cub 3 Seat & Cistern	Heroin	1.02	Low
Ladies Toilets - Cub 2 Seat & Cistern	Cocaine	1.15	Low
Ladies Toilets - Cub 1 Seat & Cistern	Cocaine	5.34	High
Other (specify) - Toilet Hallway, Shelf	No Drugs (clean)	0	Clean
Other (specify) - Back Bar Counter	No Drugs (clean)	0	Clean
Other (specify) - Main Bar Counter	No Drugs (clean)	0	Clean
Gents Toilets - Sinks & Hand-dryer	Cocaine	1.87	Low
Gents Toilets - Cub 3 Seat & Cistern	No Drugs (clean)	0	Clean
Gents Toilets - Cub 2 Seat & Cistern	Cocaine	1.52	Low
Gents Toilets - Cub 1 Seat & Cistern	No Drugs (clean)	0	Clean
Disabled Toilets - Seat & Cistern	No Drugs (clean)	0	Clean
Ladies Toilets - Sink shelf	No Drugs (clean)	0	Clean
Ladies Toilets - Cub 5 Seat & Cistern	No Drugs (clean)	0	Clean
Ladies Toilets - Cub 4 Seat & Cistern	Cocaine	1.84	Low
Overall Grading:		HIGH	

Overleaf you will find some basic information to explain how the swabbing process works and how we interpret the results, along with some advice on combatting the misuse of drugs on your premises. Should you wish to discuss the above results or seek further advice, then please feel free to make contact either with your local police licensing officer or a member of your local neighbourhood policing team.

Yours sincerely,

**On behalf of the Licensing Team
Thames Valley Police**

About Drug Swabbing

Few licensees would condone, much less welcome, drugs on their premises. However, since it is rare for drug users to be open about it in public, the problem tends to be hidden and licensees can be forgiven for believe that - particularly in the absence of any other criminality - it doesn't exist.

Although drug swab results (positive and negative) can be used as part of formal proceedings such as licence reviews, Thames Valley Police's drug swabbing programme is primarily intended to inform the licensee of the extent of drug misuse on their premises so that they can do something about it.

Powdery materials - in this case illicit drugs - leave behind particulate contamination which is not visible to the naked eye and which is only removed after vigorous and/or repeated cleaning.

The swabbing process simply involves firmly wiping a swab across the relevant surfaces (we focus on smooth, level areas which are larger than the size of a credit card) before analysing it using a sophisticated drugs itemiser which gives us a reading that tells us

Reading is 0

Zero readings are graded as CLEAN.

Reading is between 0.01 and 0.99

These are graded as TRACE. The drug levels may be as a result of cross-contamination, rather than being in direct contact with the swabbed surface, or else it may be that it is several days since the drugs were there.

Reading is between 1 and 1.99

These are graded as LOW. Although we would not normally be concerned about a low reading, it can depend upon the day and location that the swab was taken - it may be a few days since the drugs were there for example.

Reading is between 2 and 2.99

These are graded as MEDIUM. This is the stage that we would start to be concerned about the readings, as we can be confident that they reflect a genuine and recent presence of drugs. There is one exception though - some cleaning products can leave traces that result in a false positive for opiates (i.e. heroin), so we treat any heroin result in this range as LOW.

Reading is 3 or higher

These are graded as HIGH. Any high reading is of serious concern and in urgent need of attention.

Combatting Drugs

A more comprehensive range of advice can be found in our document "Combatting Drugs: A Guide For Licensees" - if you don't already have a copy, please contact your local police licensing officer or check our website.

Generally, vigilance and proactivity are key, which you can achieve by doing (amongst other things) the following:

- frequent glass collection/table wiping to allow staff to monitor customers
- regular checks of all toilet, car park and garden areas
- train staff in unobtrusive monitoring techniques and what to look out for
- ensure staff inform you immediately, but discreetly, of any suspicious activity
- if you have a separate disabled toilet, keep it locked with the key behind the bar so patrons have to ask for it.

Another useful technique is to grease the flat surfaces in your toilet areas - drugs will stick to grease, which hinders the user in taking them. There are two vital points to remember though:

- DO NOT use WD40 or any other solvent-based products as you could be liable if someone snorts it and causes themselves harm. Cooking oil (vegetable oil, olive oil etc) is most commonly used.
- Check the toilets more frequently to check that no-one has tried to wipe the grease off, or indeed that there isn't any drug residue stuck to the grease that may be visible to other customers.

As an alternative to greasing, you can 'design out' drug use by ensuring there are no suitable surfaces available. This can be done by blocking in cisterns and toilet tissue dispensers, or by giving them sloping tops that are at an angle of at least 40 degrees, as well as removing toilet seats etc.



**Reading
Temporary Event Notice
Licensing Act 2003**

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

Section 1 of 9

* required information

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 address

Main telephone number Include country code.

Other telephone number

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

Are you:

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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

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

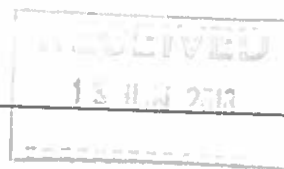
Note: completing the Applicant Business section is optional in this form.

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

Director

Home country

United Kingdom

The country where the headquarters of your business is located.

Address registered with Companies House.

Registered Address

Building number or name

112

Street

London Street

District

City or town

Reading

County or administrative area

Berk

Postcode

RG1 4SJ

Country

United Kingdom

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

Yes

No

Applicant must be 18 years of age or older

Your date of birth

04 / 08 / 1980
dd mm yyyy

National Insurance number

██████████

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Reading

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

112

Street

London Street

District

City or town

Reading

County or administrative area

Berk

Postcode

RG1 4SJ

Country

United Kingdom

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

No

E-mail

afterdarkclubreading@outlook.com

Telephone number

[REDACTED]

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

Does the premises have an address?

Yes

No

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

No

Building number or name

112

Street

London Street

District

City or town

Reading

County or administrative area

Berk

Postcode

RG1 4SJ

Country

United Kingdom

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither

Premises licence

Club premises certificate

Premises licence number

LP2002134

Location Details

Provide further details about the location of the event

The Premises is on London street and is accessed through a side alley. It has a max capacity of 300 and consists of one main room and a rear lounge. The premises is located in a area with a mix of residential and commercial properties.

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

Describe the nature of the premises below (see also guidance on completing the form, note 4)

The Premises is a fully licensed nightclub, bar and live music and entertainment venue mainly open on the weekend.

Describe the nature of the event below (see also guidance on completing the form, note 5)

INTRODUCTION

The event is a birthday party for 2 x 17 years old and have invited 150 guests (who are all above the age of 16). No alcohol will be on display or on sale at the event. The party with a club-supplied DJ will last from 20:00 till 23:00. There will also be a full security team at this event, and number of first aiders and a dedicated first aid station. The organisers must supply a guestlist with next of kin details for every single guest in advance of the event. "Zero Tolerance to underage drinking and drugs" is communicated to all guests though being printed on tickets for the event.

POTENTIAL OUTCOMES/RISKS AND HOW TO CONTROL:

CRIME AND DISORDER

RISK: Anti social behavior in and around the venue

CONTROLS: Door Staff and/or Attendants will be employed at the venue to supervise admissions and customers inside the venue, and on London Street

-Proper management of the door to include a mix of male and female security staff, screening of all bags and jackets, and firm yet friendly conversations with guests.

-Door admissions policy to include refusing entry to pre-drinking, pre-drug or aggressive/violent behaviour. Next of kin can be called and liaised with to take responsibility for child.

RISK: Alcohol, drugs or weapons being bought into venue

CONTROLS: "A zero tolerance to drugs and underage drinking" communicated to guests before the event by being printed on tickets.

-Posters displayed throughout premises to remind customers of zero tolerance policy and refusal of entry if caught

-Effective search policies (ie bags and jackets for under 18s) will minimise the opportunity for drugs and weapons to be bought into premises

-The use of search arches and wands may be appropriate/possible

-Searches will always be carried out in front of CCTV

-Supervising Toilet Areas can be effective in discouraging drug selling

RISK: Disorder From Customers Queuing to Enter the Premises or When Leaving the Premises

CONTROLS: We will reduce the potential for excessive queue lines with a well managed and efficient door policy. Long queuing times can cause people to become agitated or aggressive. Any Searches will therefore be conducted as quickly as possible.

-A Customer Dispersal Policy will minimise the potential for disorder from customers leaving the premises through a gradual change in music style and increasing lighting levels

-Sufficient staff will be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave

PUBLIC SAFETY:

RISK: Injury or irritation to Staff and Guests who are under 18

Continued from previous page...

CONTROLS: carry out full risk assessment every 12 months taking into account public safety to be carried out of the premises to identify potential hazards posed to staff or customers and kept at premises

-All staff will be made aware of the risk assessment and precautionary measures therein

-First aid boxes will be available at the premises and maintained with sufficient in date stock

-A recognised qualification in first aid will be held by 2 staff, and a further 4 staff will be trained as Appointed Persons throughout event.

-A first aid or quiet room will be made available to anyone requiring medical attention.

-Temperature levels and humidity in venues will be made controlled for the comfort and safety of customers. An environment that is too hot or too cold can make customers irritable. Our premises will be adequately heated and ventilated to avoid this. This will be achieved through use of air conditioning systems or fan ventilation.

RISK: Accumulation of drinking vessels and spillages

CONTROLS: Perimeter checks will be made outside the premises for any drinking vessels

-Spillages will be cleaned up immediately to prevent floors from becoming slippery or unsafe

-Bins will be secure at all times and away from public areas

RISK: Accident or emergency on the premises

CONTROLS: Written policy to deal with all types of accidents and emergency incidents will be in place at the premises.

-A copy of the fire risk assessment will be kept at the premises and made available for inspection by the fire authorities and licensing authority.

-A Fire detection system will be in place at the premises and will be fully functional at all times. The system will be tested regularly with records kept and made available for inspection.

-Means of escape in case of emergency will be clearly visible, unobstructed and well maintained including areas outside exits leading to a place of ultimate safety such as the street

-Checks will be carried out before event to ensure exits are unlocked and unobstructed.

-Staff training in fire safety and any premises safety policy will be provided for all staff to give them knowledge and confidence to deal with emergency situation, including location of equipment, utilities, services and layout of premises. training will include how to use fire extinguishers.

-Records will be kept of date and name of person trained and made available for inspection

-An incident book will be kept in order to record all accidents or incidents and made available for inspection.

RISK: Drug use or underage drinking

CONTROLS: A Zero tolerance policy to the use of drugs in the premises will be adopted and communicated to guests in advance of the event

-posters will be displayed throughout the premises to remind customers of the zero tolerance policy

-Refusing entry will occur to anyone who appears to be showing signs of drug use and contacting next of kin or the emergency services in appropriate circumstances. In such cases an entry will be made in the incident log book.

-A duty of care policy regarding persons suffering adversely from the effects of drugs will be in place at the venue. The policy will include drug awareness training for all staff so that they so they can recognise the effects of controlled drugs and provide medical attention if necessary.

-All staff will be briefed on the policy a record will be kept and of the date and name of that person trained.

-We will prevent the possibility of drink spiking by offering various anti-drinking spiking products to customers.

-If a customer suspects that their drink has been spiked we will report it to the police immediately. A process for this will be clearly set out in our duty of care policy

RISK: Safety of guests leaving the premises

COTROL: We will provide a long "chill out" period at the end of an evening so as to allow a slow dispersal from the premises allowing door staff to liaise with parents when being picked up.

-Increased lighting inside the premises will be considered toward the end of an evening to affect the alertness of customers before they leave the premises.

-Increased external lighting particularly in areas under direct control of the licence holder will be provided for added safety for customers as they leave the premises. Care will be taken so that lighting does not impact the neighbours.

PUBLIC NUISANCE

RISK: Music, Singing and Speech noise breakout from the premises

CONTROLS: Doors will be kept closed to prevent noise breakout. Ventilation will be provided by mechanical means

Continued from previous page...

-Sound limiting Device is installed

-Perimeter checks and listening checks by DPS/Staff

-A log book will be kept of any noise monitoring carried, the findings and any remedial action taken. The log will indicate whether it was routine noise monitoring or the result of a complaint

The log book will be available for inspection by the licensing authority or environmental health responsible authority

-A Contact telephone number will be made available to local residents and businesses which they can use to report noise disturbances to a responsible person at the venue.

RISK: Noise and nuisance from customers arriving and leaving the venue

CONTROLS: Reduce the potential for excessive queuing with a well managed and efficient door policy

-Long queues will be avoided and any queues will be directed away from residential properties

-Queues will be actively managed by door staff, specially later in evening to keep noise down to a minimum. Rowdy behaviour from people queuing to get in will not be tolerated. Door staff will refuse entry to anyone behaving in an anti-social way and next of kin contacted.

-Our customer dispersal policy will minimise noise disturbance to local residents from customers leaving the premises. A gradual change in music style and reduction in volume, for example quiet or mellow music towards the end of an evening and increasing lighting levels will help reduce the potential of rowdy behaviour

We will display prominent notices close to the exit doors requesting patrons to leave the premises quickly and quietly

We will make announcements at end of night requesting patrons to stay in the premises and wait for parents to arrive

RISK: Noise and Nuisance from customers using external areas while open

CONTROL: We will display prominent signs in external areas asking customers to keep the noise down

-Door supervisors or staff will regularly monitor and manage external areas to ensure that customers are not causing a disturbance to local residents.

-Limit the number of smokers permitted outside at any one time after a certain time

discourage smokers from loitering outside by not permitting them to take soft drinks outside at anyone time after a certain time

-locate smoking areas away from residential properties

-Do not permit customers to congregate on and block the highway

-Regular patrols of area outside the premises will be undertaken by staff to clear any litter attributable to the premises

CHILDREN FROM HARM

RISK: Underage Sales of Alcohol

CONTROLS: No alcohol to be on display or be on sale throughout event.

-Mocktails, alcohol-free wine, alcohol-free beer and soft drinks to be served at bars instead

RISK: Injury to Children

CONTROLS: 3 x qualified first aiders will be onsite, and 4 x appointed persons, as well as a dedicated space to administer first aid.

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises
(see also guidance on completing the form, note 6):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

Continued from previous page...

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 8)

Event start date

/ /
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

/ /
dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

(see also guidance on completing the form, note 9)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

Note that the maximum number of people cannot exceed 499.

(see also guidance on completing the form, note 10)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 11):

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 12)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 13)

Continued from previous page...

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Any further relevant details

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 14)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

Have you already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or Yes No
b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 15)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Continued from previous page...

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

Yes No

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION (See also guidance on completing the form, note 17)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

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.

This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 18)

(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six (6) months, or to both.

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

Zahid Khan

Continued from previous page...

Capacity

DPS

Date

05 / 12 / 2017
dd mm yyyy

Add another signatory

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/temporary-event-notice/reading/apply-1> to upload this file and continue with your application.

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

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

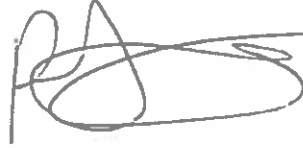
Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed


14/6/18
Robert Smalley

< Previous 1 2 3 4 5 6 7 8 9 Next >

W.B.T.V. PROMOTIONS

HOUSE & GARAGE

SESSIONS

FRI 22ND MARCH, 10PM - 2:30AM

TICKETS FROM £3-£8 MORE ON THE DOOR
TICKETS ON SALE NOW AT FATSOMA.COM

JOEL B

FOXY

J HUNT

K VIBES

RNR RESIDENT

RM 1

DEEP/TECH HOUSE
SEXY & SOULFUL HOUSE
UK FUNKY & GARAGE

RM 2

RINSE N RELOAD
STRICTLY VIBES WITH
COMMERCIAL RNB & HIP HOP
GARAGE & FUNKY HOUSE
& CLUB CLASSICS

Division/Station : Reading Police Station Licensing Dept

From : C2107 Declan Smyth

To : Licensing Department, Reading Borough Council

Ref : After Dark Nite Club, 112 London Street, reading, RG1 4SJ (LP2002134) Date : 13th March 2019

Subject :

Supportive review representation

To whom it may concern

I C2107 Declan Smyth on behalf of the Chief Officer of Police for Thames Valley wish to provide this representation in support of the review process relating to After Dark Nite Club, 112 London Street, reading, RG1 4SJ

This representation gives due regard to the failure of this premises to support the licensing objective the prevention of public nuisance as well as impacting negatively on all other licensing objectives.

On 25th January 2019 – Thames Valley Police were made aware that a music event was planned to take place at the premises which would be run by an external promoter. This promotor had run previous events in the Reading area, and at this premises which have directly lead to mass disorder and caused public nuisance on the streets.

The event was due to take place on 1st February 2019. Thames Valley Police made direct contact with the premises licence holder/ DPS to express our concerns and to seek assurances from the premises management and the security company that the event had been properly risk assessed, **It was not.**

The event was cancelled by the premises licence holder and DPS.

On 1st December 2018 – (URN 164, 01/12/2018 @ 02:30am)

Prior to this date it was brought to the attention of Thames Valley Police that a music event was planned to take place at this premises. The Thames Valley Police licensing department made contact with the premises licence holder to seek assurances that the premises licence holder/ DPS and security team had completed a background check on the promoter and had completed a risk assessment for the event.

The premises licence holder advised Thames Valley Police that the proposed event would be cancelled, because of this we removed the event from the Night Safe Briefing.

The event did take place but under a different guise. Thames Valley Police were called to the premises (Niche: 43180312946, URN 164, 01/12/2018 @ 02:30am)

(Appendix TVP-DS1)

In conclusion we have a host of issues relating to this premises including the management of high risk events, security of the premises, public safety and the prevention of public nuisance. The premises licence holder has failed to adhere to the recommendations from both Thames Valley Police and Reading Borough Council. The premises continual dependence on high risk events has led to disorder and public nuisance.

We suspect the premises representatives will say that they have implemented all conditions placed upon them and that these are having a positive influence.

You may also be told in their defence that these are isolated incidents and the venue has not provided many other incidents of crime and disorder. Unfortunately we suggest that this is far more a consequence of the fact the venue regularly suffers low attendance and on some recent occasions has not even opened at all on certain weekend nights rather than any good work on behalf of the venue when maintaining large crowds at high risk events.

Unfortunately it appears that the poor performance of the venue as a business is leading them to continue promoting “higher risk” events which attract a demographic of customer with a propensity for extreme violence.

If this premise licence is allowed to remain in force we have a strong belief that the management and ownership of the After Dark Nite Club will continue to undermine the four licence objectives by continuing to pursue a policy of “high risk” promoted events leading to yet further incidents of crime and disorder. This will continue to put members of the public, staff and Police officers safety at risk.

Thames Valley Police would like to recommend revocation as the only guarantee available to safeguard members of the public whilst this business is operating in its current format and ownership.

However, if the committee decide that revocation is not an option Thames Valley Police submit the following licence conditions for the consideration of the licensing sub-committee which we feel are appropriate in order to promote the four licensing objectives:-

Event Plans

1. A written **Event Management Plan** for events where the predominant licensable activities involve the performance of recorded or live music with dancing shall be submitted to Thames Valley Police and Reading Borough Council setting out how the event will be managed and the precautions which have been taken to cater for all reasonably foreseeable contingencies and which will demonstrate the procedures, roles and specific responsibilities of the management team, security and associated personnel. The finalised version of such a plan must be submitted at least 31 days prior to the commencement of the event.
2. No event organised by an external promoter shall take place at the premises unless:
 - a) A written **Event Management Plan** for the proposed event has been forwarded to Thames Valley Police no less than 31 days prior to the commencement of the event and;
 - b) Thames Valley Police in the form of an officer of at least the rank of Chief Inspector have not provided the licence holder with a reasonable objection to the holding of the event which is maintained at the time that the event takes place. The Event Management Plan to be provided shall include details of the promoter and any performers that are proposed to perform and shall take account of any intelligence sources readily available to the licence holder. In particular, the name of the proposed headliner shall be checked on a Club Scan device.

Door Supervision & Security:

3. A minimum of 3 Security Industry Authority (SIA) licensed door supervisors shall be present whenever the premises are being used under the terms of the premises licence from 2100hrs until closing. If customer numbers exceed 200 then 5 SIA door staff shall be present. A register of Door Staff shall be kept. The register will show the following details:
 - (a) Full SIA registration number.
 - (b) Date and time that the Door Supervisor commenced duty, countersigned by the Designated Premises Supervisor or Duty Manager.
 - (c) Date and time that the Door Supervisor finished work, countersigned by the Designated Premises Supervisor or 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 of the number of patrons on site shall be made half hourly in the door register
 - (f) Training records
 - (g) ID Photo and scan of SIA badge.
 - (h) A record of the DPS/ management checking the validity of all SIA badges holders working at the premises (Website checks)
4. 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 via an easily visible arm band of a different hi visibility colour to the jacket that is being worn.
5. The Designated Premises Supervisor (DPS) and Premises Licence Holder (PLH) shall ensure that a 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 and 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. 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.
6. 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.
Recorded images shall be of such quality as to be able to identify the recorded person in any light. 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, subject to the provisions of the Data Protection Act. 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.
7. 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.
8. An 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.
9. The Premises Licence Holder shall use reasonable endeavours to ensure that

when two or more door supervisors are on duty, at least one female door supervisor shall be employed and available where appropriate (for example, if a female customer is subject to a body search).

10. The premises licence holder or duly nominated representative shall be an active member of the local pub watch scheme if such as scheme is operative.
11. The Premises Licence Holder shall participate in the "Townsafe Radio Scheme" when the premises are opened for licensable activities after 2100hrs Monday to Sunday inclusive;. This condition shall not apply whenever the device is not working through no fault of the Premise Licence Holder provided that arrangements are made for the device to resume working at the earliest opportunity. When the device is found not to be working then the TVP Licensing Officer and the Licensing Department of RBC shall be notified. Similarly, when the device is back up working notification to both organisations shall be done.
12. 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.
13. During operating hours the licensee or nominated representative shall be available to receive and respond to nuisance related complaints a contact number shall be readily available to residents upon request.
14. 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.

Search Policy

15. The Premises Licence Holder shall implement a written search policy to minimise the risk of illegal weapons and drugs being brought onto the premises, including search, detection, confiscation, storage and disposal of drugs procedures. The search policy shall provide, as a minimum:
 - (a) For 100% bag search of all customers attempting to enter the premises, from 21:00.
 - (b) For random searches of any customer when considered appropriate by PLH's Security personnel or PLH Management based on risk assessment of the night in question;
 - (c) For the operation of intelligence lead searches of any customer as required.
 - (d) 100% Metal Detector scanning of customers entering or re-entering the premises from 21:00
16. 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 the TVP shall be informed if anyone is found in possession of illegal drugs or offensive weapons;
17. 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);

Club Scan.

18. An ID scanning system will be employed at the premises and will be utilised for all of those customers asked for identification under the Challenge 25 Policy.

This will be in operation 7 days per week when door staff are on duty.

19. The ID Scan Device shall record the names and dates of birth of all persons entering the premises and retain the image and details of the ID. These records shall be kept for a minimum of thirty one days and shall be made available to any authorised Officer of TVP or an authorised Officer of RBC;
20. Records shall be made available to an authorised officer of TVP or an authorised officer of RBC together with facilities for viewing with immediate access by a person qualified to operate the system;
21. Any breakdown or system failure will be notified to TVP immediately and remedied as soon as practicable;

Protection of Children from Harm

22. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent places in the premises so that they can be seen internally and externally;
23. No person under the age of 18 years will be permitted access to the premises.

Staff Training

24. Staff employed shall undergo training in relation to the Licensing Act 2003 upon induction. This shall include, but not be limited to understanding 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 Reading Borough Council or Thames Valley Police upon request.
 - I. The Prevention of Crime and Disorder.
 - II. Public Safety.
 - III. Public Nuisance.
 - IV. The Protection of Children from Harm.
25. An incident book shall be used to record details of incidents that occur in and around the venue. The incident book shall truly reflect what has occurred and shall be specific in detail. If incidents involve members of staff, including Door Staff their names shall be entered onto the log book. All incidents shall be signed off either by the Designated Premises Supervisor (DPS) or the nominated individual when the DPS is not on site;
26. Staff shall be trained on the Premises Licence Holder's policies on intoxication, age verification and customer welfare and vulnerability. Refresher training shall be carried out every six months and documented. These records shall be made available to an authorised officer of Thames Valley Police or an authorised officer of Reading Borough Council Officer of Thames.
27. All visits by an enforcement authority, all refusals of service, shall be recorded. The incident book shall be retained for a period of six months and shall be made available on request to any authorised Officers of TVP or authorised Officers of RBC;
28. 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 years 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 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 premise.

29. 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 the 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

Drinks

30. The Premises Licence Holder shall ensure that a system of preventing drinks being taken from the building by customers is adopted and maintained. The Premises Licence holder shall prevent customers from leaving the premise with any alcoholic or non-alcoholic drinks from the Premises in open containers (e.g. glasses, opened bottles, & cans);

Submitting Officer		
Shoulder No/Name: PC 6776 Balmforth	Station: Reading	LPA: Reading

Incident References			
Premises Name/Location: After Dark Club, London Street, Reading			
Incident Date:	01/12/18	Incident Time:	02:30
Command & Control URN:	164 01/12	Crime Report(s):	43180363720
CCTV Seized?	no		
Sources of Information: door staff and officers			

Nature of Incident – what happened?
R&B NIGHT AT AFTERDARK - NO INFORMATION PASSED TO NIGHTSAFE UNITS/TVP. INCIDENT INSIDE - FIGHT BETWEEN GROUPS. NO INJURED PARTIES, NO COMPLAINTS. EVERYONE KICKED OUT AND NO PARTIES MADE THEMSELVES KNOWN TO DOORSTAFF OR OFFICERS. LOTS OF AGGRAVATION FROM ONE GROUP PARTICULARLY WHO WERE DISPERSED BY OFFICERS. LARGE GROUPS OF PEOPLE LEFT ACROSS THE ROAD.

Premises Response – what part did staff play? How did they react/assist (include good/poor performance)?
PREMISE EMPTIED HOWEVER NO DOOR STAFF WERE PRESENT MANAGING THE CUSTOMERS ONCE THEY LEFT THE VENUE. LARGE GROUP THAT SPILLED INTO THE ROAD CAUSING PROBLEMS FOR BUSES AND TAXI'S. LARGE OFFICER PRESENCE INCLUDING ALL OF NIGHT SAFE AND SOME LATE TURN UNITS.

Police Response – what action was taken? Please identify the main officers who dealt with the incident.
OFFICERS ARRIVED, DISPERSED PROBLEM GROUP, THEN HAD TO MANAGE THE CROWDS FROM THE CLUB AS NO DOORSTAFF SEEMED TO BE DOING THIS. LINE OF OFFICERS USED TO PREVENT CROWD ENTERING THE CARRIAGEWAY AND CAUSING AN OBSTRUCTION.

Persons Involved - to add more rows click into the final cell of this table				
Name	Date of Birth	Role	Action Taken	Ref No. <small>(e.g. Custody, PND etc)</small>
[REDACTED]	[REDACTED]	UNKNOWN - WAS ONSCENE BUT UNKNOWN IF HE WAS PRESENT INSIDE OR TURNED UP AFTER	SEEMED TO BE CALMING THE GROUP. ONLY PERSON OFFICERS RECOGNISED BUT NO ACTION TAKEN AS DID NOT SEEM TO BE INVOLVED IN ANY CRIMINALITY	N/A

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

Narancic, Peter

From: [REDACTED]
Sent: 27 March 2019 09:29
To: Licensing
Subject: After Dark Club, 112 London Street Reading - FWD to Rebecca Moon by RS

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

I am writing to you in connection with the After Dark Club on London Street Reading.

My partner, daughter and I live in Nelson Mews, an apartment block at the back entrance of the club.

Before the new Management took over the club with their first club opening on 29th September 2017, we never had any complaints about the club. Obviously we were aware we had moved to a central location and were aware of the club before we moved in and although we could kind of hear the music at the weekends, it was very faint, we never had an issue with it and we never had a reason to complain to either the club or the Council about the noise. My partners Father owns a few flats in our block and in 15 years has never had any reason to complain to either club or Council either.

This changed so much from the 29th September 2017 when the new Management took over and opened its doors.

From that time until now, the club has had a hugely negative effect on our lives. From that evening the club has blared out deafening noise, it is so loud that on occasion our windows shake, we cant hear our television but worse is we can not sleep. It feels like the music and beat is in our bedroom it is that loud. Over the last 18 months I have expressed my concerns to the Manager who always assures me that he will turn the noise down, make provisions to investigate the noise, check the limiters but nothing ever changes.

As a family we are frustrated and fed up. It has had a hugely negative impact on our family life as sleepless nights turn into tired weekends and it is not fair on any of us.

Over this period, my next door neighbours have complained to the Council as well as a family who were situated at the front of the club who have subsequently sold and moved out.

From my own records, below are the dates that I have made complaints in relation to:

2019

- 22nd March
- 2nd March
- 1st March
- 2nd February
- 17th January
- 12th January
- 11th January

[REDACTED]

2018

- 15th December
- 14th December
- 8th December
- 7th December
- 6th December

30th November
10th November
27th October
26th October
3rd September
24th August
17th August
1st July
14th July
29th June
10th June
25th May
14th April
16th February
26th January
11th January
6th January
5th January
3rd January

[REDACTED]

2017

31st December
23rd December
22nd December
8th December
18th November
10th November
6th November
4th November
3rd November
29th October
28th October
21st October
20th October
14th October
13th October
7th October
6th October
29th September

I am very thankful and grateful to Reading Council who have been extremely diligent and responsive with my complaints over the last 18 months.

Please let me know if you wish to discuss further.

Many thanks and kind regards

[REDACTED]
Nelson Mews
St Giles Close
Reading
RG1 [REDACTED]
[REDACTED]

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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	LP2002134
--------------------------------	------------------

Premises Details

Premises Name and Address	
After Dark Nite Club 112 LONDON STREET READING BERKSHIRE RG1 4SJ	
Telephone Number	0118 957 6847

Licensable Activities

Licensable Activities authorised by the Licence
Performance of Live Music - Indoor Playing of Recorded Music - Indoor Performance of Dance - Indoor Anything similar to Live Music, Recorded Music and the Performance of Dance - 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 1100hrs until 0200hrs
Tuesday	from 1100hrs until 0200hrs
Wednesday	from 1100hrs until 0200hrs
Thursday	from 1100hrs until 0200hrs
Friday	from 1100hrs until 0200hrs
Saturday	from 1100hrs until 0200hrs
Sunday	from 1100hrs until 0200hrs
Hours for the Playing of Recorded Music	
Monday	from 1100hrs until 0200hrs
Tuesday	from 1100hrs until 0200hrs
Wednesday	from 1100hrs until 0200hrs
Thursday	from 1100hrs until 0200hrs
Friday	from 1100hrs until 0200hrs

Saturday from 1100hrs until 0200hrs
Sunday from 1100hrs until 0200hrs

Hours for the Performance of Dance

Monday from 1100hrs until 0200hrs
Tuesday from 1100hrs until 0200hrs
Wednesday from 1100hrs until 0200hrs
Thursday from 1100hrs until 0200hrs
Friday from 1100hrs until 0200hrs
Saturday from 1100hrs until 0200hrs
Sunday from 1100hrs until 0200hrs

Hours for anything similar to Live Music, Recorded Music and the Performance of Dance

Monday from 1100hrs until 0200hrs
Tuesday from 1100hrs until 0200hrs
Wednesday from 1100hrs until 0200hrs
Thursday from 1100hrs until 0200hrs
Friday from 1100hrs until 0200hrs
Saturday from 1100hrs until 0200hrs
Sunday from 1100hrs until 0200hrs

Hours for the Provision of Late Night Refreshment

Monday from 2300hrs until 0200hrs
Tuesday from 2300hrs until 0200hrs
Wednesday from 2300hrs until 0200hrs
Thursday from 2300hrs until 0200hrs
Friday from 2300hrs until 0200hrs
Saturday from 2300hrs until 0200hrs
Sunday from 2300hrs until 0200hrs

Hours for the Sale by Retail of Alcohol

Monday from 1100hrs until 0200hrs
Tuesday from 1100hrs until 0200hrs
Wednesday from 1100hrs until 0200hrs
Thursday from 1100hrs until 0200hrs
Friday from 1100hrs until 0200hrs
Saturday from 1100hrs until 0200hrs
Sunday from 1100hrs until 0200hrs

Opening Hours

Hours the Premises is Open to the Public

Monday from 1100hrs until 0230hrs
Tuesday from 1100hrs until 0230hrs
Wednesday from 1100hrs until 0230hrs
Thursday from 1100hrs until 0230hrs
Friday from 1100hrs until 0230hrs
Saturday from 1100hrs until 0230hrs
Sunday from 1100hrs until 0230hrs

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: Mr Zahid Sardar Khan

Address: [REDACTED]

Additional Details

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

Name: Mr Zahid Sardar Khan

Address: [REDACTED]

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

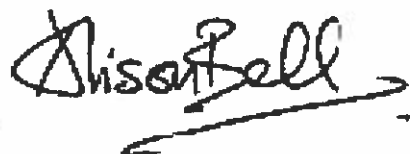
Personal Licence Number: LP7000802

Issuing Authority: Reading Borough Council

This Licence shall continue in force from 31/08/2017 unless previously suspended or revoked.

Dated: 07 September 2017

Head of Environment & Consumer Services



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).

Supply of Tap Water (commencement date 01/10/2014)

1. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Age Verification Policy (commencement 01/10/2014)

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

Drink Measurements (commencement date 01/10/2014)

1. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

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) “valued 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.

Embedded Restrictions from the Acts listed below to be carried forward to the premises licence in accordance with Schedule 8 to the Licensing Act 2003.

Unless otherwise stated this licence is issued subject to the imposition of all the relevant embedded restrictions required by the:-

Local Government (Miscellaneous Provisions) Act 1982 - Public Entertainment Licence Conditions

Acts applicable to this licence for the purposes of embedded restrictions

The following Acts and embedded restrictions are applicable to this licence:-

Local Government (Miscellaneous Provisions) Act 1982 - Public Entertainment Licence Conditions

**Local Government (Miscellaneous Provisions Act) 1982
Public Entertainment Licence**

Control & Conduct of Premises

1 Violence

1.1 A suitable policy and practices for dealing with violence to staff must be devised and implemented. Guidance on developing such a policy is provided with these conditions.

2 Responsibility of Designated Premises Supervisor

2.1 Before admitting any audience the Designated Premises Supervisor shall inspect his premises to ensure compliance with all licence conditions.

2.2 The Designated Premises Supervisor shall maintain good order at all times and shall monitor the audience numbers. The Designated Premises Supervisor must at all times ensure that the permitted audience numbers are not exceeded.

2.3 The Designated Premises Supervisor shall ensure that the premises are safe and without risk to the health and safety of employees and customers.

2.4 The licence shall ensure that no poster, advertisement, photograph, sketch, synopsis or programme shall be displayed, sold or supplied anywhere by or on behalf of an entertainment which may cause offence to the public. If the Designated Premises Supervisor is notified by the Council of such a poster, advertisement, photograph, sketch, synopsis or programme such items shall not be displayed, sold or supplied.

2.5 The Designated Premises Supervisor should provide suitable and sufficient first aid arrangements for members of the public and non-employees.

3 Noise

3.1 Where it is considered by the Council that there may be a risk of noise disturbance due to high levels of sound then the Head of Environment and Consumer Services (HECS) may require that any or all of the following be provided by the Designated Premises Supervisor:-

- a. A report by an independent person who is qualified to be a member of the Institute of Acoustics identifying the weakness in the sound control measures and recommending actions to remedy this.
- b. Sound insulation measures as recommended in any Acoustic report to be completed within a reasonable time scale as specified by the Council.
- c. The installation of an Entertainment Noise Controller which is to be set at a level of 90dBA or such other level as may be agreed by HECS, after subsequent monitoring.
- d. A sound measuring device which can be used on a regular basis to check actual noise levels.

4 Disturbance

4.1 The Designated Premises Supervisor shall take all reasonable precautions and exercise all due diligence to ensure that patrons who have used or are intending to use the licensed premises do not at any time cause nuisance or annoyance to occupiers of the premises in the vicinity.

5 Attendants

5.1 There shall be on duty at the premises during the whole time that the audience is present, a staff of attendants instructed by the Designated Premises Supervisor as to their duties in the event of fire or similar emergency. The instructions given to attendants should aim to avoid panic and to supervise the evacuation of the premises.

5.2 Attendants must not engage in any functions which will hinder the discharge of their duties in the event of an emergency or would entail their absence from the floor or tier where they are on duty as attendants.

6 Special Risks

6.1 No entertainment, sport or sporting events involving special risks or intended wholly or mainly for children shall take place without the prior consent of the Council. Seven days notice in writing of any such entertainment shall be given to the Council.

6.2 Performances involving danger to the public shall not be given.

6.3 No balloons filled with flammable gas shall be on the premises.

6.4 The Designated Premises Supervisor shall ensure that no person gives any exhibition, demonstration or performance of hypnosis except with the prior approval of the Council.

6.5 The Designated Premises Supervisor shall ensure that the premises are not used for any special effects without the prior approval of the Council.

7 Structure

7.1 All new, or structurally altered premises shall be inspected by a qualified Structural Engineer to certify that the building constructed, or altered is capable of sustaining the loads imposed upon it, bearing in mind the proposed or existing use.

7.2 The inspection report shall be forwarded to the Council. If the Structural Engineer considers the premises unsafe for the proposed or existing use, recommendations should be included in the inspection report.

8 Alterations

8.1 In the event of the premises closed for alterations, additions, repairs or decorating they shall not be reopened until the consent of the Council has been obtained.

8.2 Except with the prior consent of the Council no work in connection with any alterations, repairs or decorating in areas occupied by the public or performers should be carried out while the public or performers are on the premises. If the Council so require, the premises shall be closed to the public until the work has been completed.

N.B. Any consent given by the Council for licensing purposes does not exempt you from the need to obtain Planning Permission or Building Regulations Approval. Nor does consent given by the Council relieve the Designated Premises Supervisor of the necessity to seek a variation in the terms of the licence e.g. increase in the permitted numbers or variation of hours, and if required by the Council, of advertising that application.

9 Toilet Provision

9.1 The Designated Premises Supervisor shall ensure that toilets for the audience are available for use in accordance with the British Standard.

9.2 The toilets shall be kept in a clean and well maintained condition.

9.3 All wash hand basins shall be provided with a supply of hot and cold running water, soap, a suitable means of drying hands and, if necessary, waste bins.

10 Cleanliness

10.1 All parts of the premises, including any external areas, storage areas etc... and external means of escape from the premises shall be kept in a clean condition to the satisfaction of the Council.

11 Testing and Certification

11.1 The Designated Premises Supervisor shall be responsible for ensuring that periodic tests are carried out in accordance with Appendix 1.

11.2 The results of these tests shall be entered in a log book and kept at the licensed premises. The log book is to be available for inspection by any authorised officer of the Council.

12 Door Supervisors

12.1 Registered and trained door supervisors will be required at all public entertainment licensed premises which operate beyond the standard permitted hours, currently 11 pm, unless specifically exempt as per para 12.2 below.

12.2 The requirement for door supervisors shall not apply to premises or places where entertainment is provided:-

- a. At a church hall, chapel hall or similar building occupied in connection with a place of public religious worship.
- b. At a village hall, parish or community hall or other similar building which is of an educational or other like character.
- c. At an outdoor musical event, garden fete, bazaar, sale of work, outdoor sporting or athletic event, exhibition, display or other function or event of a similar character whether limited to one day or extending over two or more days.
- d. At premises which have the benefit of a Registration Certificate under the Licensing Act 1964, ie. registered clubs with bone fide members and which are not open to members of the public.
- e. Where Reading Borough Council and Thames Valley Police do not consider that it is necessary due to the nature of the establishment or event.

12.3 The premises described in sub-paragraph 12.1 shall have appropriate numbers of registered door supervisors. Registered door supervisors shall be employed solely for vetting, regulating, controlling and supervising patrons whilst entering and whilst on the premises and to ensure the maintenance of good order, public safety and internal security.

12.4 There may be circumstances, due to potential public order problems, where Thames Valley Police advise Reading Borough Council that door supervisors be employed at premises which do not fall within the criteria as outlined in para 17.1. in such circumstances appropriate notice will be given to the Designated Premises Supervisor.

13 Door Supervisor Conditions

13.1 The Designated Premises Supervisor shall be required to keep a register, such registers will be supplied by Reading Borough Council.

13.2 The register will show the following details:

- a. The name, home address and registration number of all Door Supervisors working at the premises.
- b. Date and time that the Door Supervisor commenced duty, countersigned by the Designated Premises Supervisor or nominated deputy.
- c. Any occurrence or incident of interest must be recorded giving names of the Door Supervisors involved.
- d. Date and time that the Door Supervisor finished work, countersigned by the Designated Premises Supervisor or nominated deputy.

13.3 The register shall be kept at the Licensed premises and available for inspection by Thames Valley Police or an authorised officer from Reading Borough Council and shall be retained for a period of 6 months.

14 Standards of dress for door supervisors

14.1 All door supervisors must be dressed so that they can be easily distinguishable from patrons.

15 Offensive Weapons

15.1 Having assessed the likelihood of offensive weapons being brought onto the premises, the Designated Premises Supervisor must put effective measures or systems in place to prevent these items entering the premises. This could include, for example, searching patrons and fixing discreet notices, warning patrons that the carrying of such weapons on the premises will not be tolerated, and that anyone found with an offensive weapon will be permanently banned from the premises.

16 Drugs and Other Illegal Substances

16.1 The designated premises supervisor must implement an active policy to prevent drugs being brought onto the premises. This should include searching and questioning patrons on entry and affixing discreet notices that the use or supply of drugs on the premises is illegal and any person found so doing will be reported to the police and banned from using the premises in the future.

17 Fly posting

17.1 The designated premises supervisor shall not display in an unlawful manner advertisements promoting the entertainment or the premises, in particular;

a. no display of advertisements should take place on street furniture;

b. no display of advertisements should take place on premises or structures placed on, over, in or adjacent to the highway, unless the Designated Premises Supervisor has first obtained the written consent of the owner of the premises or structure. Such consent shall be shown to the licensing authority on request.

17.2 The Designated Premises Supervisor shall take all reasonable precautions and exercise all due diligence to ensure that no person promoting or providing entertainment on the premises, nor any person acting on behalf of any such person, shall display in an unlawful manner advertisements promoting the entertainment or the premises, in particular;

a. no display of advertisements should take place on street furniture;

b. no display of advertisements should take place on premises or structures placed on, over, in or adjacent to the highway, unless the Designated Premises Supervisor has first obtained the written consent of the owner of the premises or structure. Such consent shall be shown to the licensing authority on request.

17.3 The licensing authority may require the Designated Premises Supervisor to

remove any unlawfully displayed advertisement forthwith. Failure to remove any unlawfully displayed advertisement in accordance with such a request shall be in breach of these conditions and may result in the licensing authority in removing such unlawful advertisements. Any costs incurred by the licensing authority in removing such unlawful advertisements shall be recoverable from the Designated Premises Supervisor as a debt.

18 Use of safe drinking glasses

18.1 Glasses used for the service of drinks must not be capable of forming shards when broken.

This condition shall not apply:

- a. at a church hall, chapel hall or similar building occupied in connection with a place of public religious worship;
- b. at a village hall, parish or other community hall or similar building which is used for events only of an educational nature or other like character;
- c. Where the Head of Environment and Consumer Services does not consider that it is necessary due to the nature of the establishment or event.

19 Prevention of patrons removing bottles from premises

19.1 The Designated Premises Supervisor shall take all reasonable precautions and exercise all due diligence to ensure that no patron removes glasses or open bottles from the premises. The Designated Premises Supervisor shall display notices advising that glasses and bottles must not be removed from the premises at all exit points normally used by patrons.

20 Nudity

20.1 Neither the Designated Premises Supervisor, nor any other person having involvement in the management of the licensed premises, shall promote or provide entertainment such as striptease or lapdancing or other entertainment of a like kind to dancing which involves nudity or the sexual stimulation of patrons.

21 Exemption of Conditions

21.1 The conditions listed from 22 to 27 and attached to your licence were approved in the respect of any premises which operate beyond 23:00 hours. The Head of Environment and Consumer Services is authorised to exempt premises which operate beyond this time from compliance with these conditions, having first given regard to the nature of the establishment or event and the customer base and music policy of the premises and the risks to the public.

21.2 In the event of a Designated Premises Supervisor being dissatisfied with the decision made by the Head of Environment and Consumer Services not to grant exemption in respect of any of the conditions listed from 22 to 27, the Designated Premises Supervisor may, at any time before the expiration of 21 days, appeal in writing to the Licensing Authority.

22 Designated Premises Supervisor training

22.1 "All new designated premises supervisors must have successfully completed the British Institute of Inn Keepers (BII) Designated Premises Supervisor's National Drugs Certificate and must have undertaken a BII approved training course appropriate to this qualification prior to a licence being granted. Evidence of possession of this qualification and attendance on an approved course must be provided to the council.

23 Provision of quiet areas

23.1 A quiet, cool, temperature controlled area of such size and in such a location as shall be approved by the Head of Environment and Consumer Services, shall be provided for patrons in order that they can relax and cool down.

24 24 Provision of free drinking water

24.1 Unlimited cold drinking water shall be available to patrons free of charge.

25 Searching of patrons

25.1 A policy covering searching of patrons and staff members must be submitted to and approved by the Head of Environment and Consumer Services. The approved policy must be actively operated within the licensed premises.

26 Provision of CCTV

26.1 All licensed premises must have installed a CCTV system to the satisfaction of the Head of Environment and Consumer Services. The system must provide comprehensive coverage of the premises, both internally and externally and must provide high quality image reproduction suitable for evidential use in a court of law. All other premises shall be fitted with CCTV. Tapes from any system installed shall be kept secure both during and after recording for a period of 28 days and must be released to any duly authorised officer of the Council upon reasonable request and in particular if such recording was necessary in connection with;

a. the investigation, prevention or detection of crime, including the breach of licence conditions;

b. the prosecution of offenders;

c. the investigation of complaints against door supervisors.

Signs must be placed both internally and externally advising that the premises are continually monitored by CCTV.

27 Participation in Pubwatch

27.1 Public entertainment Designated Premises Supervisors must, where it is available, hold membership of the Reading Pub Watch Scheme and must make use of apparatus supplied as part of the scheme.

CONDITIONS FOR DISABLED USERS

1 General

1.1 Where practicable the Designated Premises Supervisor shall make every effort to ensure that disabled persons can attend all licensed events without risk to their own and others' safety.

2. Wheelchairs

2.1. If wheelchairs are to be admitted to the premises, their numbers and position must be agreed with the Council at least 28 days in advance of the event. For a seated audience, a seating plan must be provided showing the proposed positions of occupied and unoccupied wheelchairs.

2.2. Occupied or unoccupied wheelchairs must not obstruct the means of escape from the premises.

3. Evacuation in Emergency

3.1. Disabled persons may use a lift as a means of escape only if it is an evacuation or fire fighting lift operated under the direction and control of the Designated Premises Supervisor, using an approved evacuation procedure.

3.2. The licence shall ensure that all disabled persons using the premises have adequate assistance provided to enable them to evacuate the premises safely in the event of fire or other emergency.

FIRE PREVENTION & MEANS OF ESCAPE

1. Means of Escape

1.1. The licensed premises shall be provided with adequate means of escape to the satisfaction of the Council. Escape routes must be kept clear of obstruction at all times.

1.2. Where staircases, steps or ramps form part of a means of escape they shall be identified by having conspicuous nosings or treads. Ramps or gradients must be greater than 1 in 12.

1.3. All escape routes shall be clearly indicated. Mats, rugs or other ancillary floor coverings must not be used in these areas unless firmly secured to the floor surface.

1.4. Doors which are accessible to the audience which lead off a means of escape shall remain locked for the duration of any performance and shall have a notice conspicuously displayed marked 'PRIVATE'.

1.5. Where means of escape are via passageways or corridors, conspicuous signs indicating the escape route shall be provided. These shall be placed in locations as required by the Council and shall consist of both wording and arrow direction indicators.

1.6. Where corridors, passageways or other open areas, which are not part of a means of escape, intersect the approved route, barriers shall be provided which are suitably sized and constructed to prevent access to unauthorised areas. These barriers shall be locked and made tamper-proof at all times whilst the premises are in use for a licensable event.

2. Exits and Exit lighting

2.1. All exits, either from the auditorium to means of escape or from the premises to external safe areas shall be maintained free from obstruction and shall be illuminated by means of an emergency EXIT sign. These signs should (unless they are self-luminous fire safety signs) be illuminated by means of the normal lighting and the emergency lighting at all times when the public are on the premises.

2.2. Door wells in emergency exits are to be constructed in such a manner as to provide a non trip/slip surface. Where matting which is constructed of materials which may give rise to a snagging hazard and exists immediately to the exterior of the emergency exit doors of the premises, the external areas of these exits must be provided with emergency lighting.

2.3. All exit door shall be fixed in such a manner as to prevent their accidental or malicious locking.

2.4. Exit door and gates which are secured by means other than panic bolts will be subject to conditions as endorsed upon the licence.

3. Emergency Lighting

3.1. In addition to the normal lighting circuit within the building, a system of emergency lighting shall be installed to the satisfaction of the Council, independent of the main electricity circuit. This system shall be provided to all parts of the building to which the public have access and shall operate upon failure of the main lighting circuit.

3.2. The emergency lighting system must be capable of providing power to all lamps, signs and other emergency lighting requirements for a period of not less than one hour.

3.3. Emergency lighting shall be provided exterior to the building to the satisfaction of the Council.

4. Surfaces and Materials

4.1. All ceilings, walls and floors shall be so constructed and decorated as to render them capable of resisting the action of fire for a period of not less than 30 minutes, or greater, if required by the Council.

4.2. Materials used as cladding or coverings must comply with current safety standards with regard to toxic gas and smoke emissions.

4.3. Curtains, drapes and other textile hangings shall be of durable flame retarded fabric. Curtains and drapes shall not be hung so as to conceal notices, exits or signs and shall not trail along the floor.

4.4. Where the use of a stage is included in any performance, all potentially combustible hangings, scenery, flats, carpets or other props must conform to a standard which is to the satisfaction of the Council.

5. General Fire Requirements

5.1. All fire extinguishers on the premise shall be maintained in a fully charged state and shall be inspected at least annually.

- 5.2. All outbreaks of fire, however slight, shall be immediately notified to the Fire and Rescue Service, by means of the 999 telephone system.
- 5.3. Fire alarms, where fitted, must be maintained in working order and must be inspected at least annually. Testing of fire alarms shall be done on a weekly basis.
- 5.4. Fire fighting equipment and appliances are to be provided as required by the Council.
- 5.5. In the event of the premises having to be evacuated through fire or any other dangerous occurrence, a system of effectively counting heads (both members of the audience and performers etc) must be available and the Designated Premises Supervisor shall appoint responsible persons to carry out this function.
- 5.6. Signs detailing actions and procedures in the event of an outbreak of fire are to be displayed in locations to the satisfaction of the Council.

SEATING AND GANGWAYS

1. General

1.1. The Designated Premises Supervisor shall ensure that seating and gangways are so arranged as to allow free and ready access to the exits. No portion of any gangway shall be more than 18 metres from an exit from the auditorium or hall measured along the line of the gangway.

2. Seating sizes

2.1. Premises shall not be used for closely seated audiences except in accordance with plans submitted to the Council for prior approval.

2.2. The seating assigned to each person shall not be less than:

a. 760 mm deep where backs are provided for the seat or 600 mm deep where backs are not provided.

b. 500 mm wide where arms are provided to the seats or 450 mm wide where arms are not provided.

2.3. In fixed seats there should be a clear seat-way or space of at least 305 mm measured between the perpendiculars from the back of one seat to the front of the seat immediately behind it.

2.4. Where seats tip up automatically, the clear seat-way should be measured between the back of one seat to the maximum projection of the seat behind, when the seat is in the "up" position.

3. Gangways

3.1. Gangways shall be of adapted width for the number of seats served, but shall in no circumstances be less than 1.05 metres wide.

3.2. There shall be no projection into the gangway which would diminish its clear width

and the ends of all rows and seats should be so aligned as to maintain a uniform width of gangway throughout its length.

4. Handrails

4.1. A continuous handrail shall be fixed on each side of all stairs, steps, landings and ramps at a height of not less than 840 mm or more than 1 metre, measured vertically from the pitch line of the nosing of steps and from the floor of landings, except that a second handrail need not be provided to such stairs and ramps or flight of steps which are not more than 1.05 metres wide. The handrail shall not project more than 100 mm and the ends of the handrail shall be turned for safety.

5. Seating layout

5.1. The number of seats in a row shall not exceed:

a. 7 seats where there is a gangway at one end only, except that up to a maximum of 11 seats may be permitted if the 405 mm seat-way is increased by 25 mm for each additional seat over 7.

b. 14 seats where there is a gangway at each end, except that up to 18 seats may be permitted if the 305 mm seat-way is increased to not less than 400 mm and more than 18 seats may be permitted if the seat-way is not less than 500 mm.

Any alternative arrangements shall be submitted to the Council for prior approval.

5.2. Where the audience is seated at chairs around tables, the seating need not be fixed, but both the tables and chairs shall be arranged so that clearly identifiable gangways are provided.

5.3. In circumstances where more than 250 temporary seats are to be used in the auditorium, the following arrangements shall apply:

a. Chairs or other single seats shall be secured together in lengths of not fewer than 4 seats and nor more than 12, so that seats cannot be separated from each other merely by pushing one or more seats in the row.

b. Provision shall be made for the rows of seating flanking the gangways to be fixed to the floor effectively preventing the individual seats of rows of seats from being dislodged into the gangways or toppling over, except that:

(i) only end seats such as rows need to be fixed to the floor if all seats in each row are secured together, or

(ii) only the end seats of each length of seating referred to above which forms such rows need to be fixed to the floor.

5.4. In premises which are intended to be used only occasionally for closely seated audiences and the fixing of seating into the floor is impractical or undesirable (leg on polished dance floors) the use of floor bars instead of floor screws may be approved by the Council. Such floor bars should be not more than 25 mm in height, have a cambered top surface so as to avoid the risk of tripping persons using the seat-ways and should extend from the row to be fixed to at least two adjacent rows should not extend across any gangways.

5.5. Space beneath temporary tiered seats must not be used for storage and must be made secure. Such spaces shall be kept clear of accumulation of rubbish. These spaces shall be checked between performances and cleared as necessary.

5.6. If it is intended to use a temporary tiered seating structure, prior approval must be obtained from the Council.

5.7. In premises annually licensed for stage plays and premises regularly used for closely-seated audiences, all seating, except for chairs in boxes or other approved enclosures, shall be firmly fixed to the floor.

5.8. All seats shall be so maintained so as not to present a risk of injury to the audience.

APPENDIX 1

Testing & Certification

The Designated Premises Supervisor shall be responsible for ensuring that the following tests are carried out at the specified intervals and that appropriate records are kept for inspection by an authorised officer. The Designated Premises Supervisor is also responsible for forwarding the relevant test certificates to the Council.

FREQUENCY OF TEST	TYPE OF TEST	TYPE OF RECORD
1. Prior to performance	(a) Panic bolts and bars on	Written in log book emergency exits should move freely and be clear from obstruction.
	(b) Doors adjacent to or intersecting exit routes shall be locked or pinned open as required by the Council.	Written in log book
	(c) Emergency lighting must be functioning correctly.	Written in log book
	(d) Protective electrical units ie. Residual Current Devices (RCD's) must be tested using the test/reset button.	Written in log book
2. Once a week	Fire Alarms, where fitted must be functioning correctly.	Written in log book
3. Once. a month	Fire Drills should be carried out whilst only staff are present and adequate records kept.	Written in log book including names of staff present and the duration of the exercise

4.	Once a month	Emergency lighting must be tested.	Written in log book
5.	Every 12 months	<p>(a) Fire extinguishers shall be checked by a competent person.</p> <p>(b) Mechanical or suspension arrangements ie. revolving stage, orchestra/organ lift shall be checked by a competent engineer.</p> <p>(c) Steam boilers and pressure vessels shall be inspected by a competent engineer from a boiler insurance company. This will include electrode boilers within a closed system, calorifiers with steam receivers and hot water boilers.</p>	<p>Check date and result shall be prominently displayed on the outside of the extinguisher</p> <p>Certificate of safe working condition issued by a competent engineer</p> <p>Certificate of safe working condition issued by a competent engineer from a boiler company</p>
7.	Every 12 months	<p>(a) Electrical installations shall be inspected by a competent person.</p> <p>(b) Gas installations (including LPG systems) shall be inspected by a competent person.</p> <p>(c) Oil fired installations shall be inspected by a competent engineer. The inspection must include the boiler, burners and any safety devices.</p> <p>(d) Ceilings, ornamental plasterwork and other suspended structures must be maintained in a safe condition.</p>	<p>Certificate of electrical safety issued by a competent person</p> <p>Certificate of safety issued by a competent person</p> <p>Certificate of safety issued by a competent engineer</p> <p>Structural report issued by a competent structural engineer</p>

Annex 2

Conditions Consistent with the Operating Schedule

General

1. The Licence is subject to the standard terms, conditions and restrictions contained in the Reading Borough Council Places of Public Entertainment conditions of Management.

Public Safety

1. The permitted numbers for the premise are 200 persons in the main hall, 100 persons in the rear hall 300 persons in the whole building.
2. An electrical test certificate is required every 12 months.

Prevention of Public Nuisance

1. No posters advertising lap dancing events or similar events of a specifically adult nature will be advertised by posters in the immediate locality of the premises.

Protection of Children from Harm

1. The premise will operate a proof of age policy to the satisfaction of police and the licensing authority.
2. Signs will be displayed in the immediate vicinity of any AWP machines stating that no person under the age of 18 years may use the machine.
3. No person under the age of 18 years will be permitted access to the premises.

Annex 3

Conditions attached after a hearing by the Licensing Authority

NONE

Annex 4

Plans

As attached plan no. ADC-1.DWG