

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 18 JUNE 2019

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

1. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 2 held on 18 April 2019 and 9 May 2019 were confirmed as correct records and signed by the Chair.

2. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - AFTER DARK NITE CLUB

The Assistant Director Planning, Transport and Regulatory Services submitted a report on an application by Reading Borough Council's Environmental Protection and Nuisance Team for the review of the Premises Licence in respect After Dark Nite Club, 112 London Street, Reading, RG1 4SJ.

The report stated that the Environmental Protection and Nuisance Team had submitted the review of the Premises Licence due to the licence holder failing to uphold the licensing objective of the prevention of public nuisance, due to continued music noise at unacceptable levels and beyond the licensed hours, despite the serving of a Noise Abatement Notice on 10 November 2017. The report also detailed a lack of licensing compliance, as the premises licence holder had failed to provide a noise report within the requested timescale, had not demonstrated use of best practice procedures and no evidence that the licensing objectives had been actively promoted.

The application sought for either:

- (a) the Premises Licence to be revoked; or
- (b) No live or recorded music to be permitted at the premises

A copy of the review application was attached to the report at Appendix PN1.

The report stated that representations in support of the review of the licence had been received from Reading Borough Council Licensing Team, Thames Valley Police and an interested party, which were attached to the report at Appendices PN2, PN3 and PN4 respectively.

The Premises Licence was attached to the report at Appendix PN5. The Premises Licence had permitted the following:

Hours for the Performance of Live Music

Monday to Sunday 1100 hours until 0200 hours

Hours for the Playing of Live Music

Monday to Sunday 1100 hours until 0200 hours

Hours for the Performance of Dance

Monday to Saturday 1100 hours until 0200 hours

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

Monday to Sunday 1100 hours until 0200 hours

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Hours for the Provision of Late Night Refreshment

Monday to Sunday 2300 hours until 0200 hours

Hours for the Sale by Retail of Alcohol (On and Off the Premises)

Monday to Sunday 1100 hours until 0200 hours

Hours for the Premises is Open to the Public

Monday to Sunday 1100 hours until 0230 hours

Additional and late paperwork was presented to the Sub-Committee. The Sub-Committee decided to take the following items into account when it considered the application for Review:

- Appendices 1-5 for the Police representations set out at PN3;
- Acoustic report on the After Dark Nite Club commissioned by Mr Zahid Khan: and
- The Environmental Protection and Nuisance team's response to the Acoustic report.

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

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

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

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

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

The report set out paragraphs 1.2 to 1.5, 1.7 to 1.8, 9.11 to 9.13, 9.31, 9.38 to 9.39, 9.42 to 9.43, 11.1 to 11.2 and 11.16 to 11.18 of the Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018). The report also set out paragraphs 1.5 to 1.6, 2.19, 3.2, 3.7, 4.15, 7.1 to 7.2, 7.4 to 7.12, 9.12 to 9.13, 9.16, 9.18, 9.20 and

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9.21 of the Council's Statement of Licensing Policy. The report also referenced the relevant case law of East Lindsey District Council v Abu Hanif (2016).

Mr Zahid Khan, the premises Licence Holder, John Berry, Mrs Khan's solicitor and Mr Abdul Halim Khan, the premises landlord, were present at the meeting and addressed the Sub-Committee.

Rebecca Moon, Senior Environmental Health Officer, Clyde Masson, Principal Licensing Officer and Declan Smyth and Simon Wheeler, Thames Valley Police, were present at the meeting and addressed the Sub-Committee. Peter Narancic, Senior Licensing Enforcement officer, also attended the meeting

Resolved -

That having reviewed the Premises Licence in respect of the After Dark Nite Club, 112 London Street, Reading and having had regard to the four licensing objectives, the oral and written representations made, the Secretary of State's guidance as set out in the report and the Council's Statement of Licensing Policy as set out in the report, the Sub-Committee concluded that it would be appropriate and proportionate to revoke the Premises Licence due to:

- (a) Three breaches of the Noise Abatement Notice served on 10 November 2017 and complaints of noise reported to the Council;
- (b) Breaches of the conditions placed on the Licence including failure to maintain proper records, failure to install a noise limiter and operation outside the licensed hours;
- (c) The incidents of violence within the premises and disorder outside the premises;
- (d) The Sub-Committee had no confidence that the premises could be operated and compliant with the four licensing objectives in the future;
- (e) The Sub-Committee believed that revocation of the Premises Licence was the only guaranteed way available to it to safeguard members of the public.

3. APPLICATION FOR THE GRANT OF A TEMPORARY EVENT NOTICE - AFTER DARK NITE CLUB

This application was withdrawn by the applicant at the meeting and not considered.

(The meeting started at 5.00pm and finished at 7.55pm)