

## LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 4 JULY 2019

**Present:** Councillors Edwards (Chair), Grashoff and Rowland

### 8. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - AVENUE FOOD & WINE

The Assistant Director Planning, Transport and Regulatory Services submitted a report on an application by Ilmeet Kaur Chopra for the grant of a Premises Licence in respect of Avenue Food & Wine, 92 Northcourt Avenue, Reading, RG2 7HQ.

A copy of the application form and location plan was attached to the report at Appendix JC1.

The report stated that during the 28-day consultation period, representations and a petition had been received from local residents, which were attached to the report at Appendix JC2 and JC3 respectively.

The report stated that the application was for the grant of a premises licence to permit the following licensable activities:

#### Hours for the Sale of Alcohol (off the premises)

Monday to Sunday    0700 hours until 2400 hours

#### Opening Hours

Monday to Sunday    0700 hours until 2400 hours.

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

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

The report also stated that any conditions placed on the premises licence should be appropriate and proportionate with a view to promoting the licensing objectives and that the Licensing Authority could grant (subject to appropriate conditions to promote the licensing objectives), amend, alter or refuse an application should it be deemed appropriate for the promotion of the licensing objectives. The Council's Licensing Policy also placed an onus on applicants who wished to open past 2300hrs to demonstrate how they would mitigate the issues of crime and disorder and potential public nuisance.

The report set out paragraphs 2.11, 2.13, 7.6 and 7.13. of the Council's Statement of Licensing Policy. The report also set out paragraphs 9.42 to 9.43, 10.4 to 10.5, 10.15, 10.27 to 10.28 from the Secretary of State's Guidance to the Licensing Act 2003 issued in April 2018.

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Ms Ilmeet Kaur Chopra, the applicant and her representative Mr Surendra Panchal were present at the meeting and addressed the Sub-Committee. Mr Panchal explained that the applicant wished to amend the licensed hours to the following:

### Hours for the Sale of Alcohol (off the premises)

Monday to Sunday 0800 hours until 2200 hours

### Opening Hours

Monday to Sunday 0800 hours until 2200 hours.

Simone Illger, Bob Castledijn and Pamela Brain were present and addressed the Sub-Committee on their representations regarding the application as stated in the report.

Jean Champeau, Senior Licensing Enforcement Officer, presented the report at the meeting.

### **Resolved -**

That, in order to promote the four licensing objectives and having regard to the oral and written representations made, the Secretary of State's guidance issued under section 182 of the Licensing Act 2003 (April 2018), the Council's Statement of Licensing Policy, the application for the grant to a Premises Licence in respect of Avenue Food & Wine, 92 Northcourt Avenue, Reading, RG2 7HQ, be granted to permit:

### Hours for the Sale of Alcohol (off the premises)

Monday to Sunday 0800 hours until 2200 hours

### Opening Hours

Monday to Sunday 0800 hours until 2200 hours

and that the following conditions shall apply:

- (1) 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 CCTV. There shall be at least one camera positioned at each entry and exit point to monitor any external areas to the premises. Data recordings shall be made available to an authorised officer of Thames Valley Police or Reading Borough Council together with facilities for viewing upon request. Recorded images shall be of such a quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system;

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- (2) Signage shall be placed in prominent positions on the premises notifying customers that CCTV is in operation;
- (3) 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. The age verification policy shall be in written form and displayed in a prominent position;
- (4) Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premises;
- (5)
  - (a) All staff shall be trained in the requirements of the Licensing Act 2003 in relation to age restricted sales of alcohol before being authorised to sell alcohol;
  - (b) Staff authorised to sell alcohol shall be accredited to at least the BIIAB Level 1 Award in Responsible Alcohol Retailing (ARAR) or any other similarly recognised nationally approved accreditation curriculum, within four weeks for existing and subsequent new employees;
  - (c) Records of training, refresher training and proof of the date of the commencement of employment (e.g. signed contract) shall be retained and must be made available to officers of Reading Borough Council or Police Officers on demand;
- (6) All staff employed in the sale of alcohol shall be trained to record refusals of sales of alcohol in a refusals book or electronic register. The book/register shall contain:
  - Details of the time and date the refusal was made;
  - The identity of the staff members refusing the sale;
  - Details of the alcohol the person attempted to purchase;

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

- (7) All staff employed to sell alcohol shall undergo training upon induction in utilising the Challenge 25 proof of age checking policy. This shall include, but not be limited to, dealing with refusal of sales, proxy purchasing and identifying attempts by intoxicated persons to purchase alcohol. Such training sessions are to be completed before the employee is permitted to sell alcohol, documented and refreshed every six months. Records of training shall be kept for a minimum of

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two years and be made available to an authorised officer of Reading Borough Council or a Thames Valley Police officer;

- (8) The Designated Premises Supervisor shall ensure they and staff who are authorised to sell alcohol, are able to converse with customers and representatives of Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives as contained in the Licensing Act 2003:
  - i. the prevention of crime and disorder;
  - ii. public safety;
  - iii. the prevention of public nuisance;
  - iv. the protection of children from harm;
- (9) All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incident shall also be recorded. Where known, any offender's name shall also be recorded;
  - (a) This record shall be available for inspection by a police officer or an authorised officer of Reading Borough Council upon request and shall be retained for one year. This record shall be signed off by the Designated Premises Supervisor or nominated representative at the end of each trading session;
  - (b) A weekly review of the incident register shall also be carried out by the Designated Premises Supervisor;
- (10) The Premises Licence Holder shall implement a policy to actively disperse customers from the premises and the immediate vicinity. The policy must be in written format and made available for inspection to authorised officers of the licensing authority and Police. All members of the staff shall be trained in this policy.
- (11) 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;
- (12)
  - (a) The Premises Licence holder shall not sell super strength beer, lager or cider with an alcohol content of 5.5% ABV (alcohol by volume) or greater. This restriction shall not apply in respect of the specialist branded premium priced products - for example craft ales, local or microbrewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider with an alcohol content of 5.5% ABV or greater;
  - (b) No single cans or bottles of alcopops, beer, lagers or ciders shall be sold; and they should only be sold in multiples of four;

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- (13) Spirits (with the exception of spirit mixers and pre-mixed spirit drinks) shall be located behind the counter;
- (14) Before any person is employed at the premises sufficient checks will be made of their bona fides to ensure they are legally entitled to employment in the UK. Such checks will include:
- Proof of identity (such as a copy of their passport);
  - Nationality;
  - Current immigration status;

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

- (15) The Licence holder shall actively participate in initiatives set up by the Police, the licensing authority or local Pubwatch where available, and including initiatives to tackle drunken behaviour and street drinking;
- (16) (a) An adequate number of waste receptacles for use by patrons shall be provided in positions agreed with the licensing authority and it shall be the responsibility of the licensee to empty and dispose of the collected refuse at a frequency to be agreed with the licensing authority;
- (b) The immediate vicinity outside of the premises and in any external areas associated with the premises shall be kept clear of litter;
- (17) The Premises Licence Holder shall have available on the premises, for inspection by an authorised officer of Reading Borough Council or Thames Valley Police at any reasonable time, true copies of invoices, receipts or other records of transactions for all alcohol products purchased in the preceding three months. All alcohol products shall only be purchased from outlets registered with HMRC's Alcohol Wholesale Registration Scheme;
- (18) A current written authorisation list shall be displayed in a prominent position on the premises confirming details of all current staff that have been authorised to sell alcohol by a Personal Licence Holder. The authorisation list shall include the name of the staff member authorised and the name and personal licence details of the person authorising them to sell alcohol. The list shall also contain the date and signature of the staff member authorised and be countersigned by the authorising Personal Licence Holder;

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- (19) A Section 57 notice shall be displayed in a prominent position detailing the location of the Part A of the premises licence and a list of staff members that have an awareness of its location and content.