

Summary of Licensing Sub-Committee Decision(s) taken on 13 December 2023

Part I

Application No. 22976 - Coriander Club, 98 Royal Avenue, Calcot, Reading, West Berkshire, RG31 4UT (Item 2(1))

NOTICE OF DECISION

The Licensing Sub-Committee of West Berkshire Council met on **13 December 2023** and resolved to approve Application **22976** in respect of premises known as **Coriander Club, 98 Royal Avenue, Calcot, Reading, West Berkshire, RG31 4UT** subject to a number of conditions which are set out below.

In coming to their decision, the Sub-Committee had regard to the four licensing objectives, which are:

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

They also considered the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 and West Berkshire Council's Statement of Licensing policy.

The Sub-Committee heard representations made by:

1. The Applicant: Mr and Mrs Sandhu and William Donne (Applicant's agent)
2. The Objector: Jacky Major on behalf of Tilehurst Parish Council
3. Ward Member: Councillor Clive Taylor

The Licensing Sub-Committee also considered all written representations which were included within the agenda pack which had been determined to be "relevant representations" in accordance with section 17 of the Licensing Act 2003. Therefore, all written representations were considered by the Licensing Sub-Committee.

The Sub-Committee further considered the Skeleton Argument submitted by the Applicant. This material had been emailed by the Applicant's agent to the Licencing Authority outside office hours at 23.26pm on Wednesday 6th December 2023, meaning circulation could not have taken place until Thursday 7th December 2023, which was less than five clear working days before the day of the hearing. The Applicant applied to introduce this late material, and this was admitted into evidence on the day of the hearing with the agreement of all parties. Copies of the document were made available and there was a short adjournment of

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the hearing to allow for consideration of this document.

The Licensing Sub-Committee noted that the application had been amended during the consultation period and additional conditions had been offered up by the Applicant and agreed with Environmental Health and this was set out at pages 1 and 2 of the Skeleton Argument.

Having taken those representations into account, the Licensing Sub-Committee RESOLVED that Application **22976** be granted subject to the conditions as set out in the operating schedule, including as modified below, as well as any relevant mandatory conditions in ss19-21 of the Licensing Act 2003 and secondary legislation.

Box I: Late Night Refreshment

Indoors and outdoors

Non-Standard Timings

New Year's Eve from 23:00 hours until 01:00 hours on New Year's Day.

Box J: Supply of Alcohol

On and Off the Premises

11:00 hours to 23:00 hours Monday to Sunday

Non-Standard Timings

New Year's Eve from 11:00 hours until 01:00 hours on New Year's Day

1. The rear garden pagoda area shall be clear of all patrons by 22:00 hours each day.
2. Alcohol shall only be served to patrons ancillary with a substantial meal.
3. The restaurant shall provide table service only.
4. That delivery service via third party aggregators shall cease at 22:30 hours

Licensing Objectives

5. All members of staff working in the bar and restaurant area will be trained in how to promote the four licensing objectives.

CCTV

6. The premises shall install and maintain a comprehensive digital CCTV.
7. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.

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8. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
9. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open.
11. Viewing of recordings shall be made available immediately upon the request of Police or authorised Council officer throughout the entire 31 day period.
12. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data within seventy-two hours of a request in writing.

Incident Reports

13. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police.
14. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

Staff Training

15. Staff shall receive training on:
 - (a) The premises age verification policy
 - (b) The law relating to under-age sales
 - (c) The procedure for validating documents produced as proof of age
 - (d) Proxy purchasing
 - (e) The Standard Operating Procedures for the seizures of drugs and weapons
 - (f) Staff shall be trained in conflict management and refusals of sale
16. Their training will be recorded and kept on record for a period of twelve months and will be available for inspection on request from a police constable or a proper officer from the Council.
17. Refresher training for front of house staff will be provided every six months.

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Risk Assessments

18. There shall be risk assessments for Health and Safety in place and reviewed annually or sooner if required.
19. There shall be a specified named first aider.

Challenge 25

20. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised holographic photograph identification cards:
 - a) driving licence
 - b) passport
 - c) proof of age card with the PASS Hologram.
 - d) Staff shall be trained in the five point and FLARE checklist to identify fraudulent cards.
 - e) Staff training on checking proof of age procedures will be recorded and kept on file.

Refusals Log

21. A record shall be kept detailing all refused sales of alcohol and shall include the date and time of the refused sale and the name of the staff member who refused the sale.
22. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open.

Noise

23. All external doors and windows must be kept closed, other than for access and egress, when activities involving amplified music or speech are taking place.
24. Prominent, clear and legible notices must be displayed at all exits requesting the public and delivery drivers to respect the needs of local residents and to leave the premises and the area quietly.
25. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
26. The Duty Manager and their team shall actively operate a dispersal policy to encourage patrons to leave the premises and immediate vicinity in a quiet manner.
27. The Duty Manager and their team shall actively manage the external seating areas to ensure that noisier and troublesome patrons are effectively dealt with and/or removed from the premises.

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28. The external seating areas must not be used by patrons after 22:00 hours.
29. Music relayed via external speakers to the external seating areas shall only be played at background level so that it is incidental to the consumption of food or drink (i.e. two people sat across a table from each other when music is being played must be able to hold a conversation at a normal level without having to raise their voices). No music shall be relayed externally after 23:00 hours.
30. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Refuse and Deliveries

31. Refuse, such as bottles, shall not be placed into receptacles outside the premises between 22:00 hours and 07:00 hours in order to minimise the disturbance to nearby properties.
32. There shall be no commercial supplies deliveries to the premises between 19:00 hours and 07:00 hours.
33. There shall be no collections of food and drink from the premises between 23:00 hours and 08:00 hours.
34. There shall be no collection of refuse from the premises between 22:00 hours and 07:00 hours.
35. Delivery drivers collecting food and drink from the premises must enter and leave the premises by the front door only
36. Alcohol shall only be delivered to a bona fide residential or commercial address. Deliveries shall not be made to car parks, bus stops, middle of fields, etc.
37. Any order for a non bona fide address shall be refused and the reason for refusal recorded in the refusals book. Alcohol must not be delivered to an address other than as per the order.
38. It shall be a term of any contract or agreement, between the premises licence holder and any third-party delivery company, that the delivery company shall require ID verification when orders containing age restricted items are delivered.

Reasons

The Licensing Sub-Committee considered the Application as amended, together with the relevant written and oral representations made.

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The Sub-Committee considered the representations from all parties and noted that the concerns of the objectors related to all four of the licensing objectives but mostly noise and the prevention of public nuisance. The Licensing Sub-Committee noted that the police are a key source of information and advice on the impact of licensable activities, particularly on the crime and disorder objective and Environmental Health, is a key source of information and advice in relation to public nuisance. The Sub-Committee also noted Environmental Health did not have a formal objection to the premises licence on the basis the applicant had agreed additional conditions relating to noise and refuse and deliveries. Consequently, no formal objection to the application had been received by a Responsible Authority. The Licensing Sub-Committee also noted that many of the objections related to concerns relating to parking which is not in of itself a licensing consideration and were based on speculation rather than evidence.

The Licensing Sub-Committee decided that the promotion of the licensing objectives could be achieved through conditions. The Sub-Committee was satisfied that the application as amended, and the additional conditions put forward had taken into account the objections received to ensure the licensing objectives were not undermined. The Licensing Sub-Committee were satisfied that the conditions as set out in the operating schedule including as modified above, were reasonable, proportionate, and appropriate in the circumstances. The Licensing Sub-Committee decided to amend condition 28 to bring this in line with condition 1 which had been offered up by the Applicant to deal with concerns relating to noise and the prevention of public nuisance.

In reaching its decision, the Sub-Committee noted the Council as Licensing Authority must determine each application under the Licensing Act 2003 on its own merits, and every decision must be both justified and proportionate based on the available evidence in accordance with the Statutory Guidance and the Council's Licensing Policy.

Cllr Phil Barnett

(Chairman)

Cllr Nigel Foot

Cllr Jane Langford

Date: 19/12/23

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