

Planning Statement

Introduction

This application seeks variation of Condition 1 to permit the premises to remain open for longer period, until 1am, each evening.

Background

This application follows a Premises Licence application made to Reading Borough Council Licensing Committee at a hearing on 6th June 2019 which granted a Premises Licence until 1am in accordance with the Licensing Act 2003.

During the hearing, the Committee heard that the business has traded later into the evening, up to 2am and 3am in accordance with the Premises Licence granted by Reading Borough Council for over two years. The owner deeply regrets that he was not aware of the Planning restriction. He only became aware of the restriction after he took control of the business and sought to regularise the Premises Licence. As a result, the business currently ceases trading at 11pm as per the Planning Condition from 2003.

This Licence was granted by Licensing Members "confident that the applicant would take all measures to secure planning consent prior to opening until 0100hrs".

The Hearing resolved (as attached):

- (1) 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 and the Council's Statement of Licensing Policy, the application be granted, subject to the appropriate Planning Consent being granted and the amended opening hours and conditions agreed at the hearing.
- (2) The Sub- Committee had arrived at this condition as the Sub-Committee was confident that the applicant would take all measures to secure planning consent prior to opening until 0100hrs as failure to do so would be a breach of this licence.

Regarding the existing condition dated 2003

The condition that the applicant seeks to vary was placed on the business back in 2003, "in order to protect local residents from unreasonable disturbance arising from the use".

The Licensing Committee heard that in the period of ownership of this business over the last two years by the applicant, and with his business operating until 2am and 3am on respective days, there was no evidence presented to suggest that there has been any adverse effect on the licensing objectives from this premises. Similarly there is no evidence to suggest that this business has caused any "unreasonable disturbance" to local residents, even operating up until 3am.

The Planning Service is invited to note that the Licensing Committee heard the case in detail including submissions from the Environmental Health Service in relation to the potential for noise from this commercial premises arising from, for example, patrons and from ventilation units.

Taking into account that there was no evidence of any noise disturbance arising, and hearing the robust and voluntary conditions offered by the applicant specifically to control the potential for any future noise disturbance, the Members considered that the Premises Licence should be granted to 1am. This followed agreement with the Police and the Licensing Service.

These conditions, including the voluntary conditions applied can be found in the Premises Licence.

The Planning Service is invited to note that the Conditions laid within the Premises Licence can be obtained from the Reading BC Licensing Service. Whilst the conditions were agreed at the Hearing, the final Premises Licence has not been issued by Reading BC Licensing Team at the date of this application. Had it have been, it would be attached to the application.

The conditions now applied to the Premises Licence

The conditions, voluntarily proposed and agreed by the Licensing Hearing which safeguard amenity as well as serving the Licensing Objectives are:

All windows and external doors shall be kept closed after 9pm except for the immediate access and egress of persons.

No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.

No amplified music or sounds shall be played from within the premises.

Delivery drivers shall conduct collection and delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. This includes the avoidance of slamming doors, playing music, shouting, over-revving engines and sounding horns to signal their arrival. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerately without causing any obstruction to the highway. Deliveries will only be collected from the front of the premises i.e. on the main Oxford Road. No collections will be made at the rear of the premises.

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly. Staff are to be trained to ask customers to leave quietly.

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. 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.

A refusals register or electronic equivalent will be used and maintained by all staff and will be made available for inspection by an authorised officer of Reading Borough Council or a Thames Valley Police officer.

An incident log whether kept in written or electronic form shall be used, maintained and retained at the premises and made available for inspection to an authorised Officer of Thames Valley Police or Reading Borough Council. The record will record the following incidents including pertinent details:

- *all crimes reported to the venue, or by the venue to the police*
- *all ejections of patrons*
- *any complaints received*
- *any incidents of disorder*
- *any faults in the CCTV system*

- any refusal of a sale
- any visit by a relevant authority or emergency service
- details of any complaint made about the operation of the business by any party

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.

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.

All packaging and utensils for off sales use by customers shall be made of biodegradable or recyclable materials;

The premises licence holder shall carry out a security risk assessment as and when required, but at least quarterly with the aim of assessing the need for any additional security measures to be in place. Risk assessments shall take into account events known to be taking place in the local area which may impact on the business. This assessment will be informed by a review of any security incidents that have occurred at the premises and any additional risks arising. The review may be informed by contact with the Licensing Authority or the Police or any other relevant party. Such reviews shall be documented and will include details of any remedial action identified and implemented. Copies of the security review shall be made available to the Thames Valley police or an authorised officer of Reading Borough Council

Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by the police or an authorised officer of the Council

Staff employed at the premises shall undergo training upon induction. This shall include, but not be limited to:

- Dealing with refusal of sales
- Identifying signs of intoxication
- Conflict management
- How to identify and safeguard vulnerable persons who attend and leave the premises
- Company policies and reporting procedures
- Action to be taken in the event of an emergency
- 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 Thames Valley Police and Reading Borough Council upon request.

The premises shall have a documented Duty of Care policy for managing intoxicated and vulnerable customers at the premises. The policy shall also include provision for persons refused entry to the premises who are also considered vulnerable by staff.

After 2200hrs regular checks will be made of the front of the premises to ensure customers are not causing a disturbance to residents and that litter is regularly cleared away. This action will be documented in a logbook.

All external doors (except for access and egress) and windows must be kept closed during opening hours to prevent nuisance to the neighbours.

During the operating hours of the premises a bespoke telephone number shall be made available to local residents should they wish to speak to the duty manager about nuisance related issues.

The premises shall operate a pre-opening and closing checklist to ensure all appropriate steps have been taken before the premises are open to the public and at the close of business each day. These checks shall be recorded and kept for a minimum of six months and made available for inspection upon request by the Thames Valley police or an authorised officer of Reading Borough Council.

Regarding the Planning Checklist

The application for variation of one condition is made in respect of a premises that already has permission for its current use. This is not a new development and there are no proposals to change or alter existing equipment such as ventilation units or flues, or to change the nature or operation of the business at this time.

Taking into account that the business has already operated to 2 and 3am for over two years in accordance with the Premises Licence without any detriment arising from the activity, no further submissions have been made in respect of the "Local List of Information Requirements".

It is suggested that the track record of this premises over an extended period of time that demonstrates no detriment, together with the controls applied through the above conditions and existing statutory provisions already provide sufficient control now, and into the future, against any potential amenity detriment provided for, for example at "15 Noise & Vibration Impact Assessment" and at "26. Vent/Flue & Ventilation", (and with reference to the Core Strategy Document (2008 & altered 2015), Policy CS34: Pollution and Water Resources, Sites and Detailed Policies Document (2012 & altered 2015) and Policy DM4: Safeguarding Amenity.

In summary

The Planning Service is invited consider that, since the original condition was laid in 2003, statutory control (not least through the Licensing Act 2003), supplemented by the rigorous licensing conditions now applied at this premises, provide ample control over the potential for unreasonable disturbance and offer assurance that the condition from 2003 restricting hours can be appropriately extended to 1am.

PART 2 - LOCAL LIST OF INFORMATION REQUIREMENTS

a) STANDARD PLANNING APPLICATION CHECKLIST (please use it)

National Requirement List		Must be provided to be valid	
Completed standard application form		SUBMITTED THROUGH PORTAL	
Location Plan (scale of 1:1250 or 1:2500)		✓	
Site Plan/Block plan (scale of 1:100 or 1:200)		✓	
Completed Ownership (Article 13) Certificate		ARTICLE 14 CERTIFICATE ON PORTAL	
Design and Access Statement if a Major Planning Application or in designated area		N/A - NOT MAJOR	
CIL information form		NOT APPLICABLE - BUT SUBMITTED	
SUDS details if a Major application		N/A - NOT MAJOR	
The appropriate planning application fee		✓ VIA PORTAL	
Local Requirement List	Included ? Y or N	If not included - Why? Explain in Planning Statement if reason is more than "not relevant".	
☐ Affordable Housing Statement	2	SEE PLANNING STATEMENT	
☐ Air Quality Assessment	2		
☐ Archaeological Assessment	2		
☐ Contaminated Land Survey	2		
☐ Daylight/Sunlight assessment	2		
☐ Ecological survey & reports	2		
☐ Energy and Sustainability Statement	2		
☐ Environmental Impact Statement	2		
☐ External Lighting	2		
☐ Flood Risk Assessment	2		
☐ Heads of Terms proposals	2		
☐ Heritage Statement	2		
☐ Landscape principles	2		
☐ Levels survey information	2		
☐ Materials details	2		
☐ Noise & Vibration Impact Assessment	2		
☐ Existing & Proposed plans	2		
☐ Planning Statement	2		
☐ Town Centre/Retail/Leisure Uses Impact Assessment	2		
☐ Transport Assessment	2		
☐ Travel Plan	2		
☐ Tree Survey	2		
☐ Utilities Surveys and proposals	2		
☐ Vehicle Parking & Waste collection details	2		
☐ Ventilation/Extraction details	2		
☐ Viability Assessment & Report	2		