

To: Councillors Woodward (Chair),
Livingston and Vickers.

Our Ref: lcs.c/agenda

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7 April 2016

Your contact is: Amy Bryan & Peter Driver - Committee Services

NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 1 - TUESDAY 19 APRIL 2016

A meeting of Licensing Applications Sub-Committee 1 will be held on Tuesday 19 April 2016 at 5.00pm in the Council Chamber, Civic Offices, Bridge Street, Reading.

The agenda for the meeting is set out below.

WARDS AFFECTED PAGE NO

1. DECLARATIONS OF INTEREST

(a) Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration;

(b) Councillors to declare whether they wish to speak on the grounds they:

(i) Have submitted a relevant representation as an interested party; or

(ii) Will be speaking on behalf of an interested party.

2. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - THE FAITH KITCHEN, OXFORD ROAD, READING BATTLE 1

To consider an application for the review of a Premises Licence in respect of The Faith Kitchen, 288-290 Oxford Road, Reading.

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

1. Premises:

The Faith Kitchen
288-290 Oxford Road
Reading
Berkshire
RG30 1AD

2. Applicants Requesting Review:

Reading Borough Council

3. Grounds for Review

Reading Borough Council's Licensing team submitted an application for the review of a premises licence for the Faith Kitchen on 25 February 2016.

The Licensing team of Reading Borough Council believe a review of these premises to be appropriate to promote the licensing objectives. The licensing objectives of the prevention of crime and disorder and prevention of public nuisance are being undermined by the actions of the premises licence holders.

A total of 66 breaches of conditions over a period of less than two years contrary to Section 136 (1), Section 136 (2) and Section 57 (3) of the Licensing Act 2003.

Permitting amplified music on the premises not in accordance with any authorisation, past permitted hours, to become a Statutory Noise nuisance contrary to Section 136 (1) of the Licensing Act and Section 79 of the Environmental Protection Act 1990.

Causing undue disturbance with unlicensed activity to neighbouring properties to the extent the premises had to be served a Noise Abatement Notice.

Obstruction of Council officers in their investigation of alleged unlicensed activity contrary to Section 179 of the Licensing Act 2003

4. Date of receipt of application: 25 February 2016

A copy of the review application received is attached as Appendix I

5. Date of closure of period for representations: 24 March 2016

6. Representations received:

During the consultation period, a representation was received in regard to this review application from Reading Borough Council's Environmental Protection (Noise) Team which is attached at Appendix II

Additional evidence was supplied by the Licensing team and is attached at Appendix III

A plan showing the location of the premises (in black) and surrounding streets is attached as Appendix IV

7. Background

The premises is located along the main Oxford Road, on the outskirts of Reading town centre.

The Premises Licence Holder is stated as: Faith Kitchen Limited

The Designated Premises Supervisor is stated as: Dr Elizabeth Adunola Omole

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 V

Licensable activities and times by the Licence

Hours for the Provision of Late Night Refreshment - Indoor

Monday	from 2300hrs until 0000hrs
Tuesday	from 2300hrs until 0000hrs
Wednesday	from 2300hrs until 0000hrs
Thursday	from 2300hrs until 0000hrs
Friday	from 2300hrs until 0000hrs
Saturday	from 2300hrs until 0000hrs
Sunday	from 2300hrs until 0000hrs

Hours for the Sale by Retail of Alcohol - On the Premises

Monday	from 1100hrs until 0000hrs
Tuesday	from 1100hrs until 0000hrs
Wednesday	from 1100hrs until 0000hrs
Thursday	from 1100hrs until 0000hrs
Friday	from 1100hrs until 0000hrs
Saturday	from 1100hrs until 0000hrs
Sunday	from 1100hrs until 0000hrs

Opening Hours

Hours the Premises is Open to the Public

Monday	from 1100hrs until 0000hrs
Tuesday	from 1100hrs until 0000hrs
Wednesday	from 1100hrs until 0000hrs
Thursday	from 1100hrs until 0000hrs
Friday	from 1100hrs until 0000hrs
Saturday	from 1100hrs until 0000hrs
Sunday	from 1100hrs until 0000hrs

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 and proportionate 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
(March 2015)**

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.

Reading Borough Council Licensing Policy Statement

10.5 Review of Premises Licence

10.5.1 Any premises subject to a premises licence or club premises certificate may have that licence or certificate reviewed by the Licensing Authority on application by a responsible authority or interested parties. The Act provides strict guidelines as to the timescale and procedures to be adhered to and the Authority will deal with every review application on that basis.

11.11 Noise

11.11.2 The Authority may impose conditions in relation to licensed premises to prevent unnecessary noise, vibration and disturbance to local residents as it considers appropriate. This may include sound proofing requirements, restrictions on times when music or other licensable activities may take place, and may include technical restrictions on sound levels at the premises by the use of sound limiting devices properly set to prevent noise breakout and disturbance.

Appendix I

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 Richard French on behalf of the Licensing Authority 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 Faith Kitchen 288-290 Oxford Road	
Post town Reading	Post code (if known) RG30 1AD
Name of premises licence holder or club holding club premises certificate (if known) Faith Kitchen Ltd	
Number of premises licence or club premises certificate (if known) LP9000287 dated 12/02/2014	

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 Licensing Team Reading Borough Council Civic Offices Bridge Street Reading Berkshire RG1 2LU
Telephone number (if any) 01189 37 37 62
E-mail address (optional) licensing@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)

The Licensing team are seeking revocation of the premises licence issued to Faith Kitchen due to the following:

1. Continuous breaches of the licensing conditions placed on the premises licence over the period of two years contrary to Section 136 (1), Section 136 (2) and Section 57 (3) of the Licensing Act 2003;
2. Unlicensed activity being regularly undertaken at the premises contrary to Section 136 (1) and 136 (2) of the Licensing Act 2003;
3. Continuous noise nuisance from unlicensed regulated entertainment causing undue disturbance to neighbouring properties contrary to Section 136 (1) and Section 136 (2) of the Licensing Act 2003 and contrary to the Environmental Protection Act 1990;
4. The sale of alcohol not in accordance with an authorisation contrary to Section 136 (1) and Section 136(2) of the Licensing Act 2003;
5. Obstruction of authorised officers of Reading Borough Council in their duties to investigate alleged unlicensed activity contrary to Section 179 of the Licensing Act 2003;
6. The issuing of a noise abatement notice on the premises deeming activity there a statutory noise nuisance as per the Environmental Protection Act 1990;

The premises licence holder has shown a complete disregard in relation to their obligations under the Licensing Act 2003. On every single occasion the premises has been visited by the Licensing team they have been non compliant. The licence and its conditions seem to be regarded as an optional document and have continually been breached.

Officers of the Council have also received noise complaints from unlicensed activity carrying on at the premises – sometimes up until 5am – not in accordance with a licence. The premises licence does not contain any permission to have any regulated entertainment except for the exemption under Section 177A of the Licensing Act as amended by the Live Music Act 2012 which allows amplified music up until 11pm in venues that have ‘on sales’.

The premises has also been witnessed by two officers carrying on unlicensed activity and carrying on activities so anti social that they were deemed a statutory noise nuisance. A noise abatement notice confirming the premises as a statutory nuisance was issued to the premises on 24th February 2016 after officers had witnessed unlicensed, loud and anti social regulated entertainment coming from the premises on the weekend of 20th February 2016. The noise was in breach of Section 79 (1) (g) of the Environmental Protection Act 1990 and the unlicensed activities were contrary to Section 136 (1) of the Licensing Act 2003.

Further unlicensed activity and anti social noise from ‘club like’ events are detailed in diary sheets completed by residents and the premises licence holder has failed to take heed of warnings from the Council over these continuous instances of noise nuisance.

Further, when officers of the Council attempted to obtain CCTV from the premises, they were obstructed from doing so by the premises licence holder. When access to the system was established it was found that CCTV had not been working for a period of 33 days – which coincided with all of the alleged unlicensed activity taking place. This could be considered contrary to Section 179 of the Licensing Act 2003 as well as 33 individual breaches of Section 136 (1) as the conditions state the CCTV should continuously record when open to the public.

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

Faith Kitchen Ltd applied for the grant of a premises licence at the premises known as Faith Kitchen, 288-290 Oxford Road, Reading on 13th December 2013 which was granted on 8th January 2014. That application is attached at **appendix RF-1**. It should be noted that the application states that the premises will be a sit down restaurant providing food for the local community and customers further afield. This is stated on page 4 of the application. Particular attention is drawn to the applicant's operating schedule from page 17 onwards which contained the following proposed steps to promote the licensing objectives should the licence be granted:

1. Point number 3 under the heading 'General' – Alcohol will only be served by waiters direct to a table. Alcohol will only be served in conjunction with a full table meal.
2. Point number 7 under the heading 'General' – No alcohol will be served to patrons after 2330hrs.
3. Point number 1 under the heading 'General' – CCTV shall be maintained in good working order....with images recorded digitally at all times the premises is open for licensable activities.
4. Point number 2 under the heading 'General' – Appropriate staff training to be satisfactorily completed and recorded.
5. Point number 5 under the heading 'General' – A refusals book to be maintained at the premises and operated by all staff.
6. Point number 6 under the heading 'General' – Challenge 25 age verification policy to be adopted...(and) to be operated by all staff.
7. Point number 11 under the heading 'General' – Appropriately worded notices to be displayed prominently inside and outside the premises requesting patrons leave the premises quietly at night.

It should also be pointed out that the application asked for no regulated entertainment (live music/recorded music) to be placed on any licence that may have been granted but would rely on the exemption under Section 177A of the Licensing Act as amended by the Live Music Act 2012 for on licences to play amplified music between the hours of 0800hrs and 2300hrs.

The pertinent points to note from the above are:

1. The premises would be a sit down restaurant.
2. Alcohol would only be sold ancillary to a table meal served by a waiter/waitress.
3. No live or other amplified music was applied for past 11pm
4. All of the conditions that were to be attached the granted licence (as stated above) were proposed by the premises licence holders themselves as early as December 2013. Therefore it seems reasonable to conclude that they knew what they were and how they were to be complied with in order to promote the four licensing objectives.

The licence was granted with the conditions attached that were offered by the applicant on 8th January 2014. A copy of the current premises licence (dated 12th January 2014) is attached at **Appendix RF-2**.

Inspection of 9th August 2014

On this date the premises were visited by Licensing Enforcement Officers on what should be a routine licensing inspection. Details concerning the findings of this inspection can be found at **appendix RF-3**. The letter details that:

1. Part A of the premises licence could not be located or produced (contrary to Section 57 (3) of

the Licensing Act 2003;

2. Part B of the premises licence was not displayed (also contrary to Section 57 (3));

3. No signs were displayed asking customers to leave the venue quietly (breach of condition 5 of the premises licence therefore contrary to Section 136 (1) of the Licensing Act 2003;

4. No training had been undertaken and therefore no training records could be produced (breach of condition 3 on the premises licence therefore contrary to Section 136 (1) of the Licensing Act;

5. The use of a refusal log had not been implemented and none could be produced on the premises (breach of condition 6 on the premises licence therefore contrary to Section 136 (1) of the Licensing Act 2003;

This inspection was carried out with the Designated Premises Supervisor Dr Elizabeth Adunola Omole.

It should be noted that the letter sent to the premises warns that formal action would be taken by the licensing authority should future breaches of the licence be discovered and that action was required to remedy the issues found in the inspection. It should be noted that no response was received from the premises licence holder or DPS in respect of this letter. It should also be noted again that the conditions the premises were in breach of were ones proposed by them in their original application.

Inspection of 16th August 2014

Licensing Enforcement officers attended the premises again on this date after being given an undertaking by the DPS that the deficiencies identified in the previous inspection a week earlier would be rectified right away. This visit was carried out in the presence of John Omole who is one of two named persons incorporated under Faith Kitchen Ltd. Details of this inspection can be found at **appendix RF-4** and outline exactly the same issues that officers had identified previously. Neither the DPS – despite her undertaking to the contrary – or any other staff member had attempted to rectify the issues identified to them. This equated to two further breaches of Section 57 (3) of the Licensing Act 2003 and three further breaches of Section 136 (1) of the Licensing Act 2003. It is also reasonable to conclude that as the breaches had been previously brought to the attention of the DPS, that further breaches were done knowingly which is contrary to Section 136 (2) of the Licensing Act.

It was at this early stage – after seven months of having a premises licence and after two enforcement visits - that the premises licence holder and DPS began to give the impression that the licence and its requirements were optional. It should be noted again that the conditions they were now twice in breach of, were proposed by them and a licence was granted specifically with those conditions attached in order to promote the licensing objectives. In both inspections it became clear that neither Reverend or Dr Omole knew what the licensing objectives were, therefore how could they be promoted?

The letter warns again that further formal action would be considered if the above licensing breaches were not rectified. At this point, both partners of Faith Kitchen Ltd had been visited by officers and both had been given the same advice. Both also gave similar undertakings that the issues would be resolved. No response was received from the premises licence holder in response to this letter.

December 2014 – Phone call

Rev. John Omole, one of the premises licence holders, telephoned the licensing team and enquired whether the venue would be permitted to hold late night events. It was mentioned to him that due to this history of the premises that it would not be advisable. The former occupants of the premises

before Faith Kitchen were trading as New Vincents and were using the venue as a night club despite the fact that their premises licence was for a restaurant and for food to be the main function of the premises with alcohol ancillary. That licence was brought to review in October 2012 and the committee resolved to remove all of the licensable activities from the licence – including all live/recorded music and the sale of alcohol. The licence was then surrendered after a period of suspension. Because of this Rev. Omole was advised by officers that the venue was not suitable for late night events involving live/recorded music as it would cause undue disturbance to neighbouring dwellings. Therefore, any licence variation to add later hours or regulated entertainment would likely attract representations.

Rev. Omole was also reminded that the premises was a restaurant and that alcohol sales were ancillary to a full table meal served by a waiter. Therefore any change to a late night venue would be a breach of that condition and would likely require planning permission. There was also little confidence that the venue could be successfully run in such a way that would not undermine the promotion of the licensing objectives.

The information given by officers at this stage is pertinent as it shows that Rev. Omole knew that having late night events would cause undue noise disturbance. He was also made aware that a licensing application for a change of use of the venue to a night club, would likely attract representations. He was already aware of the issues involving noise and unlicensed activity from the premises previously occupying 288-290 Oxford Road and therefore knew the building was unsuitable for such events.

To this date, no licence application to include any kind of regulated entertainment or extended hours has been submitted to the Council.

30th January 2015

On this date, the licensing team received a complaint that Faith Kitchen were holding unlicensed late night events. It is believed that this complaint came from another venue within Reading. The complainant was contacted to provide further evidence to substantiate their claims but did not respond. Therefore this allegation remains unfounded, however it is consistent with the enquiries made by the premises licence holder in December 2014 and our subsequent investigations in 2016 which are detailed below.

December 2015

In December 2015, the Licensing team were in receipt of a number of Temporary Event Notices from Rev. John Omole in relation to late night events at Faith Kitchen.

Temporary Event Notices – December 2015

From midday on Friday 11th December until 2359hrs on Sunday 13th December – stated as an event to commemorate Kenyan Independence Day and involving sale of alcohol, regulated entertainment and provision of late night refreshment for 200 people.

From midday on 24th December until 0300hrs on 27th December – stated as a Christmas Party with regulated entertainment and late night refreshment only. No sales of alcohol. For 100 people.

From midday until 0200hrs the following morning on 13/14/15 February 2016– served outside of the permitted timescales and therefore rejected by the Licensing Authority. No event was permitted to be held. However it was stated as a Mother's Day celebration for 3 days even though Mother's Day is in March. No alcohol sales were applied for.

It should be noted that the first two events listed above were not objected to by either the police or the Council's Noise and Nuisance team. By the time of the third applied for event, the Council had, however, received some very serious complaints about noise from the premises. It should also

be noted that the holding of these late night events correlates with the enquiries of the premises licence holder to hold such events as early as December 2014. It should also be noted that the holding of late night events as a de-facto night club is not compatible with the planning permission for the venue which is stated as a restaurant with alcohol ancillary to food. Further, the capacity stated on the forms of 200 and then 100, is in breach of Regulatory Reform Order 2005 which deals with risk assessed capacities for venues. The original premises licence application states that the premises is a restaurant capable of hosting 60-70 covers – not a late night venue hosting 200 people. This is putting people at risk and also undermining the public safety licensing objective.

Serious Noise Disturbance – 14th December 2015 until 21st February 2016

After the first temporary event notice that concluded on 13th December 2015, the Council received a noise complaint from a resident in relation to very loud music and vibration coming from Faith Kitchen over that weekend. In response to this complaint, the complainant was written to and asked to keep a record of noise disturbance from Faith Kitchen. These records, known as diary sheets, record disturbances from the venue from the 18th December 2015 until 1st January 2016, are attached at **Appendix RF-5**. They were received by the Council on 2nd February 2016. The following is noted from the diary sheets:

18th December 2015 – Disturbance from loud music and vibration lasting until 0000hrs. The amplified music between 2300hrs and 0000hrs is unlicensed activity therefore a breach of Section 136 (1) and 136 (2) of the Licensing Act 2003.

20th December 2015 – Disturbance from loud music and vibration lasting until 0000hrs. The amplified music between 2300hrs and 0000hrs is unlicensed activity therefore a breach of Section 136 (1) and 136 (2) of the Licensing Act 2003.

24th December 2015 until 3am on 27th December – whilst this ‘event’ was the subject of a temporary event notice application, the music could be deemed as so loud as to constitute a noise nuisance. The entry for the 26th December also makes reference to the complainant being verbally abused by persons connected to the premises when he raised the issue of noise with them.

28th December 2015 - Disturbance from loud music and vibration lasting until 0000hrs. The amplified music between 2300hrs and 0000hrs is unlicensed activity therefore a breach of Section 136 (1) and 136 (2) of the Licensing Act 2003.

29th December 2015 - Disturbance from loud music and vibration lasting until 0000hrs. The amplified music between 2300hrs and 0000hrs is unlicensed activity therefore a breach of Section 136 (1) and 136 (2) of the Licensing Act 2003.

30th December 2015 - Disturbance from loud music and vibration lasting until 0030hrs. The amplified music between 2300hrs and 0000hrs is unlicensed activity therefore a breach of Section 136 (1) and 136 (2) of the Licensing Act 2003.

New Years Eve into New Years Day - Disturbance from loud music and vibration lasting until 0030hrs. The amplified music between 2300hrs and 0500hrs is unlicensed activity therefore a breach of Section 136 (1) and 136 (2) of the Licensing Act 2003.

It should be noted that the only event that had any semblance of a licence attached to it was the event that started on 24th December and concluded on 27th December.

The Live Music exemption under Section 177A of the Licensing Act 2003 for on licences is only applicable between the hours of 0800hrs until 2300hrs. Therefore, as there is no regulated entertainment contained on the premises licence, the activities between 2300hrs and 0000hrs and later, are unlicensed. Given that the premises licence holders already knew about the issues with the previous premises (New Vincents), it is incredulous that they would seek to act in the same way. They had, in accordance with Rev. Omole’s enquiries, turned what was supposed to be a

restaurant into a late night venue. It is pertinent to remember that the original application submitted in 2013 stated as such and included the stipulation that all alcohol was to be sold with a full table meal only.

The above activities constitute six breaches of Section 136 (1) of the Licensing Act and given that the premises licence holders knew about the previous premises history, the fact that they submitted an application for a restaurant and the conditions they agreed to operate it, it is reasonable to conclude that these activities were knowingly taking place, therefore six separate breaches of Section 136 (2) of the Licensing Act.

The letters sent to the premises licence holder in relation to the complaint over the weekend of 13th December and the rest of December are attached at **appendix RF-6(a) and appendix RF-6(b)**. No response to these letters was ever received. The premises was placed on the Council's noise rota and the complainant given access to the out of hours call out service wherein an officer would respond to complaints out of normal office hours.

21st February 2016 – Statutory Noise Nuisance

An enforcement officer of Reading Borough Council was called out to deal with a serious noise complaint on 21st February 2016. The call was received by the out of hours service 'Forest Care' at 0040hrs and the officer attended the site at 0137hrs. Details of the noise complaint and the officer's findings can be found at **appendix RF-7**.

The officer observed that people were inside Faith Kitchen drinking and dancing. The premises does not have a licence for either of those activities at the time seen. The licence also states that persons should be off of the premises at 0000hrs.

The officer observed that when entering the complainant's property that the walls, floor and furniture were vibrating from the music and bass emanating from Faith Kitchen and that no part of the dwelling achieved any reduction in that noise.

The officer observed around 15 persons still dancing and drinking in the venue when he left the premises at approximately 0200hrs and could still hear the noise and vibration sat within his vehicle.

Not only were all of the activities on the premises unlicensed – contrary to Section 136 (1) and Section 136 (2) of the Licensing Act, it was deemed that the noise from the premises was a statutory noise nuisance as per Section 79 (1) (g) of the Environmental Protection Act 1990.

It is clear once again, that despite numerous visits to the premises by officers of the Council; that despite previous letters sent to the premises licence holders warning them that they were holding events that were causing a noise nuisance; that despite the premises licence holders knowing that the building was unfit for these events due to their knowledge of the previous venue's activities, that the premises licence holder was deliberately, flagrantly and knowingly breaching their licence and causing such a severe noise nuisance so as to be deemed a statutory nuisance.

A noise abatement notice was served on the premises licence holder on 24th February 2016 and this is attached at **appendix RF-8**. This notice orders the premises licence holder to cease the cause of the statutory nuisance (noise and vibration from amplified music) and states that such activities are now prohibited.

Licensing Breaches – 18/02/2016 and 23/02/2016

A Licensing investigation was running concurrently alongside the investigation being undertaken by the Council's Noise and Nuisance team.

On 18th February 2016, a Licensing Enforcement Officer attended the premises and met Rev. John

Omole. A full licensing inspection was carried out. The findings of that Licensing inspection can be found at **appendix RF-9**. It was found that all of the conditions on the premises licence except one were being breached as well as one mandatory condition. Given that Part A of the licence could not be produced and Part B was not on display, a total of 8 breaches were identified constituting 8 breaches of Section 136 (1) of the Licensing Act 2003. It was also our intention at this time to obtain CCTV from the premises in relation to an alleged unlicensed event that had taken place on the evening of 29th January into the morning of 30th January until 3am. Rev. Omole confirmed that the CCTV was working but he did not know how to use it. Therefore it was agreed that officers would attend the premises on 23rd February 2016 to collect CCTV footage.

It is worth underlining – once again – that the premises was in breach of the conditions of their licence. Conditions that they proposed to comply with as far back as December 2013 when the original application was submitted for a licence. It is also worth noting that for a premises that should be operating as a restaurant at no time during any of the visits had the kitchen been seen to be in operation. It was also noted during the officer's visit of 18th February 2016, that two customers were seen drinking alcohol at the table. Given that the kitchen was not operational, it is reasonable to conclude that the premises licence holders were in breach of their licence – as the sale of alcohol should be ancillary to a full table meal.

An officer of the Council, also observed the premises open at 0403hrs on the morning of 21st February with approximately 15 customers in attendance at the premises. Notes from the officer's pocket note book regarding this are attached at **appendix RF-10**. This correlates with and corroborates the findings of the Council officer who was called out to deal with noise nuisance on the same night and which has already been detailed within appendix RF-7.

Re-visit of 23rd February 2016

As per the verbal agreement with Rev. Omole, Licensing officers attended the premises at 1500hrs on 23rd February 2016. This was ostensibly to collect CCTV from an alleged unlicensed event that had taken place on the 29th and 30th of January. Rev. Omole assured us that there would be someone at the premises who knew how to use the CCTV. It should be noted that Rev. Omole confirmed to officers on the previous visit of 18th February 2016 that the CCTV was working. The person who knew how to work the CCTV was a gentleman who identified himself as 'Stuart'.

When officers asked to see the CCTV from the 29th and 30th of January 2016, we were told that the CCTV was not working on those days. We were told the same thing when we asked to see footage from Valentines weekend and when we asked to see footage from the previous weekend of 20th and 21st February 2016. It should be noted once again that we had previously been told the CCTV was operational. Further interrogation of the system revealed that the CCTV data from 21st January 2016 all the way through to 14:55 of 23rd February 2016 was missing. This was five minutes before officers attended the premises.

Based on the above paragraph, I shall leave it up to the licensing committee to conclude how a CCTV system that was confirmed as working five days previously, had suddenly lost over 33 days worth of data. One scenario is that it was not operational at all during that time – in which case the premises licence holder is in breach of the conditions of their licence. Given that CCTV is supposed to be operational and recording every single day the premises is open for licensable activities, one could constitute this as 33 separate breaches of the Licensing Act 2003. The premises licence holder would therefore have been negligent in checking that this CCTV system was operational, which, in this scenario, they did not. Another scenario is that the CCTV footage had been intentionally removed as it would have indicated to officers that their suspicions of unlicensed activity being carried on at the premises without an authorisation were correct – not withstanding the other evidence previously collected by ourselves and the Noise and Nuisance team. The Council had a belief – backed up by other supporting evidence – that the premises were and had been used for unlicensed activity. I shall leave it to the Licensing Committee to assess whether the premises licence holder had therefore deliberately obstructed officers in their investigation by first claiming that the CCTV was working but they did not know how to use it as

per the visit on 18th February and then deliberately removing the material from the hard drive before the next visit on 23rd February. If so, this is arguably a breach of Section 179 (4) of the Licensing Act 2003. **Pocket notes from this visit can be found in Appendix 10 from pocket note book page number 11 onwards.**

The other findings from officers visit on 23rd February 2016 can be found at **appendix RF-11**

It should be noted, once again, that the premises licence holder was unable to tell officers what the licensing objectives were; the CCTV condition was found to be breached as recordings were not made of the previous 33 days; the refusal log, training records and Section 57 notice were all dated 23rd February 2016 – confirming officers suspicions and findings from previous visits that they weren't being operated at all which was a breach of conditions.

Summary

The licensing team would ask that the premises licence be revoked. The premises licence holders have shown a wilful disregard to their obligations under the Licensing Act 2003. The licensing objectives have not been promoted as, to this day, the premises licence holders do not know what they are. The conditions on the premises licence seem to have been treated with disdain and have never been complied with since the licence was granted. It should be noted that the conditions on the licence were proposed by the premises licence holder as early as December 2013 therefore it is baffling and defies belief that they don't know what they are or how to adhere to them. The premises has been holding late night events which is contrary to the licence that was issued to them. Firstly, it is a restaurant where the sale of alcohol is ancillary to the service of food. Officers have never seen the kitchen functioning when in attendance. Secondly, the licence does not permit any regulated entertainment apart from between the hours of 0800hrs and 2300hrs. There have been so many breaches of the premises licence in this regard that have caused so much noise and nuisance to the extent that the premises has been served with a noise abatement notice. Thirdly, there has never been a period where the premises licence holder has complied with the conditions on their licence. And lastly, the premises licence holders have shown a lack of understanding of even basic compliance and seem to believe they can operate how they wish outside of the remit of their licence. Given that one of the premises licence holders is also the DPS, we would suggest she is not suitable to hold that position and has exercised no control over the venue.

The licensing team do not believe that the licensing objectives can be actively promoted through the attachment of even more conditions to the licence when history tells us they have had little effect on how the premises licence holders have chosen to run the premises. We believe the evidence contained within this review demonstrates that and that revocation of the premises licence is the only action that the committee could take in relation to **promoting** the licensing objectives and **preventing** crime and disorder and public nuisance.

However, should the Licensing committee be minded to not revoke the licence then we suggest that robust noise conditions are placed on the licence; that the premises have it's music exemption under Section 177A removed; that the DPS is removed as she is complicit in how the venue has been run and the total lack of compliance and that the licence is suspended for a period of at least three months to allow for suitable licensing training to take place – possibly to BIIAB level 1 standard – and to allow for all conditions to be complied with before re-opening.

Please tick ✓ yes

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

N/A

Please tick ✓

yes

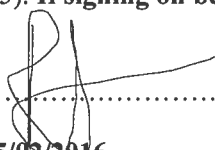
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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



Date **25/02/2016**

Capacity **Licensing Enforcement Officer**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Richard French
Licensing Team
Reading Borough Council
Civic Offices
Bridge Street

Post town
Reading

Post Code
RG1 2LU

Telephone number (if any) 01189 37 37 62

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) licensing@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

Application for a premises licence to be granted 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/We FAITH KITCHEN LIMITED

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
FAITH KITCHEN 288-290 OXFORD ROAD			
Post town	READING	Postcode	RG30 1AD

Telephone number at premises (if any)	07965 611937
Non-domestic rateable value of premises	£18750

READING BOROUGH COUNCIL

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|--|--|---|
| <p>a) an individual or individuals *</p> <p>b) a person other than an individual *</p> <p style="margin-left: 20px;">i. as a limited company</p> <p style="margin-left: 20px;">ii. as a partnership</p> <p style="margin-left: 20px;">iii. as an unincorporated association or</p> <p style="margin-left: 20px;">iv. other (for example a statutory corporation)</p> | <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> | <p>please complete section (A)</p> <p>LICENSING SECTION
please complete section (B)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> |
|--|--|---|

13 DEC 2013

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name FAITH KITCHEN LIMITED
Address 51 GRASMERE AVENUE TILEHURST READING RG30 6XU
Registered number (where applicable) 08795752
Description of applicant (for example, partnership, company, unincorporated association etc.) LIMITED COMPANY
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	0	0
1	2	0
1	4	

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

THIS IS TO BE A NEWLY ESTABLISHED AFRICAN THEMED COMMUNITY RESTAURANT THAT WILL BE REFURBISHED WITH A RETAIL DINING AREA TO BE IN EXCESS OF 1000 SQUARE FEET WITH APPROX 60-70 COVERS SERVING BOTH THE LOCAL COMMUNITY AND THOSE FROM FURTHER AFIELD.

THE OPERATORS (THE REVEREND JOHN OMOLE & HIS WIFE, DOCTOR ELIZABETH OMOLE) HAVE EXPERIENCE RUNNING THIS FORM OF RESTAURANT STYLE WHICH ASSISTS THEM TO REACH OUT TO THE WIDER COMMUNITY TO FURTHER THEIR JOINT AIMS OF IMPROVING COMMUNITY SPIRIT, EDUCATION AND CARE FOR THE VUNERABLE WHILST WORKING CLOSELY WITH APPROPRIATE LOCAL AUTHORITY DEPARTMENTS.

THE RESTAURANT WILL OFFER A GOOD RANGE OF AFRO-CARIBBEAN DISHES. THE FOOD WILL BE INFLUENCED BY BOTH WEST AFRICA AND SOUTH AFRICAN COOKING TASTES AND STYLES. BUFFET AND FINE DINING WILL BE OFFERED IN ADDITION TO THE MORE REGULAR FAMILY MEAL MENUS.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)

- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

X

Supply of alcohol (if ticking yes, fill in box J)

X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				<u>Please give further details here</u> (please read guidance note 3)	
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur								
Fri								
Sat						Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun								

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	X
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) ALL MEALS WILL BE COMPLETED AND PAID FOR BY PATRONS BEFORE 24.00 HOURS		
Mon	23.00	24.00			
Tue	23.00	24.00			
Wed	23.00	24.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23.00	24.00			
Fri	23.00	24.00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	23.00	24.00			
Sun	23.00	24.00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	11.00	24.00						
Tue	11.00	24.00						
Wed	11.00	24.00						
Thur	11.00	24.00						
Fri	11.00	24.00						
Sat	11.00	24.00						
Sun	11.00	24.00						
						Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name DOCTOR ELIZABETH ADUNOLA OMOLE	
Address 51 GRASMERE AVENUE TILEHURST READING	
Postcode	RG30 6XU
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).
 NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	11.00	24.00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p>
Tue	11.00	24.00	
Wed	11.00	24.00	
Thur	11.00	24.00	
Fri	11.00	24.00	
Sat	11.00	24.00	
Sun	11.00	24.00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

1. CCTV SYSTEM TO HOME OFFICE GUIDANCE STANDARDS AND MAINTAINED IN GOOD WORKING CONDITION, WITH IMAGES RECORDED DIGITALLY AT ALL TIMES THE PREMISES IS OPEN FOR LICENSABLE ACTIVITIES WITH RECORDINGS TO BE MADE AVAILABLE BY AUTHORISED STAFF TO THE POLICE UPON REASONABLE REQUEST FOR UP TO 31 DAYS, A CCTV CAMERA SHALL BE INSTALLED TO COVER THE ENTRANCE OF THE PREMISES.
2. APPROPRIATE TRAINING MANUAL UTILISED. APPROPRIATE STAFF TRAINING TO BE SATISFACTORILY COMPLETED AND RECORDED. WRITTEN TRAINING RECORDS CAN BE MADE AVAILABLE FOR INSPECTION UPON REASONABLE REQUEST BY A RELEVANT OFFICER OF A RESPONSIBLE AUTHORITY.
3. ALL ALCOHOL DISPLAYS TO BE BEHIND THE BAR COUNTER AND WILL ONLY BE SERVED BY WAITERS DIRECT TO TABLE. ALCOHOL WILL ONLY BE SERVED IN CONJUNCTION WITH A FULL TABLE MEAL.
4. PATRONS WILL NOT BE PERMITTED TO CONSUME ALCOHOL FROM THE BAR AREA.
5. REFUSALS BOOK TO BE MAINTAINED WITHIN THE PREMISES AND OPERATED BY ALL STAFF, THE FOLLOWING DETAILS TO BE NOTED IN THE REFUSAL BOOK, DATE AND TIME OF REFUSAL, THE PRODUCT DESCRIPTION, THE REASON FOR REFUSAL, THE DESCRIPTION OF THE PERSON REFUSED AND THE STAFF MEMBERS NAME.
6. CHALLENGE 25 AGE VERIFICATION POLICY TO BE ADOPTED, THE ONLY FORMS OF ID ACCEPTABLE WILL BE A PASSPORT, A PHOTO DRIVING LICENCE OR A PASS ACCREDITED PROOF OF AGE CARD SCHEME , TO BE OPERATED BY ALL STAFF.
7. NO ALCOHOL WILL BE SERVED TO PATRONS AFTER 23.30 HOURS.
8. READING BOROUGH COUNCIL RESPONSIBLE DRINKS PROMOTION CONDITIONS – 1 & 2 (a) (i) & (ii) (b) (c) (d) (i) (ii) (e) TO BE EMBRACED.
9. READING BOROUGH COUNCIL SUPPLY OF TAP WATER CONDITION TO BE INCLUDED.
10. READING BOROUGH COUNCIL DRINK MEASUREMENT CONDITION 1 (a) (i) (ii) (iii) & (b) TO BE INCLUDED.
11. APPROPRIATELY WORDED NOTICES TO BE DISPLAYED PROMINENTLY INSIDE AND OUTSIDE THE PREMISES REQUESTING PATRONS TO LEAVE THE PREMISES QUIETLY AT NIGHT.

b) The prevention of crime and disorder

1. CCTV SYSTEM TO HOME OFFICE GUIDANCE STANDARDS AND MAINTAINED IN GOOD WORKING CONDITION, WITH IMAGES RECORDED DIGITALLY AT ALL TIMES THE PREMISES IS OPEN FOR LICENSABLE ACTIVITIES WITH RECORDINGS TO BE MADE AVAILABLE BY AUTHORISED STAFF TO THE POLICE UPON REASONABLE REQUEST FOR UP TO 31 DAYS, A CCTV CAMERA SHALL BE INSTALLED TO COVER THE ENTRANCE OF THE PREMISES.
2. ALL ALCOHOL DISPLAYS TO BE BEHIND THE BAR COUNTER AND WILL ONLY BE SERVED BY WAITERS DIRECT TO TABLE. ALCOHOL WILL ONLY BE SERVED IN CONJUNCTION WITH A FULL TABLE MEAL.
3. PATRONS WILL NOT BE PERMITTED TO CONSUME ALCOHOL FROM THE BAR AREA.
4. REFUSALS BOOK TO BE MAINTAINED WITHIN THE PREMISES AND OPERATED BY ALL STAFF, THE FOLLOWING DETAILS TO BE NOTED IN THE REFUSAL BOOK, DATE AND TIME OF REFUSAL, THE PRODUCT DESCRIPTION, THE REASON FOR REFUSAL, THE DESCRIPTION OF THE PERSON REFUSED AND THE STAFF MEMBERS NAME.
5. CHALLENGE 25 AGE VERIFICATION POLICY TO BE ADOPTED, THE ONLY FORMS OF ID ACCEPTABLE WILL BE A PASSPORT, A PHOTO DRIVING LICENCE OR A PASS ACCREDITED PROOF OF AGE CARD SCHEME , TO BE OPERATED BY ALL STAFF.
6. NO ALCOHOL WILL BE SERVED TO PATRONS AFTER 23.30 HOURS.
7. READING BOROUGH COUNCIL RESPONSIBLE DRINKS PROMOTION CONDITIONS – 1 & 2 (a) (i) & (ii) (b) (c) (d) (i) (ii) (e) TO BE EMBRACED.
8. READING BOROUGH COUNCIL SUPPLY OF TAP WATER CONDITION TO BE INCLUDED.
9. READING BOROUGH COUNCIL DRINK MEASUREMENT CONDITION 1 (a) (i) (ii) (iii) & (b) TO BE INCLUDED.

c) Public safety

1. CCTV SYSTEM TO HOME OFFICE GUIDANCE STANDARDS AND MAINTAINED IN GOOD WORKING CONDITION, WITH IMAGES RECORDED DIGITALLY AT ALL TIMES THE PREMISES IS OPEN FOR LICENSABLE ACTIVITIES WITH RECORDINGS TO BE MADE AVAILABLE BY AUTHORISED STAFF TO THE POLICE UPON REASONABLE REQUEST FOR UP TO 31 DAYS, A CCTV CAMERA SHALL BE INSTALLED TO COVER THE ENTRANCE OF THE PREMISES.
2. APPROPRIATE TRAINING MANUAL UTILISED. APPROPRIATE STAFF TRAINING TO BE SATISFACTORILY COMPLETED AND RECORDED. WRITTEN TRAINING RECORDS CAN BE MADE AVAILABLE FOR INSPECTION UPON REASONABLE REQUEST BY A RELEVANT OFFICER OF A RESPONSIBLE AUTHORITY.

d) The prevention of public nuisance

1. NO ALCOHOL WILL BE SERVED TO PATRONS AFTER 23.30 HOURS.
2. APPROPRIATELY WORDED NOTICES TO BE DISPLAYED PROMINENTLY INSIDE AND OUTSIDE THE PREMISES REQUESTING PATRONS TO LEAVE THE PREMISES QUIETLY AT NIGHT.

e) The protection of children from harm

1. REFUSALS BOOK TO BE MAINTAINED WITHIN THE PREMISES AND OPERATED BY ALL STAFF, THE FOLLOWING DETAILS TO BE NOTED IN THE REFUSAL BOOK, DATE AND TIME OF REFUSAL, THE PRODUCT DESCRIPTION, THE REASON FOR REFUSAL, THE DESCRIPTION OF THE PERSON REFUSED AND THE STAFF MEMBERS NAME.
2. CHALLENGE 25 AGE VERIFICATION POLICY TO BE ADOPTED, THE ONLY FORMS OF ID ACCEPTABLE WILL BE A PASSPORT, A PHOTO DRIVING LICENCE OR A PASS ACCREDITED PROOF OF AGE CARD SCHEME , TO BE OPERATED BY ALL STAFF.

Checklist:

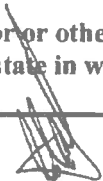
Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	12 TH DECEMBER 2013
Capacity	DULY AUTHORISED AGENT

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

RICHARD BAKER
 RB RETAIL & LICENSING SERVICES
 23 MAGISTER DRIVE
 LEE ON THE SOLENT

Post town	PORTSMOUTH	Postcode	PO13 8GE
Telephone number (if any)	07771 540066		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
Richard@rwrbaaker.freeseerve.co.uk			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

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	LP9000287
--------------------------------	-----------

Premises Details

Trading name of Premises and Address	
Faith Kitchen 288-290 Oxford Road Reading Berkshire RG30 1AD	
Telephone Number	

Where the Licence is time limited the dates the Licence is valid
N/A

Licensable Activities

Licensable Activities authorised by the Licence
Late Night Refreshment - Indoor Sale of Alcohol by Retail - On the Premises

Authorised Hours for Licensable Activities

The times the licence authorises the carrying out of licensable activities	
Hours for the Provision of Late Night Refreshment	
Monday	from 2300hrs until 0000hrs
Tuesday	from 2300hrs until 0000hrs
Wednesday	from 2300hrs until 0000hrs
Thursday	from 2300hrs until 0000hrs
Friday	from 2300hrs until 0000hrs
Saturday	from 2300hrs until 0000hrs
Sunday	from 2300hrs until 0000hrs
Hours for the Sale by Retail of Alcohol	
Monday	from 1100hrs until 0000hrs
Tuesday	from 1100hrs until 0000hrs
Wednesday	from 1100hrs until 0000hrs
Thursday	from 1100hrs until 0000hrs
Friday	from 1100hrs until 0000hrs
Saturday	from 1100hrs until 0000hrs
Sunday	from 1100hrs until 0000hrs

Opening Hours

Hours the Premises is Open to the Public

Monday from 1100hrs until 0000hrs
Tuesday from 1100hrs until 0000hrs
Wednesday from 1100hrs until 0000hrs
Thursday from 1100hrs until 0000hrs
Friday from 1100hrs until 0000hrs
Saturday from 1100hrs until 0000hrs
Sunday from 1100hrs until 0000hrs

Alcohol

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Sale of Alcohol by Retail - On the Premises

Premises Licence Holder

Name, (registered) address of holder of premises licence

Name: Faith Kitchen Limited
Address: 51 Grasmere Avenue, Tilehurst, Reading, RG30 6XU

Additional Details

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

Name: Dr Elizabeth Adunola Omole
Address: 51 Grasmere Avenue, Tilehurst, Reading, RG30 6XU

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: LP7002404
Issuing Authority: Reading Borough Council

This Licence shall continue in force from 12/02/2014 unless previously suspended or revoked.

Dated: 12 February 2014



Head of Environment & Neighbourhood 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 drinks promotions.

On licence premises only (commencement date 6/4/2010)

- 1 The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.

Responsible drinking On and Off Sales

(Commencement date 6 April 2010)

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Supply of tap water

On licence premises only (commencement date 6/4/2010)

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Age Verification (commencement 1st October 2010)

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the supply of alcohol.

(2) The policy must require individuals who appear to the responsible person, as defined within the meaning of Section 153 (4) of the Licensing Act 2003, 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 a holographic mark.

Drink Measurements (commencement 1st October 2010)

1. The responsible person, within the meaning of Section 153 (4) of the Licensing Act 2003, shall 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: half a pint
- ii) gin, rum, vodka or whisky: 25ml or 35ml and
- iii) still wine in a glass: 125 ml and

b) customers are made aware of the availability of these measures

Annex 2

Conditions Consistent with the Operating Schedule

1. Alcohol will only be served in conjunction with a full table meal and will only be served by a waiter direct to a table in the premises. No alcohol shall be served after 2330hrs.
2. 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. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or a Thames Valley Police officer, together with facilities for viewing upon request. The CCTV system shall include a camera to cover the entrance of the premises.
3. All new members of staff must undertake initial training which shall include but not be limited to age restricted sales, the premises' age verification policy, proxy sales to non patrons and knowledge of the four licensing objectives. These training records shall be kept and be made available to view by an authorised officer of Reading Borough Council and Thames Valley Police upon request.
4. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or a nationally accredited proof of age card are to be accepted as identification.
5. 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.
6. A refusal book shall be maintained and kept on the premises. The refusal book shall record details of the time and date when the sale of alcohol was refused; the product description; the reason for the refusal; a description of the person refused and the staff members name.

Annex 3

Conditions attached after a hearing by the Licensing Authority

N/A

Annex 4

Plans

As attached plan no. RB/0849 dated 10th December 2013



Alison Bell
Director of Environment and
Neighbourhood Services
Civic Offices, Reading, RG1 7AE
☎ 0118 937 3737
SMS TEXT: 81722

Fax: 0118 9372 557
Our Ref: LIC/FCDTRE288-/1

Direct: ☎ 0118 9373 762 Option 3
e-mail: jean.champeau@reading.gov.uk

13 August 2014

Faith Kitchen Ltd
51 Grasmere Avenue
Tilehurst
Reading
RG30 6XU

Your contact is: Jean Sebastien Champeau, Licensing

Dear Sir or Madam:

Licensing Act 2003

Premises: Faith Kitchen

Premises Address: 288-290 Oxford Road, Reading

On the 9 August 2014 Licensing Enforcement officers visited your premises to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection.

During the inspection, they found a number of items that require your attention as outlined below/attached.

- 1) No signs displayed asking customers to leave the premises quietly
- 2) No Part A or B of the premises licence available or displayed to the public.
- 3) No written training records.
- 4) No refusal log.

If you are unable to find part A & B of your premises licence, please request a copy from the licensing department, a copy will cost £10.50 each.

This letter is sent and should be received as a warning against any future breaches of your premises licence. Should any future breaches occur, formal action may be considered.

Should you wish to discuss the issues, please telephone me on the number above, during office hours.

Yours faithfully

Jean Sebastien Champeau
Senior Licensing & Enforcement Officer



Alison Bell
 Director of Environment and
 Neighbourhood Services
 Civic Offices, Reading, RG1 7AE
 ☎ 0118 937 3737
 SMS TEXT: 81722

Faith Kitchen Limited
 51 Grasmere Avenue
 Tilehurst
 Reading
 RG30 6XU

Fax: 0118 9372 557
 Our Ref: LIC/FCDTRE288-/1

Direct: ☎ 0118 9373 762 Option 3
 e-mail: peter.narancic@reading.gov.uk

19 August 2014

Your contact is: Peter Narancic, Licensing

Dear Sir and Madam

Licensing Act 2003
Premises Licence Number - 9000287
Premises: Faith Kitchen
Premises Address: 288-290 Oxford Road, Reading

On the 9 and 16 August 2014, Licensing Enforcement officers visited your premises to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection. You have been sent one warning letter in regard to what officers' found on 9 August 2014.

During the inspection on 16 August 2014, they found similar issues to those found on the previous inspection.

- 1) No signs displayed asking customers to leave the premises quietly
- 2) No Part B of the premises licence displayed to the public.
- 3) No written training records.
- 4) No refusal log.

If you are unable to find part B of your premises licence, please request a copy from the licensing department, a copy will cost £10.50.

I am very concerned that this is your second warning letter within a month, may I suggest you contact a licensing solicitor or consultant for further advice on Licensing law. Please be aware breaches of your premises conditions can lead to a **£20,000 fine/up to 6 months in prison** in respect to each offence.

This letter is sent and should be received as a warning against any future breaches of your premises licence. Should any future breaches occur, formal action may be considered.

Should you wish to discuss the issues, please telephone me on the number above, during office hours.

Yours faithfully

Peter Narancic

Cc Dr Elizabeth Adunola Omole
Designated Premises Supervisor
51 Grasmere Avenue
Tilehurst
Reading
RG30 6XU

Mr Mike King (Licensing Officer)
Thames Valley Police

DEAR
SIR/MADAM

APPENDIX RF-5

I complete This Diary on 2 Jan 2016. I did not
Send because I was thinking that might be
This music is loud because of Christmas, and
They have permission for that. I went to see
owner once ~~on 20th~~ and one of his friend in
The Permisses push me and told me do what
you want, we will not turn off this music.
First two week of Jan 2016 was fine. ~~They are~~
but now they start again. our life is so disturb
of because we cannot sleep properly, I work in
Construction site and I have to wake up 5 o'clock
in the morning and my wife is care worker, she
has to wake up some time because of our jobs. but
if we not sleep how could we do our jobs
and we are suffering because of Council. please
look into this matter urgently. Specially they
have loud music on Friday - SAT - SUNDAY.

READING BOROUGH COUNCIL

02 FEB 2016

ENVIRONMENTAL HEALTH



30-1-2016

02 FEB 2016

[date 14 December 2015]

ENVIRONMENTAL HEALTH READING BOROUGH COUNCIL - ENVIRONMENTAL HEALTH

YOUR NAME: ... [redacted] ...

ENQUIRY No. 536097 /RJ1
 RECORD OF NUISANCE FROM: Faith Kitchen

ADDRESS: [redacted] Dr Feroz Road RG30 1AD

Type of noise eg loud music, alarm, shouting etc	Day	Date	Time started	Time stopped	Duration	Location of noise eg from ground floor of premises x	DESCRIPTION OF INCIDENT How did the noise interfere with you? Eg could it be heard above your television/radio, prevented or disturbed your sleep, affect your use of the telephone cause vibration in your house? Any other relevant info e.g. registration nos. of vehicles, company name on delivery van.	Signature (initials) of person describing the incident and date signed (dd/mm)
Music	MON	28/12	8:30	00:00	3 1/2 hours	Ground Floor	Music was loud, we are unable to sleep until 12 o'clock	[Signature] 28/12
Music	TUE	29/12	8:00	00:00	4 hours	Ground Floor	Music was loud, no sleep until 12 o'clock	[Signature] 29/12
Music	WED	30/12	8:30	00:30	4 hours	Ground Floor	Music was loud, no sleep until 1:30 am	[Signature] 30/12
Music	THUR	31/12	9:00	5:00	8 hours	Ground Floor	Music was very loud and we cannot sleep until 5 o'clock	[Signature] 31/12/15
Music	FRI	1/1	10:00	13:20	3 hours	Ground Floor	Music was so loud	[Signature]

1. This information is true to the best of my knowledge and belief. Each entry was made at the time stated.
2. I am willing to give evidence in court if necessary.
3. I understand that any decision with regard to legal proceedings rest solely with Reading Borough Council. (NB This does not prejudice the individual's rights to pursue private legal action)

Signature: [Signature] Date: ... 2.11.2016



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

┌ The Licensee
Faith Kitchen
288-290 Oxford Road
Reading
RG30 1AD

☎ 0118 937 3787
SMS TEXT: 81722

Our Ref: EP/RJ1536097

Direct: ☎ 0118 9372314
e-mail: ross.jarvis@reading.gov.uk

14 December 2015

└ Your contact is: Ross Jarvis- Environmental Protection

Dear Sir/Madam

Environmental Protection Act 1990

Alleged Noise Nuisance from: Faith Kitchen, 288-290 Oxford Road, Reading, RG30 1AD

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 loud music late at night.

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.

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.

While no conclusions have been reached, I would ask that if you have reason to believe that noise from your premises may be affecting neighbours, you take steps to ensure a nuisance does not occur.

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.

Yours faithfully

Ross Jarvis
Senior Technical 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.



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

☎ 0118 937 3787
 SMS TEXT: 81722

Our Ref: EP/RJ1536097

Direct: ☎ 0118 9372314
 e-mail: ross.jarvis@reading.gov.uk

1 February 2016

┌

Dr Elizabeth Adunola Omole
 Faith Kitchen Limited
 51 Grasmere Avenue
 Tilehurst
 Reading
 RG30 6XU

└

Your contact is: Ross Jarvis- Environmental Protection

Dear Sir/Madam

Environmental Protection Act 1990

Alleged Noise Nuisance from: Faith Kitchen, 288-290 Oxford Road, Reading, RG30 1AD

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 loud music until the early hours of the morning.

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.

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.

While no conclusions have been reached, I would ask that if you have reason to believe that noise from your premises may be affecting neighbours, you take steps to ensure a nuisance does not occur.

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.

Yours faithfully

Ross Jarvis
 Senior Technical 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.

NOISE CALLOUT ROTA REPORT SHEET Ref

CASE OFFICER Ross Jarvis CALLOUT OFFICER Matthew Knight

case no 536097 address 288-290 Oxford Road Reading

Following A Callout I Would Recommend The Following Action

	Tick (or type yes/no)
Dealt With By Telephone - No Visit	YES
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 [REDACTED]

ADDRESS (Cause of complaint)_ 288-290 Oxford Road Reading

DATE 21 February 2016 DAY Sunday TIME 0040

HEARD AT (Place) [REDACTED] Oxford Road Reading

ACTION TAKEN (The person responsible was not contacted/would not answer door) .. Call from Forestcare at 0040 Ref 718

Called [REDACTED] who said there was currently a party happening downstairs at Faith Kitchen and music was very loud meaning he could not sleep. I said I would come out and would be there within 1 hour

I arrived at [REDACTED] Oxford Road at 0137 and saw that the lights of the Faith Kitchen were on and people were still inside dancing and drinking. Upon entering [REDACTED] the music was very loud and the walls, floor and furniture within the house was vibrating from the bass . The noise was not only from the music but from conversations within Faith Kitchen. There was no part of the house that you could achieve any reduction in noise from the music or conversation. [REDACTED] said that the music normally continues until 3am, The Level never subsided whilst I was in the house, I left the property at 0200 and as I walked past the door of the Faith Kitchen noticed around 15 people dancing and drinking . I sat in the car to write my notebook which was approx. 25m from the property and could still hear the music and bass

Signed: Matthew Knight

Date:22/02/2016



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

☎ 0118 937 3787

Our Ref: 536097

Direct: ☎ 0118 9372314

E-mail: ross.jarvis@reading.gov.uk

24 February 2016

┌
 Ms Elizabeth Adunola Omole
 51 Grasmere Avenue
 Tilehurst
 Reading
 RG30 6XU

Your contact is: Ross Jarvis - Environmental Protection & Nuisance

Dear Ms Omole,

Environmental Protection Act 1990 - Section 79(1)(g), Section 80
Alleged Noise Nuisance from: Faith Kitchen, 288-290 Oxford Road, Reading, RG30 1AD

Please find enclosed a noise abatement notice served on you under the above legislation due to the noise and vibration nuisance being caused to your neighbours from amplified music.

The notice is served on you as the person responsible for the noise.

Please ensure that no amplified music is played within the Faith Kitchen, 288-290 Oxford Road in such a manner that noise and vibration nuisance is likely to be caused to your neighbours. This notice is effective immediately.

This is a legal notice. Failure to comply with the notice is a criminal offence for which you may be prosecuted and your equipment may be seized and detained.

You may appeal your notice within 21 days of the service of the notice. See notes attached to the notice for details on grounds for appeal and how to formally make your appeal. Please note, that your notice will not be suspended in the case of an appeal being made.

Please note that it is also our policy to review the premises licence of licenced premises where a statutory nuisance has been witnessed.

Please do not hesitate to contact me if there are any details about the noise abatement notice that you do not understand.

Yours sincerely

Ross Jarvis
 Senior Technical Officer
 Environmental Protection & Nuisance

ENVIRONMENTAL PROTECTION ACT 1990
Section 80**ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE**

To Ms Elizabeth Adunola Omole

Of 51 Grasmere Avenue, Tilehurst, Reading, RG30 6XU

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 (as amended) (“The Act”) The Reading Borough Council (“the Council”) is satisfied that a statutory nuisance is likely to recur under section 79 (1) (g) of the Act from

Faith Kitchen, 288-290 Oxford Road, Reading, RG30 1AD

within the Borough of Reading arising from

noise and vibration produced by amplified music from within Faith Kitchen, 288-290 Oxford Road, Reading, RG30 1AD.

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

What you are required to do

The recurrence of the nuisance is PROHIBITED immediately and for that purpose you are required to:

Ensure that no amplified music is played within Faith Kitchen, 288-290 Oxford Road in such a manner that noise or vibration from the same unreasonably interferes with the ability of neighbouring residents to quietly enjoy the use of their own home.

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 a fine (unlimited) 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.

The effect of this notice if you appeal

The notice will not be suspended in the event of an appeal being brought. Regulation 3 (2) of the Statutory Nuisance (Appeals) Regulations applies to this notice as (a) the nuisance to which the abatement notice relates (i) is injurious to health, (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.

DATED 24th February 2016


(Signed)
Head of Environment and Consumer Services

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-

APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990 (“the 1990 Act”)

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case -
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a),(d),(e),(f) (fa) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes,
 - (iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act -
 - (aa) the artificial light is emitted from industrial, trade or business premises, or
 - (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act).
- that the best practical means were used to prevent, or to counteract the effects of, the nuisance;
- (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 (“the 1974 Act”) (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph 2(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (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.



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

Our Ref:052273 SRU

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

23 February 2016

Faith Kitchen Ltd
 Faith Kitchen
 288-290 Oxford Road
 Reading
 RG30 1AD

Your contact is: Mr Richard French, Licensing

Dear Sirs

Licensing Act 2003

Premises Licence Number: LP9000287 dated 12/02/2014

Premises: Faith Kitchen

Premises Address: 288-290 Oxford Road, Reading

On the 18th February 2016 a Licensing Enforcement Officer visited your premises to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection.

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

- 1) Condition 1 relating to the service of alcohol only in conjunction with table meals was not being complied with. It was observed that two customers were consuming alcohol with no food. It was also observed that the kitchen seemed not to be in use. This is a breach of Section 136 (1) of the Licensing Act 2003.
- 2) Condition 2 relating to CCTV being made immediately available to officers of Reading Borough Council upon request was not being complied with. We requested footage from 2300hrs on the 29th January 2016 until 0300hrs on 30th January 2016. This was not supplied to us because the staff member was unable to use the CCTV system. This is a breach of Section 136 (1) of the Licensing Act 2003.
3. Condition 3 relating to staff training on the premises' age verification policy and the promotion of the licensing objectives could not be demonstrated. It was confirmed that no training had been undertaken and to that effect, no training records were produced upon request. This is a breach of Section 136 (1) of the Licensing Act 2003.
4. Condition 4 relating to the use of a Challenge 25 age verification at the premises was not being complied with. There was no indication that staff were trained in any aspect of the age verification policy and it seemed that apart from one poster, there was no

indication that this policy was actively being enforced or carried out. This is a breach of Section 136 (1) of the Licensing Act 2003.

5. Condition 6 relating to the use and maintenance of a refusal book on the premises to record attempts by underage persons to purchase alcohol was not being complied with. This coupled with the lack of a age verification policy is a breach of Section 136 (1) of the Licensing Act 2003.

6. There was no understanding of what the licensing objectives were. All licensees are required to actively promote the licensing objectives. There was no indication that the licensing objectives were being actively promoted.

7. There was no Section 57 notice in place at the premises. This notice details who has custody of the licence in the absence of the premises licence holder. Failure to display this notice is a breach of Section 57 of the Licensing Act 2003.

8. No documentation could be produced to outline who had been authorised in writing by the Designated Premises Supervisor to sell alcohol. This is a breach of the mandatory conditions concerning the supply of alcohol on page 3 of the premises licence.

This is not the first time these deficiencies have been noted at the premises in terms of compliance with conditions. In fact, a lot of the same deficiencies were outlined to you in 2014. I am also bringing to your attention that we are investigating allegations that you have held unlicensed events up until 3am which involve regulated entertainment and the sale of alcohol. We are also investigating several noise complaints concerned with these alleged unlicensed events. You will be informed of the outcome of these investigations in due course.

It was confirmed to you during our visit that a re-visit would occur at 1500hrs on 23rd February 2016 wherein you assured us that the CCTV would be available. It is also expected that the above conditions should be immediately complied with before opening for any further licensable activities.

Should you wish to discuss the issues mentioned in this letter then please email me.

Yours faithfully

Mr Richard French
Licensing & Enforcement Officer

10

21 Feb 2016

01:03 Faith Kitchen
Oxford Road
premises was
still opened and
there was about
15 people inside
premises and 4
IC3 male standing
outside smoking
cigarette. However,
the blinds on the
windows were
closed but you
could see people
through the entrance
door.

11

23 Feb 2016

15:00 Faith Kitchen
Oxford Road
I visited premises
today @ 15:00 hours
with my colleague
Richard French I
arranged with Mr
John Omore. As we
arrived, I met a
white male with
couches sitting
behind the bar
operating the CCTV.
We introduced our
self to him and
he told me his
name was Stewart
Mr Omore then

NOTES FROM 23/2/2016

came out of the
 back room and
 I proceeded with
 my inspection and
 asked for the
 following items;
 Training record, refusal
 log and SS9. Mr
 Omole produce this
 documents to me
 I then examine
 it and I asked him
 why haven't him
 or anyone use the
 refusal log, his
 excuse was "they
 have no reason to
 refuse anyone".

I then asked to
 see the CCTV for
 the 29th & 30th of
 January 2016.
 Mr Omole replied
 was "my CCTV wasn't
 recording that day".
 I then used words
 to effect; can I
 see the CCTV
 footage for
 the 12th, 13th & 14th
 February the CCTV
 wasn't working
 also. Can I view
 the CCTV footage
 for this last
 weekend. Mr

Someone required was
CCTV wasn't work-
ing also.

Q When did you
realised the
CCTV wasn't working
today when stew-
art arrived some-
one unplugged it
that's why.

A As part of your
condition the
CCTV should be
working.

Q Who I didn't know.

The white male
name Stewart
then started

Operating the
System and showed
us the CCTV
stops recording
on 21-01-2016 to
23-02-2016. I was
now of the view
Mr Omore and
Stewart deliberately
deleted the CCTV
Footage. I had
same CCTV DVR
at home for my
home security
system and I am
fully aware how
the CCTV system
operate. Mr Omore

was obstructing
me for viewing
what I was inter-
ded to view.

If the CCTV was
unplugged accidentally
the CCTV system
should have kept
the recording for
the previous 30
days before

21-01-2016. However
there no footage.

I then said to
Mr Omore

AC on my visit on
the 18 Feb 2016
you told me the

CCTV was working
and you can't operate
it.

Omore yes, but someone
knock the plug off
it.

I then advice Mr
Omore a letter
will follow shortly
regarding this visit.

Omore Can I have your
number as your
have visited their
place four times.

AC You can ring
licensing department
and ask of me if
you need to speak

No.

Oh no I am not asking for
your personal
number.

Myself and Mr
French then left
the premises.

Risk:



PREMISES LICENCE - RECORD OF INSPECTION

Inspection Worksheet: EVU No.....

Business Name:	Faith Kitchen	PH/Off Licence/Restaurant/Hotel/Other
Address:	288-290 Oxford Road	Licence No LP9000287
	Reading, Berkshire RG30 1AD	
Type:	Premises Licence/Club Premises Certificate/Other (please specify)	

Licence inspection: Is the Summary on Display? Yes No (current copy)

Is the Licence/Conditions held at Premises? Yes No (current copy and plan)

Premises Licence Holder: Dr. Elizabeth A. Omore DPS (if applicable)

Is the DPS as per Licence? Yes No / NA How often is DPS at premises ??

Is the DPS present? Yes No / NA

Person in charge: John Omore Person Authorised in absence: Yes No

How Authorised: verbal/written

Age verification policy Yes No s57 Authorisation Yes No only issued today

LICENSABLE ACTIVITIES carried on:

Regulated Entertainment: Plays / Films / Indoor Sporting Events / Boxing or Wrestling / Live Music / Recorded Music / Performances of Dance / Anything Similar

Entertainment Facilities: Making Music / Dancing / Anything Similar

Provision of Late Night Refreshment: Yes/No Supply of Alcohol: On / Off / Both

Capacity (if applicable): *

Does the Licence/Certificate permit the Licensable Activities carried on: Yes/No

AWARENESS OF LICENSING OBJECTIVES BY PREMISES LICENCE HOLDER / DPS: n/a

(Key = A - Very Good, B - Good, C - Fair, D - Poor)

CONDITIONS OF LICENCE / CERTIFICATE:

- The following conditions of the Licence were NOT being complied with:
- Breach of CCTV not recording for over 31 days.
 - Not aware of licensing objectives.
 - S57 Authorisation was only issued to Mr Omore on 23rd Feb 16.
 - Training record is also dated 23rd Feb 2016.
 - Mr Omore has only begun AC23rd Feb 2016 and never been used.
 - Mr Omore deliberately obstructed officers by obstructing CCTV.
 - AC seeing on my visit on the 18-02-16 Mr Omore refused to use the CCTV.

Is signage clearly visible in respect of 'No under age sales' Yes/No 18/21/25 was working

Do you have a proof of age scheme? Yes/No

Details:

Have staff been trained in the operation of the proof of age scheme? Yes No

How is this recorded? None Refreshers?

Do you have a refusals log? book/till/ other Yes/No

Is the refusals log actively used? Yes No

Last entry date: Only issued 23rd Feb 2016 Last 4 weeks

Additional comments:

CCTV time/date/signage/storage period condition? Yes No Pub Watch Attendance Yes No

Exposure of Alcohol policy/safeguards/training/signage NO

Details of Any Matters identified during the inspection requiring your attention:	Legal Requirement/ Recommendation

Following an inspection of the above premises, I can confirm that the overall inspection outcome was:- Compliant Non Compliant

INSPECTING OFFICER(S) Anthony Chavara..... SIGNATURE [Signature]

PREMISES REPRESENTATIVE Jama Omona..... SIGNATURE

DATE OF INSPECTION 23 Feb 2016.....

To discuss the above findings or request further advice please contact the above officer on 0118 9373762, option 3



To: Licensing

Dept: Licensing

Cc:

From: Ross Jarvis

Dept: Environmental Protection

Date: 14th march 2016

Subject: Application to review premises licence.

Premises: Faith Kitchen, 288-290 Oxford Road, Reading RG30 1AD.

I would like to make a representation in support of the application to review the premises licence of Faith Kitchen, 288-290 Oxford Road, Reading.

The Environmental Protection & Nuisance Team has collected evidence that indicates the premise is causing a public nuisance due to loud music being played until the early hours of the morning.

A complaint was first received by the Environmental Protection and Nuisance Team about music noise going on to 02:30hrs on 13/12/15.

In response to the complaint a nuisance investigation was opened and a letter was sent to the faith kitchen (Appendix RF-6(A) of application to review licence) to inform them that a complaint had been received and that they may be causing a nuisance. Diary sheets were also sent to the complainant.

Following further telephone and email complaints another warning letter (Appendix RF-6(B) of application to review licence) was sent to Mrs Amole to inform her that the complaints about music noise from the faith kitchen were continuing.

On 02/02/16 diary sheets from the complainant were received. Following receipt of the diary sheets (Appendix RF-5 of application to review premises licence) it was decided to put the case on the out of hours nuisance rota.

On 21/02/16 an officer was called out and witnessed loud music from the faith kitchen between 01:37 and 02:00hrs. The call out report submitted (Appendix RF-7 of application to review licence) clearly demonstrates the extent of the disturbance, with walls, floor and furniture witnessed to be vibrating from the bass. This disturbance was judged to be a statutory nuisance.

As a consequence of this an abatement notice under section 79(g) of The Environmental Protection Act 1990 (Appendix RF-8 of application to review licence) was served on Mrs Omole as the person responsible.

In my opinion, the building is not suitable for music to be played much above background level and certainly is not suitable for use as a late night bar or club. Due to the structure of the building, as it stands, any loud music noise will be transmitted to adjoining and nearby properties causing a public nuisance.

The current premises license only allows music to be played until 23:00hrs, unless an extension is applied for under a TEN. As shown in the review paperwork, this has been disregarded on several occasions.

As the current premises licence is not being adhered to, the merit of adding further conditions to control noise from the premises is questionable. I therefore recommend that the premises licence be revoked.

However, if the Licensing Committee are minded to retain the premises license I would recommend that the below noise conditions are attached to the license.

- Recorded music will be reduced to a level of no more than 60dB(A) (ie a background level) during opening hours.
- 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.
- During operating hours, the licensee or a nominated representative shall be available to receive and respond to nuisance-related complaints. A contact number shall be readily available to residents upon request.
- 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. After 2230 hrs staff shall be available to ensure that customers disperse quietly.

Please contact me if you require any further information.

Kind regards

Ross Jarvis
Environmental Protection

23 FEB 16

35 3029

DA 6325R

WHITE Ford GALAXY
PROVING

NO BAKING PLATE

3627

M. F. CHUN TAI

077388514p3

43 VK 54 EZE

10 24 FEB 16

B4 CAB - 158

LIVERY DAMAGED

14 DAYS

~~30~~ TEST BOOKING
TO FESTIVAL PLACE
BASINGSTOKE

SAM WAS THE
CUSTOMER AND
FARE WAS £30 -
PICK UP IN 15 MIN
27 FEB 2016

248 HAND DELIVERY LATER
TO FAITHY KITCHEN -
FOUND AT LEAST 15
CUSTOMERS AROUND THE
BAR WITH ONE PLAYING
POOL - FOUND A BLACK
FEMALE SHORT HAIR
WITH A BANDAGE ON HER
RIGHT HAND SERVING
BEHIND THE BAR - HOW
EVER FRONT DOOR WAS
LOCKED FROM INSIDE -
THE BACK FEMALE ATTEND
I SHOWED MY PRC

ADDITIONAL
INFORMATION

Appendix III

44

I'D AND THE LETTER
TO BE DELIVERED. SHE
ADVISED TO WAIT
A BLACK MALE ON
HIS FIFTY ATTENDED
THE FRONT DOOR.

ML: I AM A LICENSING
ENFORCEMENT FOR RBC
MALE I KNOW YOUR
NAME PLEASE.

MALE: JOHN OMOLE
~~HE~~ LOOK I TOLD
THEM TO LEAVE BUT
THEY DON'T WANT.
I HAVE INVESTED
MY LIFE IN THIS
BUSINESS. SINCE I CAN
TO RESIGN.

ML: WELL MR OMOLE

*

*

45

THIS IS YOUR BUSINESS
AND YOU'RE RESPONSIBLE
FOR RUNNING IT. YOU
NEED TO START COMPLAIN
IF YOU WANT THIS TO
CONTINUE - I DON'T
BELIEVE THAT YOU
CAN'T TELL THEM TO
GO.

JO: WHAT IS THIS ABOUT
IS IT THE SAME YOU
DELIVER AT MY HOME

ML: I AM NOT SURE
I WAS TOLD TO GIVE
YOU THIS - PLEASE DO
READ IT - AND ACT
BEFORE IT'S TOO LATE.



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	LP9000287
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Premises Details

Trading name of Premises and Address	
Faith Kitchen 288-290 Oxford Road Reading Berkshire RG30 1AD	
Telephone Number	

Where the Licence is time limited the dates the Licence is valid
N/A

Licensable Activities

Licensable Activities authorised by the Licence
Late Night Refreshment - Indoor Sale of Alcohol by Retail - On the Premises

Authorised Hours for Licensable Activities

The times the licence authorises the carrying out of licensable activities	
Hours for the Provision of Late Night Refreshment	
Monday	from 2300hrs until 0000hrs
Tuesday	from 2300hrs until 0000hrs
Wednesday	from 2300hrs until 0000hrs
Thursday	from 2300hrs until 0000hrs
Friday	from 2300hrs until 0000hrs
Saturday	from 2300hrs until 0000hrs
Sunday	from 2300hrs until 0000hrs
Hours for the Sale by Retail of Alcohol	
Monday	from 1100hrs until 0000hrs
Tuesday	from 1100hrs until 0000hrs
Wednesday	from 1100hrs until 0000hrs
Thursday	from 1100hrs until 0000hrs
Friday	from 1100hrs until 0000hrs
Saturday	from 1100hrs until 0000hrs
Sunday	from 1100hrs until 0000hrs

Opening Hours

Hours the Premises is Open to the Public

Monday	from 1100hrs until 0000hrs
Tuesday	from 1100hrs until 0000hrs
Wednesday	from 1100hrs until 0000hrs
Thursday	from 1100hrs until 0000hrs
Friday	from 1100hrs until 0000hrs
Saturday	from 1100hrs until 0000hrs
Sunday	from 1100hrs until 0000hrs

Alcohol

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Sale of Alcohol by Retail - On the Premises

Premises Licence Holder

Name, (registered) address of holder of premises licence

Name: Faith Kitchen Limited

Address: 51 Grasmere Avenue, Tilehurst, Reading, RG30 6XU

Additional Details

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

Name: Dr Elizabeth Adunola Omole

Address: 51 Grasmere Avenue, Tilehurst, Reading, RG30 6XU

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: LP7002404

Issuing Authority: Reading Borough Council

This Licence shall continue in force from 12/02/2014 unless previously suspended or revoked.

Dated: 12 February 2014



Head of Environment & Neighbourhood 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 drinks promotions.

On licence premises only (commencement date 6/4/2010)

- 1 The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.

Responsible drinking On and Off Sales

(Commencement date 6 April 2010)

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Supply of tap water

On licence premises only (commencement date 6/4/2010)

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Age Verification (commencement 1st October 2010)

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the supply of alcohol.

(2) The policy must require individuals who appear to the responsible person, as defined within the meaning of Section 153 (4) of the Licensing Act 2003, 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 a holographic mark.

Drink Measurements (commencement 1st October 2010)

1. The responsible person, within the meaning of Section 153 (4) of the Licensing Act 2003, shall 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: half a pint
- ii) gin, rum, vodka or whisky: 25ml or 35ml and
- iii) still wine in a glass: 125 ml and

b) customers are made aware of the availability of these measures

Annex 2

Conditions Consistent with the Operating Schedule

1. Alcohol will only be served in conjunction with a full table meal and will only be served by a waiter direct to a table in the premises. No alcohol shall be served after 2330hrs.
2. 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. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or a Thames Valley Police officer, together with facilities for viewing upon request. The CCTV system shall include a camera to cover the entrance of the premises.
3. All new members of staff must undertake initial training which shall include but not be limited to age restricted sales, the premises' age verification policy, proxy sales to non patrons and knowledge of the four licensing objectives. These training records shall be kept and be made available to view by an authorised officer of Reading Borough Council and Thames Valley Police upon request.
4. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or a nationally accredited proof of age card are to be accepted as identification.
5. 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.
6. A refusal book shall be maintained and kept on the premises. The refusal book shall record details of the time and date when the sale of alcohol was refused; the product description; the reason for the refusal; a description of the person refused and the staff members name.

Annex 3

Conditions attached after a hearing by the Licensing Authority

N/A

Annex 4

Plans

As attached plan no. RB/0849 dated 10th December 2013