

APPLICATION FOR A TEMPORARY EVENT NOTICE

1. Premises:
Five Star Wines 133 Caversham Road Reading Berkshire RG1 8AS

2. Applicant:
Kuljinder Roy

3. <u>Premises Licence:</u>
The premises is located on Caversham Road surrounded by residential dwellings and other retail premises. There is no premises licence pursuant to the Licensing Act 2003 in force at the premises. A premises licence - transferred to and held by Kuljinder Roy - the applicant in this matter - was revoked by the licensing committee on 20 th January 2016 for three counts of selling alcohol to underage persons during Reading Festival 2015. No appeal was received in regard of that decision made by the licensing committee by Kuljinder Roy and no licence has been applied for since that date.

4. <u>Proposed licensable activities and hours:</u>
The application is seeking to permit the use of the forecourts at 127, 129, 131 and 133 Caversham Road for the retail sale of alcohol. The application also seeks to use the retail premises at 133 Caversham Road - Five Star Wines - for the same purpose.
The application seeks permission to operate at this years Reading Festival from 1200hrs until 0100hrs each day from 22 nd to 28 th August and then from 1200hrs until 2359hrs on the 28 th August. This is the full permitted 7 days allowed by a temporary event notice.

5. <u>Temporary Event Notices</u>
In considering any application the Licensing Authority should be aware of the possible use of Temporary Event Notices to extend entertainment activities or hours of operation. A premises having a Premises Licence may extend the hours or scope of their operation by the use of Temporary Event Notices. Up to 15 events per year can be held under this provision at a particular premises. These events may last for up to 168 hours provided less than 500 people are accommodated and provided the total number of days used for these events does not exceed 21 per year.

6. <u>Date of receipt of application:</u> Thursday 2nd June 2016
A copy of the application form is attached as Appendix I.

7. Date of closure of period for representations:
3 working days after the application is received - 7th June 2016

8. Representations received:

Representations were received on 7th June 2016 from:
Mr Mike King of Thames Valley Police (attached as **Appendix II**)

9. The Licensing Authority approach to Temporary Event Notices

In considering representations received the Licensing Authority has a duty to carry out it's functions with a view to promoting the licensing objectives. Temporary Events Notice can only be objected to by the police and can only be considered under the prevention of crime and disorder objective.

Members are advised that the Cumulative impact policy does not apply to Temporary Events Notices.

Options

The sub Committee has the following options.

- a) to serve a Counter Notice and state the reasons for their decision.
- b) not to serve a Counter Notice and state the reasons for their decision.
- c) To reinstate existing premises licence conditions on the Temporary Events Notice.

Should the Sub Committee decide to serve a Counter Notice the event shall not take place.

Should the Sub Committee decide not to serve a Counter Notice the event shall take place.

Reading Borough Council Licensing Policy states:

10.10.1 Section 100 of the Act states that the organiser of a Temporary Event must give the Authority notice of the proposed event. Section 104 of the Act states that a copy of the notice must also be provided to the Police and Environmental Health. No notification need be given to other authorities Such as the Fire Authority or Planning Section by the applicant but see below.

10.10.2 Section 100(7) states that the organiser must give the Authority a minimum of 10 clear working days notice. This does NOT include the application date, event date, weekends and bank holidays. However, in a significant number of cases this time period would not allow enough time for the organiser to liaise with the police and other relevant bodies to ensure that the event passes off safely with minimum disturbance to local residents.

10.10.3 The Authority strongly recommends that it and Thames Valley Police receive all Temporary Event applications at least 28 days before the planned event. This will ensure that full discussion can occur between the organiser and any interested parties in order that the event can take place with the minimum risk of crime and disorder.

10.10.4 Although applicants are not required to notify the Fire Authority of temporary events the Authority will, if requested to do so, notify the Fire Authority of all temporary events notices received, in order that they are able to ensure the safety of such events. In addition, whilst applicants do not have to notify the Planning Section in respect of a temporary event, they should at least ensure that they have the relevant planning consent to hold the event or extend their hours. However, neither the Fire Authority nor any other responsible authority will be able to make any representations to the Licensing Authority in respect of temporary events.

The Secretary of state guidance as amended in March 2015 states:

Police and environmental health intervention

- 7.32 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.
- 7.33 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN.
- 7.34 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings in respect of late TENs and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.
- 7.35 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance. However, in most cases, where for example, alcohol is supplied away from licensed premises at a temporary bar under the control of a personal

licence holder, (such as at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.

Modification

- 7.36 As noted above, the police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree for the modification to be made. There is no scope under the 2003 Act for the modification of a late TEN.

Applying conditions to a TEN

- 7.37 The 2003 Act provides that only the licensing authority can impose conditions to a TEN from the existing conditions on the premises licence or club premises certificate at the venue. The licensing authority can only do so:
- if the police or the EHA have objected to the TEN;
 - if that objection has not been withdrawn;
 - if there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;
 - and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.
- 7.38 This decision is one for the licensing authority alone, regardless of the premises user’s views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations.

Hearings to impose conditions

- 7.39 Section 105 of the 2003 Act is clear that a licensing authority must hold a hearing to consider any objections from the police or EHA unless all the parties agree that a hearing is not necessary. If the parties agree that a hearing is not necessary and the licensing authority decides not to give a counter notice on the basis of the objection, it may impose existing conditions on the TEN.

Representations from the police

- 9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder

objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.



Alison Bell

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

┌ Kuljinder Roy ─┐
┌ Five Star Wines ─┐
┌ 133 Caversham Road ─┐
┌ Reading ─┐
┌ RG1 8AS ─┐

Our Ref: LIC/103434/Ten Acknowledgement

Direct: ☎ 0118 9373 762

E-mail: robert.smalley@reading.gov.uk

Date: 3 June 2016

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Your contact is: Robert Smalley, Licensing

Dear Mrs Roy

TEMPORARY EVENT NOTICE - LICENSING ACT 2003
FIVE STAR WINES - READING FESTIVAL - FROM 22/08/2016 TO 28/08/2016 - 1200HRS TO
0100HRS (22-27/08/2016) & 1200HRS TO 2359HRS (28/08/2016)
LICENSABLE ACTIVITIES:

- **The sale by retail of alcohol**

Thank you for your application for the above. This letter is to acknowledge receipt of your application.

Please find enclosed your countersigned Temporary Event Notice. You will need to keep this document in a safe place, as you will need to have it available for inspection during the event.

You will only hear from the Licensing Team again if the Police or Environmental Health Officer make representation to your application.

If you have any queries, please do not hesitate to contact me on the above number.

Yours sincerely,

Robert Smalley
Entitlement & Assessment Officer

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Family name

E-mail address

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

Yes No

Enter details of any previous names or maiden names

First name

Family name

Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Continued from previous page...

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

Building number or name	<input type="text" value="133"/>
Street	<input type="text" value="Caversham Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Reading"/>
County or administrative area	<input type="text" value="Berkshire"/>
Postcode	<input type="text" value="RG1 8AS"/>
Country	<input type="text" value="United Kingdom"/>

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail	<input type="text" value="kuki1965@hotmail.co.uk"/>
Telephone number	<input type="text" value="01189 612110"/>
Other telephone number	<input type="text" value="01189 573529"/>

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

Does the premises have an address?

Yes No

Continued from previous page...

Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

133,131,129 and 127

Street

Caversham Road

District

City or town

Reading

County or administrative area

Berkshire

Postcode

RG1 8AS

Country

United Kingdom

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither

Premises licence

Club premises certificate

Location Details

Provide further details about the location of the event

Caversham Road is on route to Reading festival site

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

Intention is to use the shop premises (133) and forecourt for storage and retail of alcohol and shop related goods. The forecourts of 131,129 and 127 are to be used for storage and display. Coca-Cola Enterprises intend to use one or more of these forecourts for the retail and storage of non-alcoholic drinks.

Describe the nature of the premises below (see also guidance on completing the form, note 4)

133 shop and forecourt operate as a convenience store.
131, 129 and 127 are front gardens and will operate as forecourts as required above.

Describe the nature of the event below (see also guidance on completing the form, note 5)

Extended trading hours requested to cover the period of Reading Festival 2016.

Continued from previous page...

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event. (See also guidance on completing the form, note 7).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 8)

Event start date 22 / 08 / 2016 dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date 28 / 08 / 2016 dd mm yyyy

RS

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

(see also guidance on completing the form, note 9)

12.00 to 01.00 (22 to 28th) and 12.00 to 12.00 on 28th. 12.00 to 23.59 on 28th

RS

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

100

Note that the maximum number of people cannot exceed 499.

(see also guidance on completing the form, note 10)

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If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 11):

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 12)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 13)

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Date of expiry / /
dd mm yyyy

Any further relevant details

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 14)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

Continued from previous page...

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 15)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

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Section 9 of 9

CONDITION (See also guidance on completing the form, note 17)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 18)

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name	<input type="text" value="Kuljinder Roy"/>
Capacity	<input type="text" value="owner"/>
Date	<input type="text" value="01"/> / <input type="text" value="06"/> / <input type="text" value="2016"/> dd mm yyyy


Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/reading/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Reading Festival 2016"/>
Fee paid	<input type="text" value="2nd June 2016 - £21.00"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>


3/6/16
Robert Smalley



Mr Mike King
Licensing Officer
Reading & West Berkshire LPAs
The Police Station
Castle Street
Reading
RG1 7TH

E-mail: mike.king@thamesvalley.pnn.police.uk

07 June 2016

Mr R Smalley
Entitlement & Assessment Officer
Licensing
Reading Borough Council
Bridge Street
Reading
RG1 2LU

Dear Mr Samalley

Licensing Act 2003
TEN Submission – Five Star Wines

On 3rd June 2016 TVP received the submission of a TEN from Mr Kuljinder for a TEN for the period 22nd to 28th August 2016, the dates for this year's Reading Festival.

TVP **OBJECT** in the strongest terms of the granting of the TEN for the reasons contained in the attached report.

If you require any further information or assistance then please do not hesitate to contact me where every assistance will be given.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mike King'.

Mike King
| Licensing Officer | Thames Valley Police | Telephone 101 | Internal 7516353 |
Fax 01189 536353 | Reading Police Station, Castle Street, Reading, RG12 7TH

Neighbourhood Policing and Partnerships (NP&P)

27th August 2015 the premises licence holder and designated premises supervisor sold nearly 30 units of alcohol to a person aged 15 years during a test purchase operation for the Reading Festival. The application also detailed two further incidents of alcohol being sold to underage persons on 28th August 2015. The premises were operating under a temporary event notice at the time of all three illicit sales.

The offences constituted breaches of Section 146(1)(2)(3) of the Licensing Act 2003, three breaches of Section 147(1)(3) of the Licensing Act 2003 and a breach of Section 147(a)(1) of the Licensing Act.

On 20th January 2016 the Council's Licensing Sub-Committee were minded to revoke the premises after an application for the review. The reasons for the Sub-Committee are itemised as follows:

- there were policies in place but they had not been adhered to, for example the Premises Licence Holder although trained had not promoted the licensing objectives;
- it was indicated that there was a refusal book at the premises but it appeared not to have been used;
- the premises had been warned that test purchases would be taking place during the Reading Festival period;
- the premises had not implemented the Challenge 25 process, as admitted by Mr Roy at interview.