

**LICENSING ACT 2003 HEARING TUESDAY 10<sup>th</sup> July 2018 @1700HRS**

**APPLICATION FOR THE GRANT OF A PREMISES LICENCE**

<p><b>1. Premises:</b></p> <p>German Doner Kebab 106 Friar Street Reading RG1 1EP</p>
<p><b>2. Applicant:</b></p> <p>Maza Doner Ltd 106 Friar Street Reading RG1 1EP</p>
<p><b>3. <u>Premises Licence:</u></b></p> <p>There is currently no premises licence in place. The premises were observed open past 2300hrs carrying on licensable activities not in accordance with any authorisation (licence) on more than one occasion prior to the application being received on 27<sup>th</sup> April 2018. A licence pursuant to the Licensing Act 2003 is required to carry out the licensable activity of the provision of late night refreshment past 2300hrs.</p>
<p><b>4. <u>Proposed licensable activities and hours:</u></b></p> <p>The application is for the grant of a premises licence for the following activities:</p> <p><u>Late Night Refreshment (On the premises only)</u> Sunday to Wednesday from 2300hrs until 0100hrs Thursday to Saturday from 2300hrs until 0230hrs</p> <p><u>Opening Hours</u> Sunday to Wednesday from 1000hrs to 0100hrs Thursday to Saturday from 1000hrs to 0230hrs</p>
<p><b>5. <u>Temporary Event Notices</u></b></p> <p>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 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.</p>
<p><b>6. <u>Date of receipt of application:</u> 27<sup>th</sup> April 2018</b></p> <p>A copy of the application form is attached at <u>Appendix RF-1</u></p>

7. Date of closure of period for representations: 25<sup>th</sup> May 2018

**8. Representations received:**

During the 28 day consultation process for the application, representations were received from:

Thames Valley Police (attached at appendix RF-2)  
Reading Borough Council Licensing (attached at appendix RF-3)  
Reading Borough Council Environmental Protection and Nuisance (attached at appendix RF-4)

**9. Licensing Objectives and Reading Borough Council's Licensing Policy Statement**

In considering representations received 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

Any conditions that are placed on a premises licence should be appropriate and proportionate with a view to promoting the licensing objectives. The Licensing Authority can amend, alter or refuse an application should it be deemed appropriate for the promotion of the licensing objectives.

The Council's licensing policy also places an onus on applicant's who wish to open past 11pm to demonstrate how they will mitigate the issues of crime and disorder and potential public nuisance.

**The Council's Licensing Policy Statement:**

**7.15 Crime & Disorder Act 1998**

7.15.1 In applying this policy, the Authority will have regard to its obligations under Section 17 of the Crime and Disorder Act 1998 and will do all that it reasonably can to prevent crime and disorder in Reading. The Authority will also have regard to the Safer Reading Partnership, which incorporates both local and national strategies and whose mission statement is "We will continue to make Reading a safer place for those who live, work and visit, through a reduction in crime and disorder". In addition the Authority will liaise with the Reading Crime Reduction Partnership in order to reduce crime, misuse of drugs and the fear of crime.

## 8. Cumulative Impact And Need

### 8.1 Cumulative Impact Policy (CIP)

8.1.1 "Cumulative impact" for the purposes of this policy means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, this may include the potential impact on crime and disorder or public nuisance on an area that a large concentration of licensed premises may have.

8.1.2 The cumulative impact of licensed premises is a proper matter for the Authority to take into account in discharging its licensing functions and in developing its licensing policy statement. This should not however be confused with 'need' which relates more to the commercial demand for a particular type of premises e.g. a pub, restaurant or hotel. The issue of 'need' does not form part of this licensing policy statement.

8.1.3 The Authority has considered in formulating this policy, in close consultation with Thames Valley Police, whether there is a particular concentration of licensed premises in a particular part of Reading, which is already causing a cumulative impact on one or more of the licensing objectives.

8.1.4 Concerns do exist about the number of licensed premises in parts of the town centre, particularly in Friar Street, and Gun Street areas, together with the impact that these premises have upon the licensing objectives. The Council recognises the concerns of residents in areas with high proportions of licensed premises and will use best endeavours and all available legislation so as to ensure these premises and the activities associated with them are properly controlled and do not result in unreasonable disturbance for residents.

8.1.6 It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.

8.1.7 The Authority is keen to stress that as well as the licensing function there are a number of other mechanisms for addressing issues of unruly behaviour which occur away from licensed premises. These include:

- (a) planning controls;
- (b) ongoing measures to provide a safer and cleaner environment in partnership with local businesses and others;
- (c) the provision of CCTV surveillance in the town centre, provision of taxi ranks, provision of public toilets, street cleaning and sweeping;

- (d) powers to designate parts of the Borough as places where alcohol may not be consumed publicly;
- (e) confiscation of alcohol from adults and others in designated areas;
- (f) the prosecution of any personal licence holder or member of staff at who is selling alcohol to people who are drunk;
- (g) police enforcement of the law with regard to disorder and anti-social behaviour;
- (h) police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise;

8.1.8 The Authority will address a number of these issues through the Reading Community Safety Partnership in line with the strategic objectives for crime and disorder reduction within the Borough.

8.1.9 The effect of keeping the cumulative impact policy, is to create a rebuttable presumption that applications for new premises licences and club premises certificates or material variations, will be refused, if relevant representations are received. A rebuttable presumption is not a presumption that is absolute; it is a presumption that may be overturned if sufficient evidence can be provided against the presumption. Appendix C to this reports list a number of policies and conditions that could be included in an operating schedule and considered by the council.

8.1.10 Applications, which are unlikely to have a negative effect on the licensing objectives, are unlikely to illicit relevant representations. They, therefore, are unlikely to progress to a hearing, with the consequence that they are likely to be granted by officers under delegated powers.

8.1.11 Where during the application for the grant or variation of a premises licence or club premises certificate, responsible authorities or interested parties are concerned that the licensing objectives will be impacted upon, there are likely to be relevant representations, which would lead to the application proceeding to a hearing. If at that hearing, an applicant is able to rebut the presumption of refusal by demonstrating there will be no negative impact on the licensing objectives, a licence can still be granted. However, if the presumption cannot be rebutted, the application is likely to be refused.

## 8.2 Reasons for the CIP approach

8.2.1 The cumulative impact policy is a highly significant measure, because it creates a presumption against a particular form of economic development, and therefore, as a matter of good regulation a policy should not be renewed unless there is a sound reason to do so.

8.2.2 The Council has undertaken research in respect of Reading town centre that has identified high concentrations of licensed premises and high levels of crime for offence types that are associated with the night-time economy, alcohol and licensed premises.

8.2.3 Of the high number of licensed premises in Reading town centre, the majority are well run. However, the sheer volume and concentration of premises is having a negative impact on the licensing objectives.

8.2.4 As a result, the Council, acting as the Licensing Authority for Reading, after considering evidence of crime and looking at concentrations of licensed premises in the borough, is satisfied that it is appropriate to keep a CIP in the town centre in order to promote the licensing objectives.

8.2.5 The Council and partner organisations already employ a range of mechanisms designed to prevent or limit the cumulative impact of any problems arising from premises and their customers behaving inappropriately or unlawfully once away from the premises. The measures currently employed include the provision of night bus services, the use of Taxi Marshals to supervise and control taxi ranks, the presence of Street Pastors in the town centre late at night at weekends to assist people who may be in difficulty, extensive CCTV coverage and monitoring of the town centre, regular joint operations to detect illegal taxis, active use of dispersal orders to improve the town centre environment, and the provision of 'Urilift' toilet facilities in the town centre for people visiting the town centre at night, in an attempt to cut down street urination.

### 8.3 Reading Central CIP Area

8.3.3 The council considers it appropriate to continue with the existing CIP. However, due to the redevelopment of Reading railway station and changes to pedestrian flows, the area north of the railway station which includes Vastern Road and Caversham Road may be considered as a possible extension to the town CIP. Should evidence emerge of a rise in crime and disorder in that area, the council will apply for an extension to the CIP following the Secretary of State's guidance in such matters.

### 8.4 General Approach to applications within the CIP area

8.4.1 The Secretary of State's Guidance under the Licensing Act 2003 suggests that Local Authorities can, within a cumulative impact area, adopt a policy of refusing all new licences subject to relevant representations and the rebuttable presumption as outlined at paragraph 8.1.9 above being made. It is not the Council's intention to adopt such a broad approach. To do so may operate disproportionately against some types of premises that are unlikely to undermine the licensing objectives and others which can operate without so doing earlier in the evening. The policy therefore takes a more targeted approach by focusing on certain types of operation and those that only operate beyond midnight. For certain types of premises which are not normally associated with undermining to the licensing

objectives, the policy is neutral or even positive.

8.4.2 This policy has regard to Secretary of State's Guidance which does not support fixed terminal hours. The policy creates a presumption against some premises operating beyond a certain hour and this is an appropriate and proportionate response to the particular circumstances in the proposed Reading Central CIP area. This is considered preferable than refusing applications outright.

## 8.5 Application of this policy

8.5.1 This policy will apply to all applications for premises licences and club premises certificates for material variations for premises within the Reading Central CIP Area. Material variations include increases of hours, capacity and all other variations that are likely to add to cumulative impact in the Reading Central CIP Area.

8.5.2 The policy will only be applied where there have been relevant representations. Where there are no relevant representations, it is the duty of the licensing authority to grant the application subject to the conditions in the operating schedule and the mandatory conditions imposed by law.

8.5.3 The policy takes a different approach to different types of premises. In the case of applications for hybrid premises that would fall into more than one type, the predominant use will be taken for the purposes of the policy.

## 8.6 The Policy

8.6.6 Late night food outlets: Applications for the sale of food primarily for takeaway up to midnight will be granted where it is demonstrated that they will not add to cumulative impact and that they will comply with the other provisions of this licensing policy.

Late night food outlets are a major contributor to crime and disorder after midnight. Therefore the policy is to refuse applications involving such sales unless there are exceptional circumstances.

Outlets will need to demonstrate that detailed measures proposed in the operating schedule will result in no increase in crime and disorder, will satisfy the Council granting the application would not contribute to cumulative impact, and there is compliance with the other provisions of this licensing policy.

## Integration with Planning

7.1 The Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. However, the Authority will normally expect applicants to demonstrate that, *their proposed use of the premises is lawful in planning terms*, including complying with any conditions that may be

imposed upon a planning consent, prior to applications under this Act being submitted.

### **Licensed premises in residential areas**

11.4.1 In general the Authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter conditions are likely to be imposed with regard to noise control in the case of premises that are situated in largely residential areas. In general, public houses located in and catering for residential areas wishing to open beyond 11pm will need to demonstrate clearly that public nuisance will not result from later operation.

### **Amended Guidance issued under section 182 of the Licensing Act 2003 April 2018**

#### **Licensing Objectives and Aims:**

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises

#### **Steps to promote the licensing objectives:**

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or

voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics websites;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.



8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

#### **The role of responsible authorities**

9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area<sup>5</sup>. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

#### **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.

#### **Integrating strategies**

14.63 It is recommended that statements of licensing policy should provide clear indications of how the licensing authority will secure the proper integration of its licensing policy with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other plans introduced for the management of town centres and the night-time economy. Many of these strategies are not directly related to the promotion

of the licensing objectives, but, indirectly, impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important.

### Planning and building control

14.64 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters.

Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

14.65 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.

### Licensing Act 2003

The Licensing Act 2003 under Section 18 (6) also states that any relevant representation should be considered in the context of:

(a) the likely effect of the grant of the premises licence on the promotion of the licensing objectives.

Therefore in the context of the grant of a licence, it is reasonable for the Licensing Authority to base its decision on an application on what the likely effects of granting a licence would have on the promotion of the licensing objectives.

### Case Law

East Lindsey DC v Abu Hanif (2016) case law underpins the principles widely acknowledged within the Licensing Act 2003 that the licensing objectives are prospective, and that the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.

Similarly the case law of British Beer and Pub Association v Canterbury City Council (2005) underpins the value of the Council's licensing policy. Mr Justice Richards stated: "The council is entitled to indicate in the policy its own expectations with regard to the promotion of the licensing objectives; and I do not think that an applicant can legitimately complain if a failure to take account of those expectations gives rise to representations...An

applicant who does not tailor his application to the policy therefore faces an uphill struggle.”

On Cumulative Impact - the case of Portsmouth City Council v 3D Entertainment Group Ltd (2011) - confirmed that it is entirely down to the applicant to rebut the Cumulative Impact policy. It was not down to the police or the Council to abduce any evidence of negative cumulative impact.



**Reading**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@reading.gov.uk](mailto:licensing@reading.gov.uk)  
 Telephone: 0118 937 3762

\* required information

**Section 1 of 21**

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

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.



**Applicant Business**

Is the applicant's business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

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

Note: completing the Applicant Business section is optional in this form.

Registration number

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.

**Agent Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 21****APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 21****NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

MAZA DONER LIMITED t/a German Doner Kebab

**Address**

Building number or name	106
Street	Friar Street,
District	
City or town	Reading,
County or administrative area	
Postcode	RG1 1EP
Country	United Kingdom

**Contact Details**

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text"/>
	dd mm yyyy

\* Nationality  Documents that demonstrate entitlement to work in the UK

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**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of 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.

The premises trades as German Doner Kebab restaurant. No alcohol is served on the premises. it is located at 106 Friar Street. There are no residential occupiers above or adjoining the premises. The restaurant has a gross floor area of 196.5 sqm and has 80 covers. the premises has a full CCTV system with 16 cameras. security will also be employed for late night opening.



*Continued from previous page...*

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

**Section 6 of 21**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

**Section 7 of 21**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

Yes

No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

Yes

No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

Yes

No

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

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**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes  No

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**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes  No

**Standard Days And Timings**

MONDAY

Start 10:00

End 01:00

Start

End

TUESDAY

Start 10:00

End 01:00

Start

End

WEDNESDAY

Start 10:00

End 01:00

Start

End

THURSDAY

Start 10:00

End 02:30

Start

End

FRIDAY

Start 10:00

End 02:30

Start

End

SATURDAY

Start 10:00

End 02:30

Start

End

SUNDAY

Start 10:00

End 01:00

Start

End

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.

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors                       Outdoors                       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

Provision of late night refreshment. no amplified music will be played on the premises . Planning permission 171414 was approved with operating hours of 10:00 -01:00 hours Monday to Sunday and on Bank/Other Holidays following consultation with licensing officers.

There is no sale of alcohol proposed. The proposed use is not a bar. It is an A3 restaurant. no alcohol is permitted on site.  
o McDonalds at 128/129 Friar Street opens 05.00 -03.00 seven days a week  
o The Hope Tap at 99-105 opens 08.00 – 01.00 on Fridays and Saturdays with midnight closing the rest of the week  
o Koala Bar open 5pm to 3am Fridays and Saturdays

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

n/a

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

n/a

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#### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes                       No

#### PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor  
 As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Continued from previous page...

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

n/a

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

**Continued from previous page...**

For example (but not exclusively) where the activity will occur on additional days during the summer months.

n/a

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

n/a

## Section 18 of 21

### LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Alcohol shall not be sold or supplied on the premises.  
A CCTV system covering the whole of the licensed area is installed at the premises(16 cameras).  
Risk assessments have/ will be done to cover all aspects of the business.  
CCTV images will be made available to authorities on request.  
SIA Security will employed during late night operation hours  
Staff go on safety and hazard course every 12 months  
appliances are safety tested every 12 months  
incident log books are kept as well as CCTV records with 4 weeks recording  
no children unaccompanied children allowed on the premises after 23:00. Police informed if this happens  
PLEASE SEE SEPERATE PROPOSED OPERATING SCHEDULE DOCUMENT WHICH LISTS CONDITIONS

b) The prevention of crime and disorder

As customers coming to the premises will be there to eat food, we do not expect to have problems with disorder coming from heavy drinking. No alcohol is sold or supplied on the premises.

The subject premises is not associated with crime and disorder and is not a magnet for such activity. A record will be kept of any crime and disorder and reported to the police.

A CCTV system covering the whole of the licensed area is installed. The system will be maintained and operated at all times when open to the public. There will be coverage of all licensable areas used by the public, including exits and entrances. Images will be stored 28 days and always indicate the correct time and date. These images will be made available to the Police on request when the premises are open and in reasonable time at all other times..Images downloaded from the CCTV system will be provided in a format that can be viewed on readily available equipment without the need for specialist software.

CCTV in operation signs will be displayed on the premises

Each individual present at the licensed premises to carry out a security activity must be licensed by the Security Industry Authority.

**Continued from previous page...**

An incident/accident book or electronic record shall be kept to record all instances of disorder, damage to property and personal injury at the premises. Such records are to be made available for inspection and copying by the Police and other officers of Responsible Authorities upon request, and all such records to be retained at the premises for at least 12 months.  
\*A refusals book or electronic record shall be kept at the premises to record all instances where admission or service is refused for any reason.

Details to show:

- a. The basis of the refusal;
- b. The person making the decision to refuse; and
- c. The date and time of the refusal

Such books/records to be retained at the premises for at least 12 months, and shall be made available for inspection and copying by the Police, or other officers of a Responsible Authority, immediately upon request.

**c) Public safety**

All escape routes and seat arrangements are on the plans. The operator will ensure that there is no overcrowding at the premises in the interests of public safety.

A full first aid box will always be available at the premises

All staff go through an induction process which covers all elements of public safety including first aid. Incident books are kept in the business at all times and CCTV will be in constant operation.

All gas and electrical equipment is inspected annually by a qualified engineer and records kept.

**d) The prevention of public nuisance**

The premises display prominent signage by every entrance and exit requesting customers to leave the premises quietly and respect local residents.

There will only be low level music limited to background with the style and volume controlled by the management. In any event there are no residential occupiers in the immediate vicinity of the site

The premises is on Friar Street, which is a major Reading thoroughfare such that any noise from the subject premises is barely discernable outside. the rear door of the premises will be kept closed during opening hours to reduce any noise pollution to the rear. the front door is self closed and will be kept closed to prevent the break out of noise.

The on site manager and security will make sure that customers do not behave in a noisy, rowdy or in an offensive manner and when entering and leaving the premises. Customers will be advised to consider the neighbors. Notices will also be displayed at prominent points explaining this.

The manager and security will ensure that customers do not consume alcohol on the premises. Customers will not be allowed entry with opened alcoholic containers.

Hot food prepared on the premises is just heated in ovens, thus causing very little odour, discharge. We do have a small venting system in place, which will be serviced regularly.

All deliveries are made through the back of the restaurant so will not cause a nuisance to pedestrians. there will be no deliveries at unsociable hours

**e) The protection of children from harm**

All children entering the premises after 23.00 are to be accompanied by an adult. As this is an application for a late license beyond 23.00 hours, we do not expect to be serving any children 29

*Continued from previous page...*

a log will be kept of incidences of unaccompanied children and CCTV images will be made available to the police on request

As a business we insure that policies are in place to ensure the safety of children and vulnerable persons, such as disabled persons, while they are on the premises.

## Section 19 of 21

### NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

#### Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

#### Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

*Continued from previous page...*

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

## Section 20 of 21

### NOTES ON REGULATED ENTERTAINMENT



**Continued from previous page...**

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 21 of 21**

**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.

The fee payable will be based on the rateable value of the property. Band A - 0 - 4300 - Fee Payable - 100 Band B - 4301 - 33,000 - Fee Payable - 190 Band C - 33,001 - 87,000 - Fee Payable - 315 Band D - 87,001 - 125,000 - Fee payable - 450 Band E - 125,001 and over - Fee payable - 635 Additional fees apply to outdoor events.

\* Fee amount (£)

**DECLARATION**

Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

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

\* Capacity

\* Date  /  /   
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/premises-licence/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.

Continued from previous page...

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

**OFFICE USE ONLY**

Applicant reference number	106 Friar Street, Reading RG1 1EP
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Next >

# PLAN AS PROPOSED: Licencing

217 sq m

FIRE & SECURITY LEGEND	
KEY	DESCRIPTION
	BREAK GLASS POINT
	HEAT SOUNDER BEACON
	SMOKE DETECTORS - IN ACCORDANCE WITH BS 5839 pt 7
	SMOKE SOUNDER
	SMOKE SOUNDER BEACON
	EMERGENCY LIGHTING
	DIRECTIONAL FIRE EXIT SIGN
	ILLUMINATED FIRE EXIT SIGN
	DOOR CONTACT

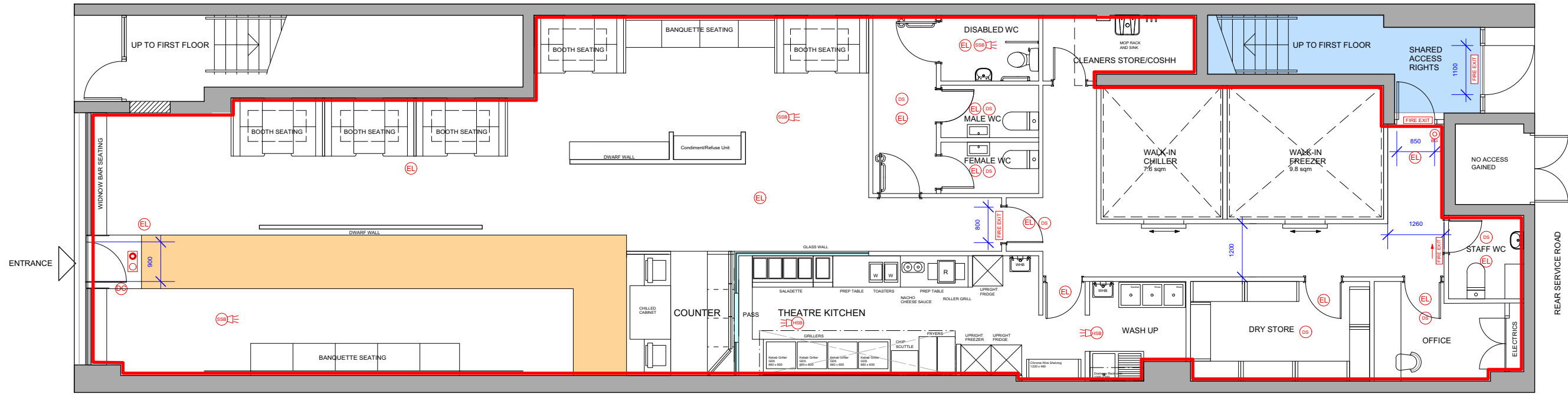
## READING

### NOTES

DO NOT SCALE FROM THIS DRAWING.  
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS.  
ANY DISCREPANCIES NOT BROUGHT TO THE ATTENTION OF O1 CREATIVE BECOME THE RESPONSIBILITY OF THE CONTRACTOR / FABRICATOR INVOLVED.  
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL THE SPECIFICATIONS AND ALL RELEVANT DESIGNER, ENGINEERS' SERVICES AND SPECIALIST CONTRACTORS DRAWINGS.  
THE WORKS DESCRIBED IN THIS DRAWING SHALL BE UNDERTAKEN IN ACCORDANCE WITH THE CURRENT HEALTH & SAFETY LEGISLATION AND THE HEALTH & SAFETY DOCUMENTATION PREPARED BY THE PLANNING SUPERVISOR FOR THE PROJECT.

### REVISIONS

NO	DESCRIPTION	DATE
A		
B		



## PLAN AS PROPOSED

Scale 1:100

NOTE: THE WHOLE OF THE PREMISES IS TO BE USED FOR LICENCE ACTIVITY

**O1**  
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69 OLD ST  
LONDON EC1V 9HX  
TEL - 0207 100 1176

### STATUS

### PROJECT

GDK  
106 FRIAR STREET  
READING

### TITLE

LICENCING PLAN  
GROUND FLOOR

### SCALE

1 : 100 @ A3

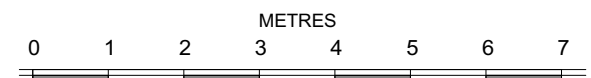
### DATE

MAR 18

### DRAWING NO

GDK-re-403-P:10

### REV



Division/Station : Reading Police Station Licensing Dept

From : C2107 Declan Smyth

To : Reading Borough Council

Ref : German Doner Kebab, 106 Friar Street, Reading, RG1 1EP

Date : 19<sup>th</sup> May 2018

Subject :

## **Objection**

To whom it may concern

I C2107 Declan Smyth on behalf of the Chief Officer of Thames Valley Police wish to formally object to the proposed application for a premises licence submitted in relation to German Doner Kebab, 106 Friar Street, Reading, RG1 1EP.

Reading Borough Council Licensing Policy Statement includes detail of its Cumulative Impact policy which exists in order to address the cumulative stress that is caused by the high concentration of late night licensed premises within the defined area of Reading Town Centre.

This cumulative impact has been determined within the policy to have a negative impact on crime and disorder within the town due to the sheer volume and concentration of licensed premises which has a negative impact on the four licensing objectives.

Thames Valley Police object to this application as we believe that the Cumulative Impact Policy (CIP) has not been adequately addressed by the applicant. It is felt that the hours of operation that have been applied for regarding the provision of late night refreshment till 0100 hours Sunday to Thursday and 0230 hours Friday and Saturday will lead to the licensing objectives being undermined, with specific regard to the prevention of crime and disorder.

The Council Licensing Policy Statement paragraph 8.6.6, states:-

***“8.6.6 Late night food outlets: Applications for the sale of food primarily for takeaway up to midnight will be granted where it is demonstrated that they will not add to cumulative impact and that they will comply with the other provisions of this licensing policy.***

***Late night food outlets are a major contributor to crime and disorder after midnight. Therefore the policy is to refuse applications involving such sales unless there are exceptional circumstances.***

*Outlets will need to demonstrate that detailed measures proposed in the operating schedule will result in no increase in crime and disorder, will satisfy the Council granting the application would not contribute to cumulative impact, and there is compliance with the other provisions of this licensing policy”.*

Therefore the council licensing policy statement clearly outlines that the evidence contained within it has accepted that late night food outlets are a major contributor to crime and disorder after midnight. In such a case unless there are “exceptional circumstances” then the policy is to refuse such applications.

The Secretary of States Guidance issued under Sec 182 Licensing Act 2003 states:

***“8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.”***

In either circumstance it would be expected that the applicant therefore would address the CIP directly within their application to deal with this presumption of rebuttle. However, this is not the case within this application and at no stage is the CIP directly referred to or addressed.

Indeed, if the CIP were to have been understood and fully researched it would have been expected that the application would have been submitted without a request to provide late night refreshment beyond the hour of midnight, and if that were not to be the case then the CIP would need to have been fully addressed along with all of the measures to be introduced that show the “exceptional circumstances” detailing their rationale for why this application will not undermine the licensing objectives or increase the potential for crime and disorder.

Current calls for service statistics provided by Thames Valley Police show the number of calls for service within the Cumulative Impact Area for a two year period from January 2016 to January 2018 broken down by streets and times. You can see that the peak times for Police calls for service are between 0100 hours and 0400 with a rapid increase between 0000 hours and 0100 hours. **(SEE APPENDIX 1)**

Currently Friar Street has the highest number of calls for service which shows a correlation with the fact that it also has the highest concentration of licensed premises. Within the last year the number of calls for service within Friar Street itself have shown some reduction, however there is still a hugely disproportionate incidence of crime and disorder within the area which can be directly attributed to the night time economy.

Overall crime statistics show that within the last twelve months 1227 offences were recorded within the night time economy between 1800 and 0600 hours in Reading. This is the highest figure of any night time economy within the Thames Valley Police force area and again highlights the relevance of the current CIP. **(SEE APPENDIX 2)**

The current policy clearly identifies late night food outlets as a major contributor to crime and disorder, and the mix of customers that have consumed large amounts of alcohol in other premises prior to arrival at food outlets regularly leads to incidents of crime and disorder and assaults when these people clash whilst waiting to purchase food and consume it in the premises or outside on the streets.

Further to our concerns regarding this application for the provision of late night refreshment beyond midnight as prescribed within the CIP, we have been made aware that the premises prior to this application had been operating the provision of late night refreshment without the pre-requisite licence.

This is obviously extremely concerning in that we are being asked to consider this application and look upon the applicants as responsible operators, however they have already shown the potential to fail to abide by the Licensing Act 2003 and its governance.

In our opinion this seriously calls in to question the suitability of the applicant as well as any confidence that can be offered by them in relation to them being able to rebut the presumption against this application.

In summary Thames Valley Police believe that this application does not rebut the presumption against the issuance of this licence and believe strongly that no evidence has been provided within the application to provide assurance to the required level “exceptional circumstances”, that may lead the licensing sub-committee to rule in favour of this application.

However if the sub-committee were of a mind to allow this licence application for instance from 2300-0000 in line with the Reading Borough Council Licensing Policy Statement, we would respectfully request that the following conditions be included within the operating schedule in order to promote the licensing objectives:

### **Prevention of crime and disorder**

1. The premises licence holder shall ensure the premises’ digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV. Data recordings shall be made immediately available to an authorised Officer of Reading Borough Council or Thames Valley Police together with facilities for viewing upon request, subject to the provisions of the Data Protection Act. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.

2. The premises licence holder shall conduct a written risk assessment whenever late night refreshment is taking place at the premises between Sunday and Thursday inclusive to establish if door staff are required. The risk assessment shall be produced to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.

3. The premises licence holder shall have door supervisors on a Friday and Saturday evening from 2200 hours until closing time.

4. When employed, a register of Door Supervisors shall be kept. The register must show the following details:

- Full SIA registration number.
- Date and time that the Door Supervisor commenced duty, countersigned by the Duty Manager.
- Date and time that the Door Supervisor finished work, countersigned by the Duty Manager.
- Any occurrence or incident of interest involving crime & disorder or public safety must be recorded giving names of the Door Supervisor involved.

The Door Supervisor register shall be kept at the premises and be available for inspection by an authorised Officer from Reading Borough Council or Thames Valley Police upon request, and shall be retained for a period of twelve months.

5. Door Supervisors shall be clearly identifiable at all times whilst on duty and display Hi-Vis personalised armbands containing their SIA badge.
  
6. Whilst Door Supervisors are employed at the premises a minimum of one Door Supervisor working on the entrance/ exit to the premises will be deployed with digitally recording Body Worn Video (BWV). The BWV will be used to record any incidents which occur outside of the premises involving customers either entering, exiting or in any queue that impact any of the four licensing objectives.  
  
Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or Thames Valley Police together with facilities for viewing upon request, subject to the provisions of the Data Protection Act.
  
7. The premises licence holder shall participate, as far as is practicable, in the Local Townsafe Radio Scheme when the premises are open for licensable activities.
  
8. The premises licence holder or nominated representative shall keep and maintain all right to work documents for all staff members. Right to work documents shall be kept at the premises and produced to an authorised Officer of Reading Borough Council, Thames Valley Police and the Home Office Immigration enforcement team upon request.
  
9. An incident book/ register shall be maintained to record all incidents of crime and disorder occurring at the premises. The register shall record a description of the incident, a descriptions of any persons involved in the incident, the person recording the incident and details of whether the police were called. This book/register shall be available to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.

### **Public Safety**

1. The premises shall implement, operate and maintain a policy to manage dispersal of customers from the premises. The policy shall be in written form and all staff shall be trained in how to operate it. The policy shall be produced to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.

### **Prevention of public nuisance**

1. The Premises and area immediately outside the premises shall be kept clear of all forms of litter whilst the premises is open for licensable activities.
  
2. 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. Staff shall be available to assist in the dispersal of customers at the cessation of licensable activities each evening.
  
3. The premises shall implement, operate and maintain a policy to manage dispersal of customers from the premises. The policy shall be in written form and all staff shall be trained in how to operate it. The policy shall be produced to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.
  
4. All packaging and utensils for use by customers shall be made of biodegradable or recyclable materials;



5. Staff shall actively discourage and disperse persons who congregate outside the premises so as to minimise disturbance to local residents;

### **Protection of Children from Harm**

1. Children under the age of 14 years shall not be permitted on the premises after 2100 hours. The premises licence holder or duly nominated representative shall put in place processes for identifying customers under 14 and training put in place to deal with any potential conflict arising from the refusal of service;

### **Staff Training**

1. Staff employed shall undergo training in relation to the Licensing Act 2003 regarding late night refreshment upon induction. This shall include, but not be limited to understanding the four licensing objectives. Such training sessions are to be documented and refreshed every six months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.

- I. The Prevention of Crime and Disorder.
- II. Public Safety.
- III. Public Nuisance.
- IV. The Protection of Children from Harm.

APPENDIX 1 – (2016 – 2018) calls for service statistics within CIP area.

APPENDIX 2 – NTE crime statistics between 1800 – 0600 Reading.

APPENDIX 3 – Relevant paragraphs from the Reading Borough Council Licensing Policy Statement.

APPENDIX 4 – Relevant paragraphs from the Section 182 current Secretary of States guidance Licensing Act 2003.

### **APPENDIX 3**

8.1.1 “Cumulative impact” for the purposes of this policy means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, this may include the potential impact on crime and disorder or public nuisance on an area that a large concentration of licensed premises may have.

8.1.2 The cumulative impact of licensed premises is a proper matter for the Authority to take into account in discharging its licensing functions and in developing its licensing policy statement. This should not however be confused with ‘need’ which relates more to the commercial demand for a particular type of premises e.g. a pub, restaurant or hotel. The issue of ‘need’ does not form part of this licensing policy statement.

8.1.3 The Authority has considered in formulating this policy, in close consultation with Thames Valley Police, whether there is a particular concentration of licensed premises in a particular part of Reading, which is already causing a cumulative impact on one or more of the licensing objectives.

8.1.4 Concerns do exist about the number of licensed premises in parts of the town centre, particularly in Friar Street, and Gun Street areas, together with the impact that these premises have upon the licensing objectives. The Council recognises the concerns of residents in areas with high proportions of licensed premises and will use best endeavours and all available legislation so as to ensure these premises and the activities associated with them are properly controlled and do not result in unreasonable disturbance for residents.

8.1.11 Where during the application for the grant or variation of a premises licence or club premises certificate, responsible authorities or interested parties are concerned that the licensing objectives will be impacted upon, there are likely to be relevant representations, which would lead to the application proceeding to a hearing. If at that hearing, an applicant is able to rebut the presumption of refusal by demonstrating there will be no negative impact on the licensing objectives, a licence can still be granted. However, if the presumption cannot be rebutted, the application is likely to be refused.

8.2.2 The Council has undertaken research in respect of Reading town centre that has identified high concentrations of licensed premises and high levels of crime for offence types that are associated with the night-time economy, alcohol and licensed premises.

8.2.3 Of the high number of licensed premises in Reading town centre, the majority are well run. However, the sheer volume and concentration of premises is having a negative impact on the licensing objectives.

8.2.4 As a result, the Council, acting as the Licensing Authority for Reading, after considering evidence of crime and looking at concentrations of licensed premises in the borough, is satisfied that it is appropriate to keep a CIP in the town centre in order to promote the licensing objectives.

8.4.1 The Secretary of State’s Guidance under the Licensing Act 2003 suggests that Local Authorities can, within a cumulative impact area, adopt a policy of refusing all new licences subject to relevant representations and the rebuttable presumption as outlined at paragraph 8.1.9 above being made. It is not the Council’s intention to adopt such a broad approach. To do so may operate disproportionately against some types of premises that are unlikely to undermine the licensing objectives and others which can operate without so doing earlier in the evening. The policy

therefore takes a more targeted approach by focusing on certain types of operation and those that only operate beyond midnight. For certain types of premises which are not normally associated with undermining to the licensing objectives, the policy is neutral or even positive.

8.4.2 This policy has regard to Secretary of State's Guidance which does not support fixed terminal hours. The policy creates a presumption against some premises operating beyond a certain hour and this is an appropriate and proportionate response to the particular circumstances in the proposed Reading Central CIP area. This is considered preferable than refusing applications outright.

## **APPENDIX 4**

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

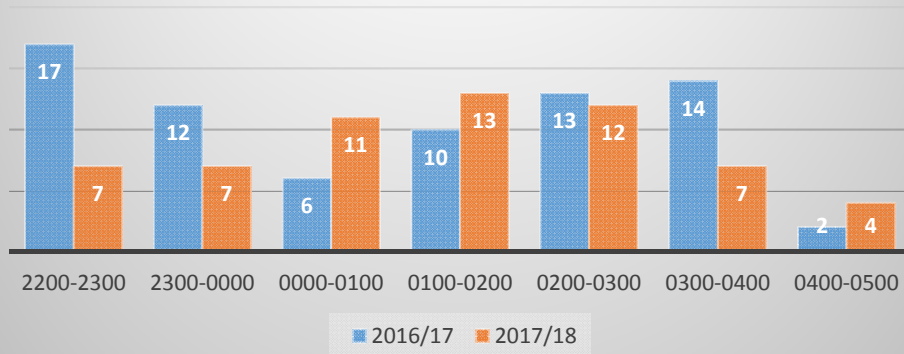
8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

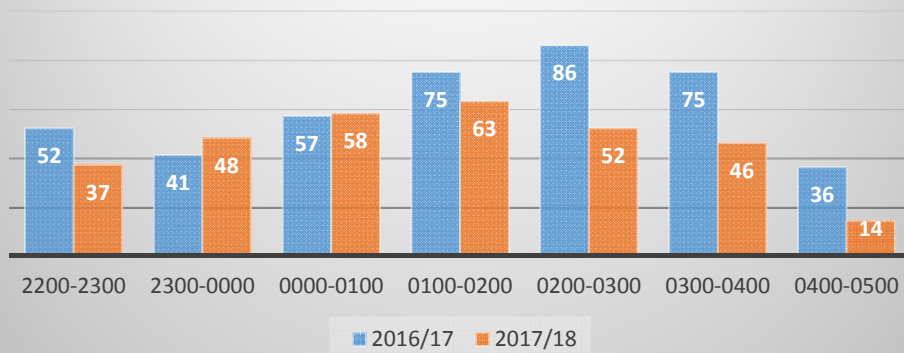
- the Crime Mapping website;
- Neighbourhood Statistics websites;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.”

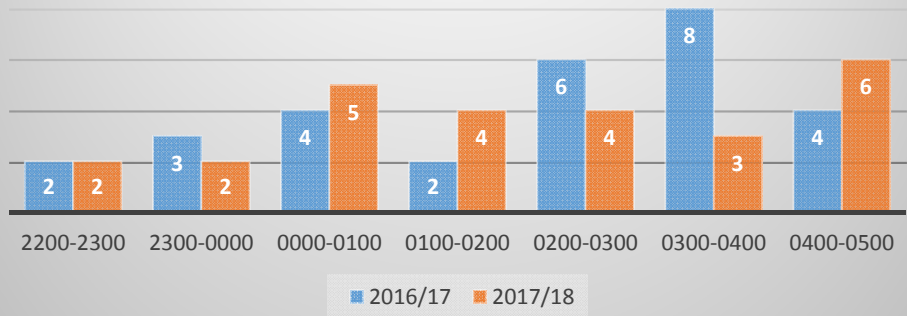
**Station Road calls for service 15/01/16 - 15/01/17 and 16/01/17 - 16/01/18 between 2200 hrs - 0500 hrs**



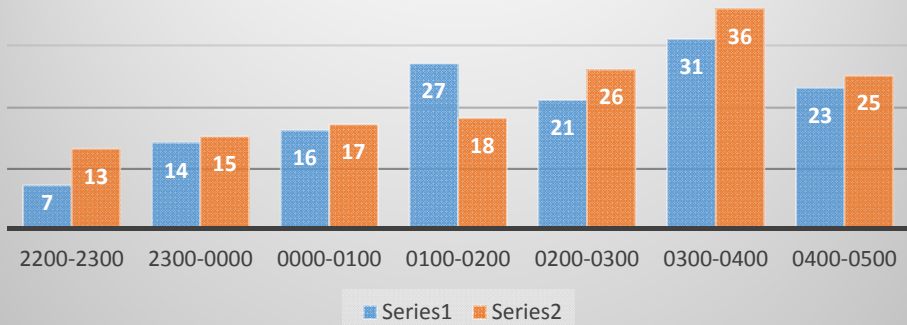
**Friar Street calls for service 15/01/16 - 15/01/17 and 16/01/17 - 16/01/18 between 2200 - 0500 hours**



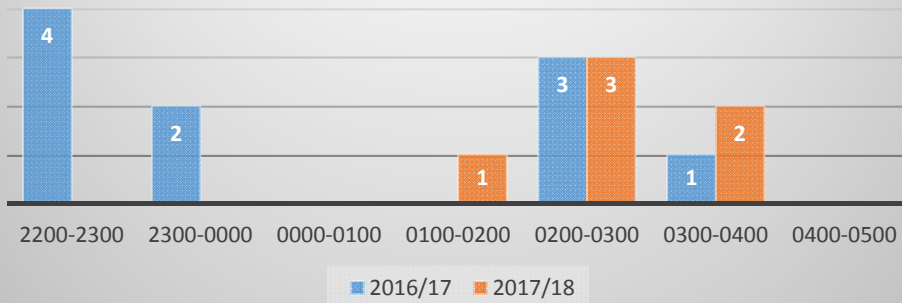
**West Street calls for service 15/01/16 -  
15/01/17 and 16/01/17 - 16/01/18  
between 2200 - 0500 hrs**



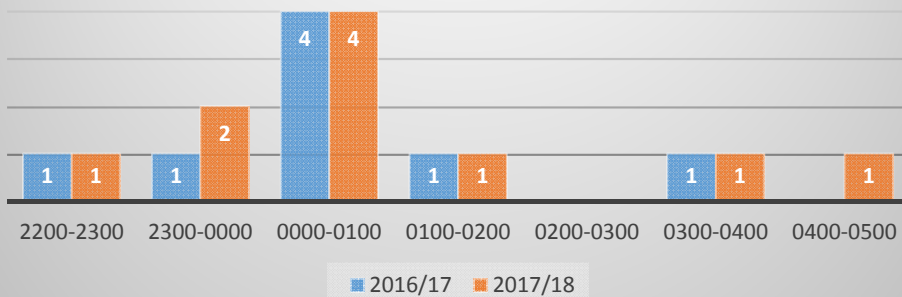
**St Marys Butts calls for service 15/01/16 -  
15/01/17 and 16/01/17 - 16/01/18  
between 2200 - 0500 hrs**



**Chain Street calls for service 15/01/16 -  
15/01/17 and 16/01/17 - 16/01/18  
between 2200 - 0500 hrs**

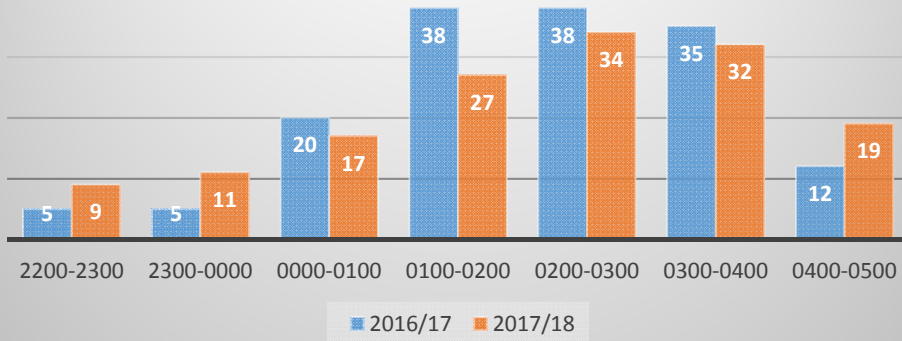


**Union Street calls for service 15/01/16 -  
15/01/17 and 16/01/17 - 16/01/18  
between 2200 - 0500 hrs**

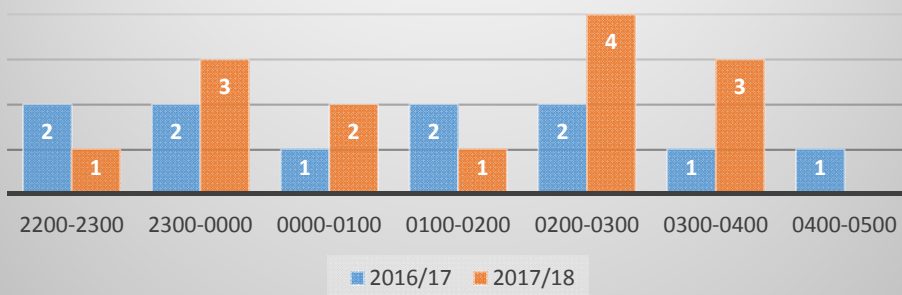




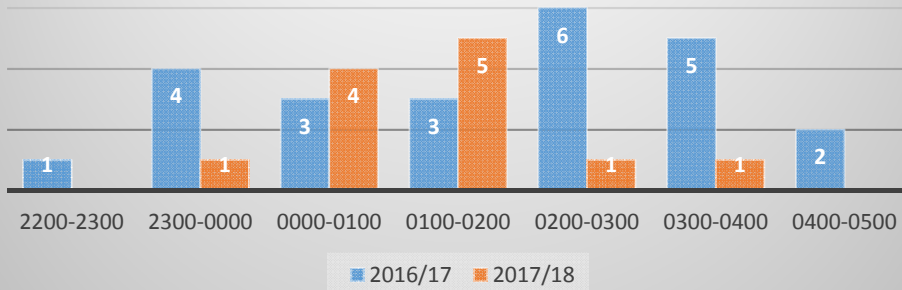
**Gun Street calls for service 15/01/16 -  
15/01/17 and 16/01/17 16/01/18  
between 2200 - 0500 hrs**



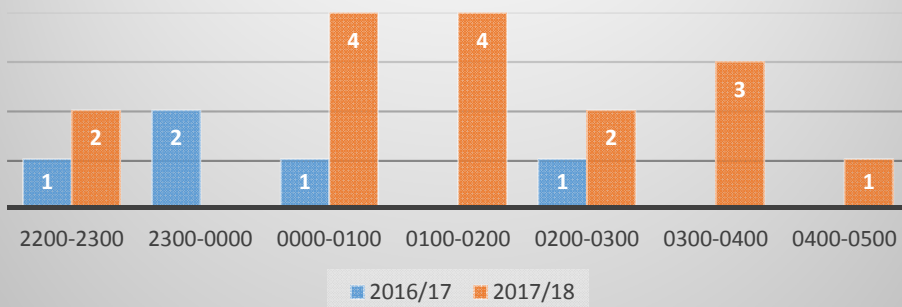
**Hosier Street calls for service  
15/01/16 - 15/01/17 and 16/01/17 -  
16/01/18 between 2200 - 0500 hrs**



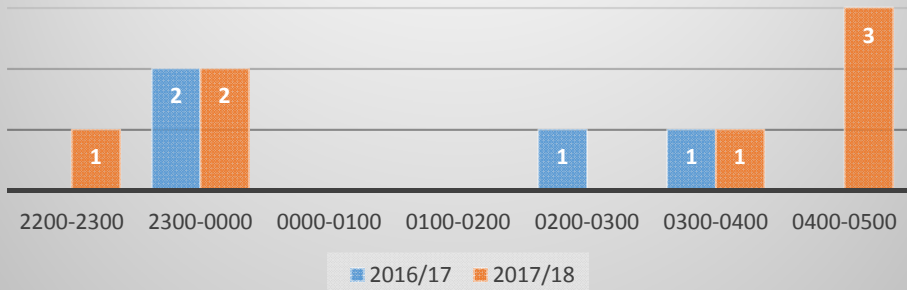
**Castle Street calls for service 15/01/16 -  
15/01/17 and 16/01/17 - 16/01/18  
between 2200 - 0500 hrs**



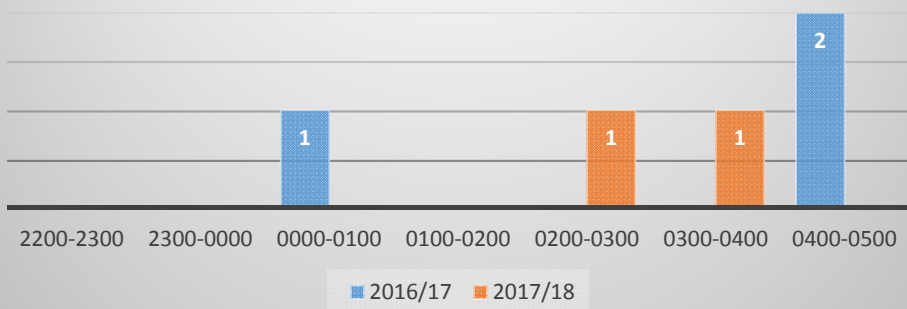
**Blagrove Street calls for service 15/01/16 -  
15/01/17 and 16/01/17 - 16/01/18  
between 2200 - 0500 hrs**



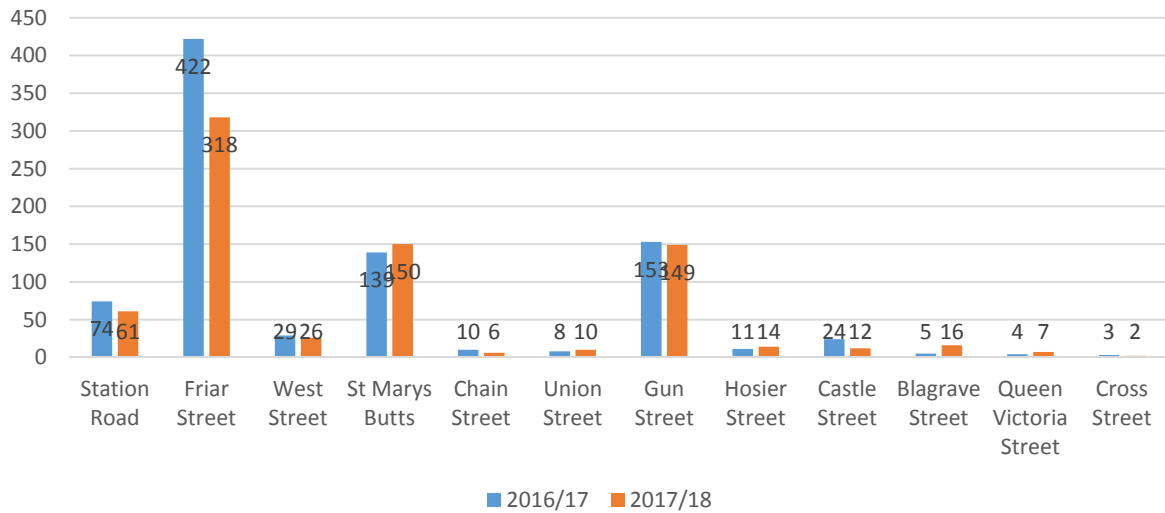
**Queen Victoria Street calls for service  
15/01/16 - 15/01/17 and 16/01/17 -  
16/01/18 between 2200 - 0500 hrs**



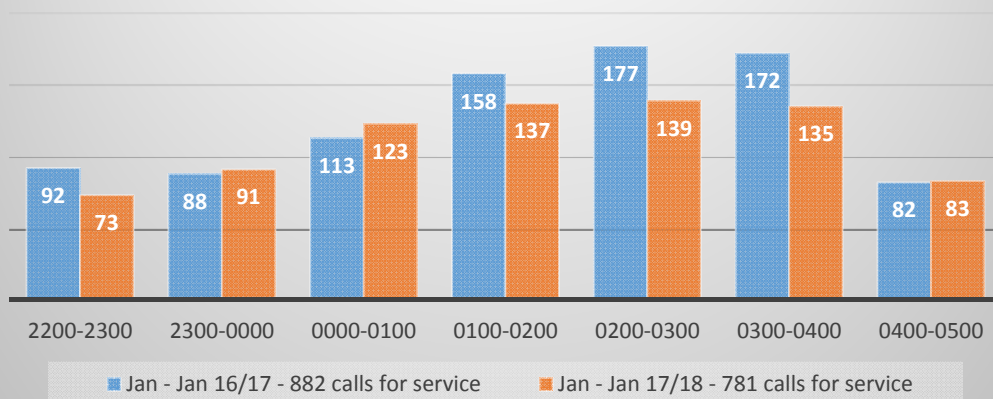
**Cross Street calls for service 15/01/16 -  
15/01/17 and 16/01/17 - 16/01/18  
between 2200 - 0500 hrs**



No.of calls for service per street within the Reading NTE/Cumulative Impact Area between 2200 - 0500 hrs between 15/01/2016 - 15/01/2017 and 16/01/2017 - 16/01/2018



Combined NTE calls for service comparing the annual periods 15/01/16-17 and 16/01/17-18 between the hours of 2200 and 0500.



APPENDIX TVP-2

		Hospitality	Leisure	Medical	Public building	Public/open place	Shop	Travel	Not Recorded
Arson	Arson not endangering life			3		6	2		5
Criminal Damage	Criminal damage endangering life other buildings	1							
Criminal Damage	Other criminal damage over £5000 vehicle					1			
Criminal Damage	Other criminal damage under £5000 dwelling						1		15
Criminal Damage	Other criminal damage under £5000 other	6	4			11	9		12
Criminal Damage	Other criminal damage under £5000 other building	15	2		1	3	14		24
Criminal Damage	Other criminal damage under £5000 vehicle	1				65	4		26
Criminal Damage	Racial/Religious crim/damage to dwelling/building/vehicle/other	1				1			
Public Order Offences	Affray					3	1		9
Public Order Offences	Breach of a Criminal Behaviour Order								2
Public Order Offences	Committing or conspiring to commit an act outraging public decency	1				1			1
Public Order Offences	Public Nuisance								4
Public Order Offences	Public Order: Cause intentional harassment alarm distress	1		1		3			3
Public Order Offences	Public Order: Fear or provocation of violence	2				11	1		8
Public Order Offences	Public Order: Harassment alarm or distress					9	1		15
Public Order Offences	Racially and/or religiously aggravated fear/provocation of violence 9B								3
Public Order Offences	Racially and/or religiously aggravated harassment alarm or distress 9B					6			6
Public Order Offences	Racially and/or religiously aggravated intentional harassment alarm or distress	2				4			6
Violence with Injury	Assault occasioning actual bodily harm	68	2		2	116	14	1	214
Violence with Injury	Assault on Police: Assault occasioning actual bodily harm	1				1			3
Violence with Injury	Assault on Police: Wounding with intent to resist arrest								1
Violence with Injury	Causing serious injury by dangerous driving								1
Violence with Injury	Racially and/or religiously aggravated ABH								2
Violence with Injury	Wounding with intent to do GBH	1				4			6
Violence with Injury	Wound or inflict GBH with or without weapon	1				10			7
Violence without Injury	Assault on constable police act 1996					7			7
Violence without Injury	Breach of restraining order								3
Violence without Injury	Common assault and battery	55	4		3	118	16	2	188

Violence without Injury	Harassment protection from harassment etc					1	2		13
Violence without Injury	Harassment: Putting people in fear of violence					1			2
Violence without Injury	Pursue course of conduct in breach of S1 1 which amounts to stalking								1
Violence without Injury	Racially and/or religiously aggravated common assault or beating					2	1		5
Violence without Injury	Stalking involving serious alarm/distress								1
Violence without Injury	Threats to kill						1		2

### Summary of Night Time Economy crimes in Berkshire town centres in last twelve mon

	Arson	Criminal Damage	Public Order Offences	Violence with Injury	Violence without Injury	All Listed Offences
CA CHALVEY / UPTON / TOWN	4	153	60	164	224	605
EA Reading NTE	16	217	104	455	435	1227
EG WOKINGHAM TOWN	5	105	11	74	46	241
FA NEWBURY TOWN CENTRE	5	57	23	104	102	291
LA WINDSOR CENTRAL		81	52	146	130	409
LC MAIDENHEAD CENTRAL	4	96	50	90	113	353
LF BRACKNELL TOWN CENTRE	1	27	16	33	20	97



<b>Name of Officer</b>	Peter Narancic						
<b>Type of Application</b>	Grant of Premises Licence - Licensing Act 2003						
<b>Name of Premises</b>	German Doner Kebab						
<b>Address</b>	106 Friar Street, Reading Road						
	Reading						
	RG1 1EP						
<b>Licensable Activities</b>	Late night refreshment						
<b>Finish Times</b>	<b>Mon</b>	<b>Tue</b>	<b>Wed</b>	<b>Thu</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
	0100	0100	0100	00230	0230	0230	0100
<b>Content of Application:</b>							
<p>The application was submitted on behalf of MAZA DONER LIMITED for the grant of premises licence on 27 April 2018. Mr Jamil Ali is one of the directors. The applicant has applied for late night refreshment. The hours of operation that have been applied for the provision of late night refreshment are 23.00 hours to 01.00 hours Sunday to Wednesday and 23.00 hours to 0230 hours Thursday to Saturday.</p> <p>The premises (formally a gym) is currently trading up to 23.00 hours (following a recent intervention from the Licensing team) and are located within the Council's Cumulative Impact Area.</p>							
<b>Licensing Officer's Comments:</b>							
<p>The licensing team wish to make representation against the application submitted on behalf of MAZA DONER LIMITED to licence the premises known as German Doner Kebab, 106 Friar Street, Reading, for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The application is contrary to the Council's Cumulative Impact Policy as prescribed in the Council's Statement of Licensing Policy. The policy at 8.1.4 specifically mentions Friar Street as a source of concern due to the numbers of existing licensed premises. Reading the application, the applicant has not rebutted the presumption of refusal.</li> <li>2. The premises were seen by a Licensing officer open to the public at 00:37 hours on Saturday 21 April 2018, although he did not visit at the time due to other commitments, he later contacted Mr Ali, and was told that he believed he had a licence to sell hot food, but after consulting with his planning agent, it turned out,</li> </ol>							

he was referring to his planning permission (currently up to 01.00 hours). Therefore the premises had been operating for a number of weeks without a premises licence and the owner had not registered as a food business with Environmental Health which owners are required to do 28 days before opening to the public. This is a breach of Licensing law and Hygiene of Foodstuffs Regulations. Had Mr Ali done so, both the Licensing and Environmental Health teams would have been alerted to this new business and been able to offer advice and assistance to the new operator before it was opened to the public. The lack of knowledge from the outset shown by Mr Ali in regard to running a lawful food business in Reading Town Centre is very disappointing and it is plausible had the premises not been seen open by an enforcement officer on 21 April 2018, Mr Ali may have still been operating illegally today. A copy of the warning letter sent to Mr Ali is shown at Appendix PN-1.

3. The premises requires a premises licence to operate as a restaurant/takeaway from 23.00 hours to 01.00 hours Sunday to Wednesday and 23.00 hours to 02.30 hours Thursday to Saturday. This potentially undermines the Licensing objectives of preventing public nuisance given how residential the town is becoming.

All of the above reasons significantly undermine the promotion of the four licensing objectives - notably, the prevention of crime and disorder; the protection of children from harm; the prevention of public nuisance and public safety.

When looking to grant a premises licence, the licensing authority and other Responsible Authorities have to determine what the likely effect of granting any licence would be on the promotion of the licensing objectives. This is consistent with section 18 (6) and 59 (1) of the Licensing Act 2003. The licensing objectives are prospective as outlined below and given all of the above reasons and the rationale given for them below, respectfully submit that the application be refused

The approach of the Licensing Team:

The Responsible Authorities named in the Licensing Act 2003 have to ensure that the licensing objectives are all actively promoted to prevent crime and disorder and public nuisance. All four licensing objectives are of equal importance.

Section 1.5 of the Secretary of State's Guidance states that the Licensing Act 2003 also supports a number of other key aims and purposes. These are vitally important and should be the principal aims of everyone involved in licensing work: They include protecting the public and local residents from crime, anti social behaviour and noise nuisance.

Section 18 (6) of the Licensing Act 2003 states that representations should be about the likely effect of the grant of a licence on the promotion of the licensing objectives.

Therefore as outlined in the Court of Appeal Licensing case Hope and Glory v City of Westminster (2011) EWCA Civ31 - *licensing decisions ....involve an evaluation of what is to be regarded as reasonably acceptable in a particular*



*location...(this) is essentially a matter of judgement rather than a matter of pure fact'.*

Further, in the High Court case of East Lindsey District Council v Abu Hanif (2016) EWHC 1265 (admin) Mr Justice Jay reaffirmed the position that Licensing authorities need not wait for the licensing objectives to be undermined before it takes action on a licensing application. Mr Justice Jay stated that '*the prevention of crime and disorder requires a prospective consideration of what is warranted within the public interest having regard to the twin considerations of prevention and deterrence*'.

Licensing Act 2003 Guidance (April 2018)

Steps to promote the licensing objectives:

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in

their application.

8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics websites;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

## READING BOROUGH COUNCIL LICENSING POLICY STATEMENT

### 7. Planning

7.1 The Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. However, the Authority will normally expect applicants to demonstrate that, *their proposed use of the premises is lawful in planning terms*, including complying with any conditions that may be imposed upon a planning consent, prior to applications under this Act being submitted. Nevertheless, the Council recognises that it is permissible for applications for licences to be made before any relevant planning permission has been sought or granted by the planning authority.

At paragraph 8.1.4 Concerns do exist about the number of licensed premises in parts of the town centre, particularly in Friar Street, and Gun Street areas, together with the impact that these premises have upon the licensing objectives. The Council recognises the concerns of residents in areas with high proportions of licensed premises and will use best endeavours and all available legislation so as to ensure these premises and the activities associated with them are properly controlled and do not result in unreasonable disturbance for residents.

#### **Cumulative Impact: The approach of Reading Borough Council**

The Cumulative Impact Policy and designated area were introduced due to a high concentration of licensed premises within the town centre and the impact these premises were having on the promotion of the Licensing objectives. The policy, stated within Section 8 of the Council's Statement of Licensing Policy, details the rationale of this approach. It also creates a rebuttable assumption that applications for the grant or variation of a premises licence or club premises certificate within the Cumulative Impact Area will be refused or limited - if relevant representations are received - unless the applicant is able to demonstrate within their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. This is detailed within Sections 8.1.9 to 8.1.11 and is entirely consistent with the relevant paragraphs of Chapter 14 of the Secretary of State's Guidance to the Licensing Act 2003. 8.5.1 of the Council's Statement of Licensing Policy states that it will apply to all applications for premises licences and club premises certificates as well as material variations within the Reading Central CIP Area. Material variations include increases in hours, increases in capacity (licensable area) and any other variation that are likely to add to the overall cumulative impact in the area.

One further point to make on Cumulative Impact is with reference to the stated case of R (on the application of Portsmouth City Council) v 3D Entertainment Group (CRC) Ltd [2011] EWHC 507 (Admin). The Learned Judge Supperstone within paragraph 11 of the judgement stated that Magistrates had erred in law by incorrectly applying Portsmouth's Cumulative Impact Policy in a way that required the Council and Police to abduce evidence that there would be a negative cumulative impact. He went on to state in paragraph 18 of the judgement that the burden was entirely on 3d Entertainment Group to persuade the Licensing Authority that the operating schedule was such that there would be no cumulative impact. In short therefore, the onus is on the applicant to rebut the Council's Cumulative Impact Policy if applying for a grant or variation within the cumulative impact area and this should primarily be done through the operating schedule of the submitted application form. The applicant in this matter has not rebutted the policy.

#### **Cumulative Impact**

As stated above, the Cumulative Impact policy was introduced in Reading town centre as a means to tackle the issues that arise from such a high concentration of licensed premises within such a small area. Because of the high levels of crime within the town centre and in an effort to prevent further stress being placed upon the town, applicants would have to demonstrate that they can rebut the presumption of refusing a grant or variation of a premises licence. If relevant

representations are received and the applicant is unable to demonstrate that their proposed operation will promote the licensing objectives and cause a negative cumulative impact, then the application is likely to be refused. This is stated at paragraph at 8.1.11 of the Council's Statement of Licensing Policy.

At paragraph 8.6.6 under Late night food outlets:

Applications for the sale of food primarily for takeaway up to midnight will be granted where it is demonstrated that they will not add to cumulative impact and that they will comply with the other provisions of this licensing policy.

Late night food outlets are a major contributor to crime and disorder after midnight. Therefore the policy is to refuse applications involving such sales unless there are exceptional circumstances. Outlets will need to demonstrate that detailed measures proposed in the operating schedule will result in no increase in crime and disorder, will satisfy the Council granting the application would not contribute to cumulative impact, and there is compliance with the other provisions of this licensing policy. Therefore, the likely effect of granting a licence as per the application is that it would add to the cumulative impact within the town centre and undermine the promotion of the licensing objectives. That paragraph clearly states that these types of application would be refused.

The operating schedule is not comprehensive enough and the hours applied are beyond midnight and the fact they have already been in breach of licensing law and Food Business registration regulations.

It is therefore not credible that the Cumulative Impact policy has been rebutted and that the likely effect of granting any licence would have a detrimental impact on the town as a whole.

In summary, the Licensing team would respectfully submit that the proportionate step to promote the licensing objectives and safeguarding the public as a whole, if a premises licence is granted, would be that the premises shall close to the public at midnight and the following conditions are attached to the premises licence.

#### **Prevention of crime and disorder**

1. The premises licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV. Data recordings shall be made immediately available to an authorised Officer of Reading Borough Council or Thames Valley Police together with facilities for viewing upon request, subject to the provisions of the Data Protection Act. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.

2. The premises licence holder shall conduct a written risk assessment whenever late night refreshment is taking place at the premises between Sunday and Thursday inclusive to establish if door staff are required. The risk assessment shall be produced to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.

3. The premises licence holder shall have door supervisors on a Friday and Saturday

evening from 2200 hours until closing time.

4. When employed, a register of Door Supervisors shall be kept. The register must show the following details:

- Full SIA registration number.
- Date and time that the Door Supervisor commenced duty, countersigned by the Duty Manager.
- Date and time that the Door Supervisor finished work, countersigned by the Duty Manager.
- Any occurrence or incident of interest involving crime & disorder or public safety must be recorded giving names of the Door Supervisor involved.

The Door Supervisor register shall be kept at the premises and be available for inspection by an authorised Officer from Reading Borough Council or Thames Valley Police upon request, and shall be retained for a period of twelve months.

5. Door Supervisors shall be clearly identifiable at all times whilst on duty and display Hi-Vis personalised armbands containing their SIA badge.

6. Whilst Door Supervisors are employed at the premises a minimum of one Door Supervisor working on the entrance/ exit to the premises will be deployed with digitally recording Body Worn Video (BWV). The BWV will be used to record any incidents which occur outside of the premises involving customers either entering, exiting or in any queue that impact any of the four licensing objectives.

Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or Thames Valley Police together with facilities for viewing upon request, subject to the provisions of the Data Protection Act.

7. The premises licence holder shall participate, as far as is practicable, in the Local Townsafe Radio Scheme when the premises are open for licensable activities.

8. The premises licence holder or nominated representative shall keep and maintain all right to work documents for all staff members. Right to work documents shall be kept at the premises and produced to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.

9. An incident book/ register shall be maintained to record all incidents of crime and disorder occurring at the premises. The register shall record a description of the incident, a descriptions of any persons involved in the incident, the person recording the incident and details of whether the police were called. This book/register shall be available to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.

### **Public Safety**

1. The premises shall implement, operate and maintain a policy to manage dispersal of customers from the premises. The policy shall be in written form and all staff shall be trained in how to operate it. The policy shall be produced to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.

### **Prevention of public nuisance**

1. The Premises and area immediately outside the premises shall be kept clear of all forms of litter whilst the premises is open for licensable activities.
2. 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. Staff shall be available to assist in the dispersal of customers at the cessation of licensable activities each evening.
3. The premises shall implement, operate and maintain a policy to manage dispersal of customers from the premises. The policy shall be in written form and all staff shall be trained in how to operate it. The policy shall be produced to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.
4. All packaging and utensils for use by customers shall be made of biodegradable or recyclable materials;
5. Staff shall actively discourage and disperse persons who congregate outside the premises so as to minimise disturbance to local residents;

### **Protection of Children from Harm**

1. Children under the age of 14 years shall not be permitted on the premises after 2100 hours. The premises licence holder or duly nominated representative shall put in place processes for identifying customers under 14 and training put in place to deal with any potential conflict arising from the refusal of service;

### **Staff Training**

1. Staff employed shall undergo training in relation to the Licensing Act 2003 regarding late night refreshment upon induction. This shall include, but not be limited to understanding the four licensing objectives. Such training sessions are to be documented and refreshed every six months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.

- I. The Prevention of Crime and Disorder.
- II. Public Safety.
- III. Public Nuisance.
- IV. The Protection of Children from Harm.

<b>Date Received</b>	27/04/2018	<b>Date Due</b>	25/05/2018
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<b>Date</b>	23	05	2018
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                  ██████████@hotmail.com  
Mr Jamil Ali  
German Doner Kebab  
106 Friar Street  
Reading  
RG1 1EP  
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Alison Bell  
Director of Environment and  
Neighbourhood Services  
Civic Offices, Bridge St, Reading, RG1  
2LU  
☎ 0118 937 3787

Our Ref: LIC/PN/53454

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

9 May 2018

Your contact is: Mr Peter Narancic, Licensing

Dear Mr Ali

**Licensing Act 2003**  
**Premises Licence Number: None Issued**  
**Premises: German Doner Kebab**  
**Premises Address: 106 Friar Street, Reading**

I refer to our telephone calls and visit to your premises on Saturday 21 April 2018. If you recall I was working in partnership with Officers from Thames Valley Police and was concerned that your premises were seen open and trading at 00.37 hours in the early hours of 21 April 2018 and had been trading for a number of weeks. When I checked our records I could not find any reference to German Doner Kebab, 106 Friar Street in regards to a premises licence or food registration.

During our earlier conversation you told me you believed you had a licence, but confirmed after checking with your consultant, you were referring to your planning permission which allows you to trade up to 01.00 hours.

You were made aware that trading between 23.00 hours and 05.00 hours (selling hot food or drink) without a premises licence was a serious offence which could result in unlimited fines and/or imprisonment for the operator. You are further reminded that you must not trade between the above hours without a premises licence in place

I understand that you have since applied for a premises licence, and this is currently being consulted on.

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

Yours faithfully  
*Peter Narancic*  
Mr Peter Narancic  
Senior Licensing & Enforcement Officer

Cc Thames Valley Police

**INTERNAL MEMORANDUM**

To: Licensing

Dept: Licensing

Cc: applicant

From: Jodie Wilson

Dept: **Environmental Protection & Nuisance**

Date: 25 May 2018

Urgent  Response required  Further action (see below)

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Subject: Application for Premises Licence: ref - 620289  
Premises: German Doner Kebab, 106 Friar Street, RG1 1EP

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I refer to the above application.

I have reviewed the application and consulted our records and would like to make representation against the application. I am concerned that due to the mixed use town centre location of the premises, the measures outlined in section P(d) of the application are very generic and do not specifically relate to measures that would be sufficient to prevent a public nuisance from occurring.

The Reading Borough Council Licensing Policy Statement states that public houses located in and catering for residential areas wishing to open beyond 11pm will need to demonstrate clearly that public nuisance will not result from later operation. In this case I do not believe that the applicant has demonstrated this to be the case.

The main areas of concern are:

- Noise from people accessing and leaving the premises, particularly late at night.

The applicant has put forward some measures to attempt to reduce potential nuisance from the premises, however I do not feel that the applicant has considered the location of the premises and proximity to sensitive receptors and there is no mention of the cumulative impact on the town centre of a take away in this location, which could be an issue if the later hours applied for over the weekend nights are permitted.

Hours of operation has been considered by the Planning Authority previously when the change of use for the premises was first applied for, and operating hours of 01:00hrs each night were approved. A planning application for extended hours to 02:30 on Thursday, Friday and Saturday nights has



recently been received. I have recommended refusal of the extended hours applied for under the planning process.

I would recommend that the hours of operation of these premises is restricted to no later than 01:00hrs, to minimise the potential for noise disturbance to local residents and in alignment with the hours permitted under their planning consent.

If the applicant were to agree to 01:00hrs each night, I would be willing to withdraw my representation.

Please contact me if you require any further information.

Kind regards

Jodie Wilson  
Senior Environmental Health Officer  
Environmental Protection and Nuisance.