

LICENSING ACT 2003 HEARING TUESDAY 18TH SEPTEMBER 2018 @ 1700HRS

APPLICATION FOR THE GRANT OF A PREMISES LICENCE

1. Premises:

Perfect Fried Chicken
51 Wokingham Road
Reading
RG6 1LH

2. Applicant:

Mahia Limited

3. Premises Licence:

There is currently a premises licence in place. This licence for the premises was revoked by the Licensing Committee on 02 August 2018 due to a number of issues which included the employment of illegal workers and breach of licensing conditions. The premises licence holder has not yet appealed the decision.

4. Proposed licensable activities and hours:

The application is for the grant of a premises licence for the following activities:

Late Night Refreshment (Indoors and Outdoors)

Monday to Sunday 2300 hours to 0100hrs

Hours open to the public

Monday to Sunday 0800hours to 0100hrs

5. Temporary Event Notices

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.

6. Date of receipt of application: 27 July 2018

A copy of the application form is attached as Appendix PN-1

7. Date of closure of period for representations: 24 August 2018

8. Representations received:

During the 28 day consultation process for the application, representations

were received from:

Reading Borough Council Licensing Team. A copy is attached at **Appendix PN-2**

Thames Valley Police. A copy is attached at **Appendix PN-3**

Reading Borough Council Environmental Protection and Nuisance team.

A copy is attached at **Appendix PN-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.

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.

11.4 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)

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 area⁵. 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.

Proposed conditions

10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

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;

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.

Lic/pfc/18.09.2018/pn

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Mahia Limited

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Perfect Fried Chicken 51 Wokingham Road Reading RG6 1L11			
Post town	Reading	Postcode	RG6 1L11

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£18,250

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

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

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes	
Nationality			
Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

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

Name Mahia Limited
Address Suite 58 105 London Street Reading Berkshire RG1 4QD
Registered number (where applicable) 11459117
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) N/a
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
25	08	2018

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

DD	MM	YYYY

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

Restaurant, take away and internet cafe outlet located on a corner site at the end of a parade of shops.

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

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

(please see sections 1 and 1-1 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue			State any seasonal variations for performing plays (please read guidance note 5)		
Wed			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Fri			
Sat			
Sun			
			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>		
Day	Start	Finish		Outdoors	<input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>		
		08:00		00:00			
Tue							
		00:00		01:00			
	08:00	00:00					
Wed				State any seasonal variations for the playing of recorded music (please read guidance note 5) None			
		00:00			01:00		
	08:00	00:00					
Thur							
		00:00			01:00		
	08:00	00:00					
Fri					Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6) None		
		00:00				01:00	
	08:00	00:00					
Sat							
		00:00	01:00				
	08:00	01:00					
Sun							
		00:00	01:00				
	08:00	00:00					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

1

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) Hours are in line with current planning consents.		
Mon					
	23:00	00:00			
Tue	00:00	01:00			
	23:00	00:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) None		
Wed	00:00	01:00			
	23:00	00:00			
Thur	00:00	01:00			
	23:00	01:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) None		
Fri	00:00	01:00			
	23:00	00:00			
Sat	00:00	01:00			
	23:00	00:00			
Sun	00:00	01:00			
	23:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption = please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) None		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) None		
Sun					

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Not Applicable	
Date of birth	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) None
Day	Start	Finish	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6) None
Mon	08:00	00:00	
Tue	00:00	01:00	
	08:00	00:00	
Wed	00:00	01:00	
	08:00	00:00	
Thur	00:00	01:00	
	08:00	00:00	
Fri	00:00	01:00	
	08:00	00:00	
Sat	00:00	01:00	
	08:00	00:00	
Sun	00:00	01:00	
	08:00	00:00	

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

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 10)

1. The staff goods shall be trained in how to promote the four licensing objectives.
2. The training records shall be kept on file and shall be made available for inspection to a police officer or a licensing officer from the Local authority on request.
3. Refresher training shall be provided to all staff at least every six months..

b) The prevention of crime and disorder

1. A CCTV system shall be installed with the cameras located as marked on the plans submitted with this application.
2. The CCTV shall be operating at all times that the premises are open to the general public.
3. The recordings shall be kept for a minimum of twenty-eight days.
4. The recordings shall be available to view on request by a Police Officer or a proper Officer from the Local Authority.
5. At all times the premises are open to the public a member of staff must be available who is competent in using the CCTV system.
6. The premises licence holder or the DPS shall produce a copy of the recordings on the written request of Police Officer or a proper Officer from the Local Authority with forty-eight hours of that request.
7. A notice shall be prominently displayed within the store advising patrons that the premises is covered by CCTV cameras for security purposes.
8. Any incidents that occur on the premises that undermine the four licensing objectives shall be recorded in an incident register.

c) Public safety

1. All exit routes and doors on such routes shall be checked on every occasion before the premises is used for purposes of a licensable activity and at regular occasions when the premises are open to the public to ensure that they are free from defect, obstruction, trip hazards and surfaces are not slippery.
2. A record of such inspections, any defects discovered and the remedial action taken shall be made in writing in a logbook kept for that purpose. That logbook shall be made available for inspection on demand to an Authorised Officer of the Council, a Fire Officer or a Police Constable.

d) The prevention of public nuisance

1. A notice shall be posted near the front entrance/exit requesting patrons to leave the premises so as to not disturb nearby neighbours.
2. The front door shall be kept in the closed position save for accessing or leaving the premises.
3. The placing of rubbish in to the external bins shall only take place between 08:00 hours and 21:00 hours.
4. Refuse contractors shall not be permitted to collect and empty bins between the hours of 21:00 hours and 07:00 hours the following day.
5. During operating hours a bespoke telephone number shall be available to local residents should they wish to speak to the duty manager about nuisance related issues.
6. Litter shall be regularly cleared away from outside the premises.

e) The protection of children from harm

No further procedures identified

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> • [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)
Signature	<i>William Donne</i>
Date	27 th July 2018
Capacity	Licensing Agent, Silver Fox Licensing Consultants

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) William Donne (Licensing Agent) Silver Fox Licensing Consultants 61 St Mary's Butts Reading Berkshire RG1 2LG			
Post town	Reading	Postcode	RG1 2LG
Telephone number (if any)	0773 873 4586		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) billdonne107@hotmail.com			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. 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



Name of Officer	Richard French						
Type of Application	Grant of Premises Licence - Licensing Act 2003						
Name of Premises	Perfect Fried Chicken						
Address	51 Wokingham Road						
	Reading						
	RG6 1LH						
Licensable Activities	Late Night refreshment - 2300hrs until 0100hrs						
Finish Times	Mon	Tue	Wed	Thu	Fri	Sat	Sun
	0100	0100	0100	0100	0100	0100	0100
Content of Application:							
<p>The application was submitted by Mahia Ltd (companies house number 11459117 formed on 11th July 2018) on 27th July 2018. The application is for the provision of late night refreshment until 0100hrs - 7 days a week. A previous licence in place at the premises was revoked by the Licensing Sub Committee on 2nd August 2018.</p>							
Licensing Officer's Comments:							
<p>The licensing team wish to make representation against the application submitted by Mahia Ltd to licence the premises stated as Perfect Fried Chicken at 51 Wokingham Road, Reading for the following eight reasons:</p>							
<p>1. No documentary evidence has been provided to the Council to suggest that this is a new and distinct owner of the business. Information held by the Council states that the previous owner - Mr Asghar - is still paying the business rates for the property. The licence held by Mr Asghar was revoked by the Licensing Sub Committee on 2nd August 2018.</p>							
<p>2. The application states that the premises is a restaurant, take away and internet café. The plan (appendix RF-1) shows a large eating area for takeaway and restaurant use only. Officers have attended the premises a number of times over the years - most recently on 18th August 2018 - and the premises has not been or appears to be intended to be an internet café. We are of the belief that this statement has been made simply to give off the impression that the application is operating as per the planning consent.</p>							
<p>3. The planning consent (appendix RF-2) states that the premises should be operating as an internet café with an ancillary takeaway. The application and plan</p>							

are clearly contrary to that. The Council's unchallenged and longstanding Licensing policy clearly states that applicants are expected to have already achieved the relevant planning permission before applying for a premises licence and to be adhering to the conditions of it. Planning is a relevant consideration as stated within the Council's Licensing policy; the Secretary of State's Guidance at paragraphs 14.63-14.65 and the case of *Le Brea v London Borough of Hackney* (appendix RF-3). Whilst acknowledging that planning and licensing are separate regimes - the guidance clearly states that there should be integration and consistency between the two.

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

14.65 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.

4. The hours applied for within the application are contrary to the premises planning permission - notably on a Sunday. This is relevant as the planning authority has already determined that opening past these hours are likely to cause a public nuisance. The prevention of public nuisance is a licensing objective and therefore a relevant matter for the Licensing Authority to consider.

5. The two named directors of Mahia Ltd (appendix RF-4) only own 50% of the shares for the Company and concerns persist over what involvement the other directors might have; the nature of the business and the suitability of the applicants to promote the licensing objectives. The company also seems to be registered to an empty office.

6. The recent case heard at Camberwell Green Magistrates Court (appendix RF-5) relied on the observations of the High Court in *Knightsbridge Crown Court ex parte International Sporting Club (London) Ltd* (1982) 1QB 304 that it risks bringing the licensing regime into disrepute if reckless licence holders can avoid the

consequences of their behaviour by simply transferring the licence into someone else's name or **selling the business when they get caught and so, effectively, get away with it**. We believe that this is the case in this instance. It cannot be the intention that the licensing committee revoke a licence from a misbehaving premises one month to then, in effect, reinstate it a month later.

7. The Council's licensing policy at paragraph 11.7.1 states: *There are concerns about noise and nuisance, crime and disorder and antisocial behaviour related to late night opening. Therefore, operators of late night refreshment premises wishing to open beyond 11pm will need to demonstrate clearly that nuisance, crime, disorder or antisocial behaviour will not result from their later operation.*

8. The poor operation of the premises was highlighted in an inspection carried out by the Council's Environmental Health team on 18th August 2018 (appendix RF-6) where it was discovered that:

- a) No evidence of a documented food safety system;
- b) No formal training records;
- c) No verification records;
- d) No allergen info;
- e) Dirty, flaky premises with shedding particles ceiling;
- f) Missing floor tiles;
- g) Missing filters on the canopy;
- h) Missing lighting diffusers;
- i) Poor repair fridges and freezers;
- j) Redundant items stored in the basement with food items;
- k) Dirty and greasy floor in the store room and rear yard;
- l) Staff toilet dirty;
- m) Hot holding cabinet holding cooked chicken below 63 degrees;
- n) No hand soap and drying facilities;
- o) Food stored directly on the floor both in the walk in chiller/freezer.

Therefore the practices being carried out at the premises - a premises which is supposedly under new management - are poor and endanger the public and staff. The building also seems to be in a poor state of repair. Both of these directly effect the public safety licensing objective.

No effort has been made within the application to address the concerns stated in paragraph 11.7.1 of the Council's Licensing policy. Paragraphs 8.41 to 8.49 of the Secretary of State's Guidance (below) also seem to have not been addressed. The application contains some conditions which appear to have been copied and pasted from somewhere but with no rationale as to why they are relevant or to how they will promote the licensing objectives.

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) of the Licensing Act 2003. The licensing objectives are

prospective as outlined below and given all of the above reasons and the respectfully submit that application be refused unless guarantees can be given over whose business this is; the suitability of the applicant to promote the licensing objectives and the concerns over the hours and operation of the premises. The onus is entirely upon the applicant to demonstrate that the licensing objectives will not be undermined by granting the application.

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'*.

Lastly, the case of the British Beer and Pub Association v Canterbury City Council clearly indicates the use of the Council's policy in guiding applicants when applying for a licence. Mr Justice Richards stated that:

"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."

The Secretary of State's Guidance (latest edition of April 2018) at paragraphs 8.41 to 8.49 specifically outline what an applicant should address in order to be able to demonstrate that the proposed use of the premises for licensable activities would

not undermine 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 application

The Licensing team respectfully ask the licensing sub-committee to refuse the application in its entirety for the reasons outlined above. The onus is on the applicant to demonstrate that their application will promote the licensing objectives and it is the licensing team's position that this has not been done. For the reasons outlined above - which are supported by the Council's licensing policy, the secretary of state's guidance; observations made in the law courts and the Council's duty to promote the licensing objectives and protect the public, we ask that this application be refused.

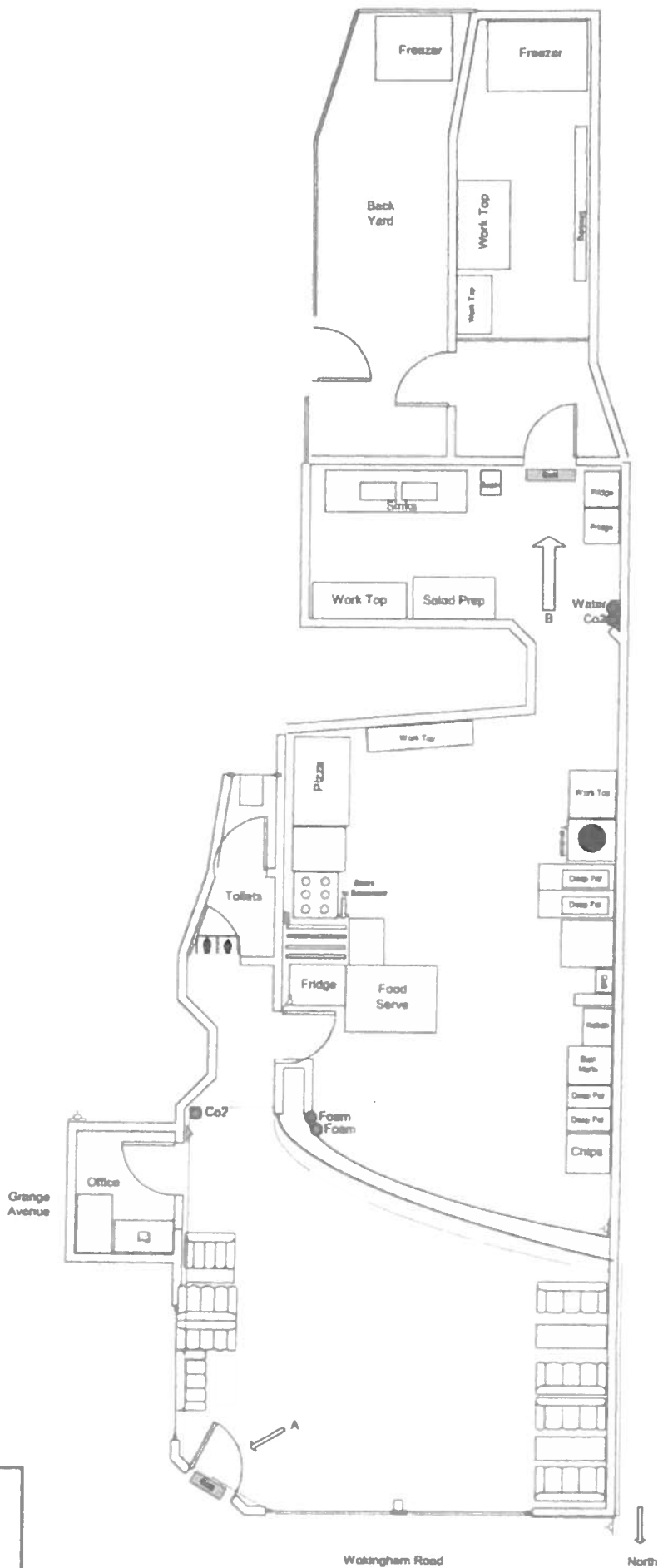
Appendices Attached:

- Appendix RF-1 - Proposed plan of premises submitted with application
- Appendix RF-2 - The current planning permission for the premises
- Appendix RF-3 - Summary of Le Brea v Hackney from Cornerstone Barristers
- Appendix RF-4 - Companies House details for Mahia Ltd
- Appendix RF-5 - Camberwell Green Magistrates Court Judgement
- Appendix RF-6 - Environmental Health inspection of 18th August 2018

Date Received	27/07/2018	Date Due	24/08/2018
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Date	21	08	2018
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Legend	
—	Licencable Activity
●	Fire Extinguishers
■	Fire Exit Sign
⦿	CCTV Camera
↓	Exit Routes
■	Fire Blanket
<p>General Notes: The plans are accurate to the visible information available to the surveyor on the date of survey</p> <p>Escape routes, signage, fire and safety equipment etc. have been noted in the locations on that day</p> <p>GK Consultancy is not liable for the accuracy, content or non-compliance with recommendations made in, any assessment (fire, risk hazard, etc) made by others of the premises or for information conveyed on this drawing pertaining to those assessments</p> <p>In no event will GK Consultancy be liable for direct, indirect, special, incidental or consequential damages (including but not limited to economic loss, such as loss of profits, interruption, loss of revenue, loss of goodwill or loss of anticipated savings) arising out of the use, or inability to use, or the failure of compliance of this plan</p> <p>GK Consultancy is limited in it's liability in respect of the plans provided for submission to registration / amendment of the council only</p> <p>The property was surveyed on Wednesday 4th July 2018</p>	
Drawn By: GKK Checked By: SCX	
Drawing No: GB2118 Rev: 1 GK Consultancy	
Project Title: Licence Submission Plan	
Scale 1 100	Planner GKKeble
Client Perfect Fried Chicken 51 Wokingham Road Reading RG6 1LH	GK Consultancy 46, Magpie Way Tilehurst Reading RG31 4SJ 0118-9615287



General Notes:
 The plans are accurate to the visible information available to the surveyor on the date of survey.

Escape routes, signage, fire and safety equipment etc. have been noted in the locations on that day.

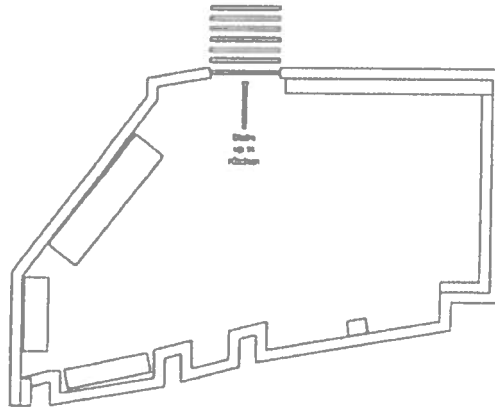
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In no event will GK Consultancy be liable for direct, indirect, special, incidental or consequential damages (including but not limited to economic loss, such as loss of profits, interruption, loss of revenue, loss of goodwill or loss of anticipated savings) arising out of the use, or inability to use, or the failure of compliance of this plan.

GK Consultancy is limited in its liability in respect of the plans provided for submission to rectification / amendment of this plan to the requirements of the council only.

The property was surveyed on Wednesday 4th July 2018

Basement Storeroom



Drawn By: GKK
 Checked By: SCK

Drawing No: GB2119
 Rev: 1
 GK Consultancy

Project Title:
 Licence Submission Plan

Scale 1:100	Planner GK Keeble
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Client: Perfect Fried Chicken 51 Wokingham Road Reading RG8 1LH	GK Consultancy 46, Magpie Way Tilehurst Reading RG31 4SJ 0118-9615287
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Application At: Perfect Fried Chicken 51 Wokingham Road Reading Berkshire

Application No: 07/00910/VARIAT

CONDITIONS & REASONS

1. The premises shall not be used for the preparation and/or sale of food or be available for internet use outside the hours of 8am to 1am (the following day) Mondays to Saturdays and 10am to midnight on Sundays and Bank Holidays. Reason: in order to protect local residents from unreasonable disturbance arising from the use, in accordance with Policy RET 5 of the Reading Borough Local Plan (1998).
2. All other of the Conditions of Consent No. 01/00458/FUL (as varied under consent 02/01162/VARIAT) apply to this Consent, viz:
 1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which the permission was granted. Reason: To prevent an accumulation of unimplemented planning permissions and in accordance with Section 41(1) of the Town and Country Planning Act 1971.
 2. Prior to the commencement of development, internal layout plans detailing the areas to be used for internet facilities, customer tables and seating, kitchen and sales counter shall be submitted to and approved in writing by the local planning authority. Thereafter, the internal layout as approved shall be implemented and retained in accordance with the approved plans, unless the prior written consent of the local planning authority to any change is first obtained. Reason: as a case has been made for permitting this particular use as an exception to Council policy and to enable the local planning authority to control the use of the building.
 3. The premises shall be used for an Internet Cafe only (with ancillary take-away facilities), wherein internet facilities are permanently available for customer use, and for no other purpose (including any other purpose in the same Use Class of the Schedule to the Town & Country Planning (Use Classes Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification. Reason: as a case has been made for permitting this particular use as an exception to Council policy and to enable the local planning authority to control the use of the building.
 4. See now above.
 5. Prior to the commencement of development plans detailing the parking layout at the rear of the site shall be submitted to and approved in writing by the local planning authority.
 6. The refuse and cycle storage shall be provided in accordance with the approved details prior to the first occupation of any dwelling on the site. Reason: in the interest

Date: 31st August 2007

A handwritten signature in black ink, appearing to read 'Alison Bell', with a horizontal line underneath it.

Head of Planning & Building Control

of the amenity of residents and to reduce reliance on the private motor car in accordance with the Council's Balanced Transport Strategy.

7. Suitable ventilation and filtration equipment shall be installed to suppress and disperse fumes and/or smell created from the food preparation operations on the premises. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues. Details of the equipment shall be submitted to and approved by the local planning authority in writing prior to commencement of use. Details to include outlet height which in general should be at least 1m above ridge height of the nearest building. Reason: to ensure that the use has adequate ventilation equipment to ensure that neighbouring properties are not unreasonably polluted by odours from the use.

8. The development hereby permitted shall be constructed in accordance with the following plans only:- numbers SP.01, SP.02, SP.03. Reason: for the avoidance of doubt.

Date: 31st August 2007



Head of Planning & Building Control

NOTES

APPEALS

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. Appeals must be made using an official form which is obtainable from Customer Support Unit, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN Phone: 0117 372 8000. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted, otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (a), to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.
- (2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Common Council, or on the Council of the district in which the land is situated, as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- (3) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.
- (a) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.

BERKSHIRE ACT 1986 - Section 32

- (1) Except as provided in subsection (a) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show -
 - (a) That there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended, and
 - (b) That the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.
- (2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1990, unless notice of the provisions of this section is endorsed on or accompanies the planning permission.
- (3) Section 16(7) and (8) and section 36(2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act 1984.
- (4) Any person aggrieved by the action of the district council in rejecting plans under this section, may appeal to a magistrates' court.
- (5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

SECTION 76 TOWN AND COUNTRY PLANNING ACT 1990

- 76-(1) This section applies when planning permission is granted for any development that will result in the provision -
 - (a) Of a building or premises to which section 4 of the Chronically Sick and Disabled Persons Act 1970 applies (buildings or premises to which the public are to be admitted whether on payment or otherwise);
 - (b) Of any of the following (being in each case, premises in which persons are employed to work) -
 - (i) Office premises, shop premises and railway premises to which the Offices, Shops and Railway Premises Act 1963 applies;
 - (ii) Premises which are deemed to be such premises for the purposes of that Act; or
 - (iii) Factories as defined by section 175 of the Factories Act 1961,
 - (c) Of a building intended for the purposes of a university college or college, or of a school or hall of a university;
 - (d) Of a building intended for the purposes of an institution within the PCFC funding sector; or
 - (e) Of a building intended for the purposes of a school or an institution which provides higher education or further education (or both) and is maintained or assisted by a local education authority.
- (2) The local planning authority granting the planning permission shall draw the attention of the person to whom the permission is granted -
 - (a) In the case of such a building or premises as are mentioned in subsection (1)(a)
 - (i) To sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970; and
 - (ii) To the Code of Practice for Access of the Disabled to Buildings (British Standards Institution code of practice BS 5810: 1979) or any prescribed document replacing that code,
 - (b) In the case of such premises as are mentioned in subsection (1)(b), to sections 7 and 8A of that Act and to that code or any such prescribed document replacing it;
 - (c) In the case of such a building as is mentioned in subsection (1)(c), (d) or (e), to sections 7 and 8 of that Act and to Design Note 18 "Access for Disabled People to Educational Buildings" published in 1984 on behalf of the Secretary of State, or any prescribed document replacing that note.
- (3) Expressions used in subsection (1)(d) and (e) and in the Education Act 1944 have the same meanings as in that Act.

HAZARDOUS WASTE AND MATERIALS

Your attention is drawn to the possibility that development of land or redevelopment of properties will give rise to hazardous material probably in the form of contaminated soil or building construction waste (e.g. asbestos lagging around pipe work) needing disposal. Under the requirements of the Control of Pollution Act 1974 and regulations made there under it is an offence if such material is not deposited in appropriate sites licensed by the County Council acting in their capacity as Waste Disposal Authorities and additional procedures may have to be followed. Details of the sites in Berkshire and advice on suitability of wastes involved and procedures necessary can be obtained from:

Environment Agency, Isis House, Howbery Park, Wallingford, Oxon, OX10 8BD Tel: 0870 8506506

There may also be occasions when hazardous substances such as gas from former landfill sites could be a problem. The County Surveyor's Waste Management Group have agreed to list and map all such sites and copies will be available from the above address.

BUILDING REGULATIONS

This planning permission does not give approval under the Building Regulations. Before any works are commenced you should check with the Building Control Section of the Planning Department whether any approval is required under the Building Regulations.

Pump and Boneyard loses licence

The facts of Pump and Boneyard, whose licence was finally buried by District Judge Angus Hamilton on 3rd February, read like a licensing exam paper.

The venue was formerly a typical petrol station, with pumps covered by a canopy and a small convenience store with an off-licence to sell alcohol until 11 p.m. and late night refreshment all night. The site is off the southern edge of the Shoreditch Triangle cumulative impact area designated in Hackney's policy. To the east lies a further CIA designated by Tower Hamlets.

An entrepreneur, Robert Newmark, of Beach Blanket Babylon renown, had twice tried and failed to secure variations to turn the venue into a bar/restaurant, utilising the existing building and covered forecourt. So he set out to do it anyway in a manner which, so claimed he and his lawyers, required no licence variation at all.

He built fourteen food stalls and installed seating and tables in the former forecourt, trading only until 11 p.m. so as to avoid the need for a premises licence for late night refreshment. Inside the convenience store, he took out all the shelving units, replacing them, shelf for shelf, and in the same position, with tables and seating. This was to consume food cooked in the former store, and with the benefit of the licence for late night refreshment. Of course alcohol sold in the former store could not be consumed there, because it was an off-licence, so customers were asked to take their drinks outside, to drink them on the forecourt. And he remove the glass front of the store and built an extension to it, strictly (as he said) off the premises, so that alcohol could be sold directly from the store to customers standing in (and consuming from) the new extension.

Hackney's Licensing Sub-Committee was not impressed. It revoked the licence, chiefly because this represented a total transformation of the premises without consent, in an area already suffering from significant stress, albeit not in the cumulative impact area.

Before the Magistrates' Court on appeal, the Appellant argued that the business was trading strictly within the existing licence, that the premises was causing no direct, demonstrable harm or at least none that could not be controlled by conditions, and that in any case section 182 guidance (paragraph 13.37) prevented revocations on review on grounds of cumulative impact. This raised a number of issues of principle, and wider interest.

(1) Was the transformation of the premises lawful?

As every student of licensing law knows, consumption is not a licensable activity. This means that, at least in theory, every supermarket could get a premises licence for its building and then turn its car park into a large outdoor bar every night. What is to stop that happening? This exercised the minds of DCMS officials when the Licensing Act 2003 (Premises Licences) Regulations 2005 were being formulated, with the consequence that the prescribed application form contains this note for guidance

Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

If the applicant refers to an adjacent drinking area, it is always open to the licensing authority to impose conditions regulating its use. If the applicant doesn't refer to the adjacent area, then nothing in licensing law prevents its subsequent use. However, in such a case, the licensee should not be surprised to receive an application for review if there is harm to the licensing objectives.

In this case, however, the Council contended that the premises was in breach of its licence. This gave rise to some further arguments about whether a licensee was entitled to alter features on the licence plan which the regulations do not require to be shown on the plan in the first place. In *Licensed Premises: Law, Practice and Policy*, it is contended that the plan is the plan and cannot be changed without a variation, whether the features being changed needed to be shown in the first place or not. The features on the plan, be they snooker tables in a club, shelving in a supermarket or seating in a restaurant, all give assurance to the licensing authority that the premises will be used in a particular way, rather than the licence attaching to a large blank space which could be used, say, for vertical drinking. As such, variations to the layout cannot be made without variation to the licence.

In this case, it was not necessary for the District Judge to resolve that argument because there were variations which quite clearly did require variations to the licence, e.g. the installation of a wholly new kitchen, removal of the perimeter glazing, installation of a new bar etc.

(2) What relevance were criminal breaches?

The Council argued that much of what had occurred was criminal, e.g. the breaches of licence conditions, breach of smoking legislation, playing of live music in the former court etc. It argued that, on the authority of *R (Blackpool Council) v Howitt* 2008 EWHC 3300 (Admin) criminal acts of whatever sort engaged the licensing objective of the prevention of crime and disorder, even if they were not disorderly. The District Judge accepted that the principle applied here.

(3) Could planning be taken into account?

It is well known that national guidance advises that the systems of planning and licensing should be kept separate that control should not be duplicated. Nevertheless, in this case, Hackney's long-standing and unchallenged licensing policy stated that normally planning consent should be obtained first. Here, it had not been. It was therefore argued that since the Court stands in the shoes of the licensing authority for the purpose of applying its policy, the absence of planning permission was a material consideration. Further, the Council argued that the failure to secure planning permission (which had been refused twice), demonstrated a cavalier approach to regulation which could be taken into account on that ground alone. In the event, the lack of planning was taken into account by the District Judge.

(4) Could cumulative impact be taken into account?

The Council acknowledged that national guidance sets its face against the culling of licensed premises based on cumulative impact and that it is wrong to call in individual licences for review when the issue is cumulative. Nevertheless, the District Judge found "compelling" the Council's argument that it was entirely legitimate to take cumulative impact into account in the case of a misbehaving licensee. The rationale is that one should not be able to attain through unlawful action that which would never have been (and was not) granted through applications for variation, and that the consequences of such unlawful behaviour are more serious in cumulative impact areas than in areas not suffering from stress. This is an important conclusion, giving further teeth to licensing authorities where regulatory breaches take place in cumulative impact areas.

In the result, District Judge Hamilton dismissed the appeal and awarded costs of £25,416 to Hackney Council.

The judgment can be read [here](#).

Philip Kolvin QC of Cornerstone Barristers represented Hackney Council, instructed by Butta Singh



**CERTIFICATE OF INCORPORATION
OF A
PRIVATE LIMITED COMPANY**

Company Number **11459117**

The Registrar of Companies for England and Wales, hereby certifies that

MAHIA LTD

is this day incorporated under the Companies Act 2006 as a private company, that the company is limited by shares, and the situation of its registered office is in England and Wales

Given at Companies House, Cardiff, on **11th July 2018**



* N11459117G *



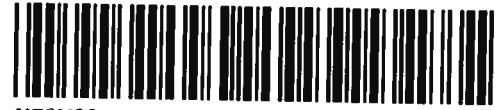
Companies House



THE OFFICIAL SEAL OF THE
REGISTRAR OF COMPANIES



Application to register a company



Received for filing in Electronic Format on the: 10/07/2018

X79V98OP

<i>Company Name in full:</i>	MAHIA LTD
<i>Company Type:</i>	Private company limited by shares
<i>Situation of Registered Office:</i>	England and Wales
<i>Proposed Registered Office Address:</i>	SUITE 86 105 LONDON STREET READING ENGLAND RG1 4QD
<i>Sic Codes:</i>	96090

Proposed Officers

Company Director **1**

Type: **Person**

Full Forename(s): **MR MUHAMMAD HAROON**

Surname: **YOUSAF**

Service Address: **SUITE 86 105 LONDON STREET
READING
UNITED KINGDOM RG1 4QD**

*Country/State Usually
Resident:* **ENGLAND**

Date of Birth: ****/04/1983** *Nationality:* **BRITISH**

Occupation: **DIRECTOR**

The subscribers confirm that the person named has consented to act as a director.

Company Director 2

Type: **Person**

Full Forename(s): **MR MOHAMMAD**

Surname: **ASHRAF**

Service Address: **SUITE 86 105 LONDON STREET
READING
UNITED KINGDOM RG1 4QD**

*Country/State Usually
Resident:* **ENGLAND**

Date of Birth: ****/05/1959** *Nationality:* **BRITISH**

Occupation: **DIRECTOR**

The subscribers confirm that the person named has consented to act as a director.

Statement of Capital (Share Capital)

<i>Class of Shares:</i>	ORDINARY	<i>Number allotted</i>	100
<i>Currency:</i>	GBP	<i>Aggregate nominal value:</i>	100
<i>Prescribed particulars</i>			

FULL RIGHTS TO RECEIVE NOTICE OF, AND ATTEND VOTE AT GENERAL MEETINGS. ONE SHARE CARRIES ONE VOTE, AND FULL RIGHTS TO DIVIDENDS AND CAPITAL DISTRIBUTIONS (INCLUDING UPON WINDING UP).

Statement of Capital (Totals)

<i>Currency:</i>	GBP	<i>Total number of shares:</i>	100
		<i>Total aggregate nominal value:</i>	100
		<i>Total aggregate unpaid:</i>	0

Initial Shareholdings

Name: MUHAMMAD HAROON
YOUSAF

Address SUITE 86 105 LONDON
STREET
READING
UNITED KINGDOM
RG1 4QD

Class of Shares: ORDINARY

Number of shares: 25
Currency: GBP
Nominal value of each share: 1
Amount unpaid: 0
Amount paid: 1

Name: IFTIKHAR ALI

Address SUITE 86 105 LONDON
STREET
READING
UNITED KINGDOM
RG1 4QD

Class of Shares: ORDINARY

Number of shares: 25
Currency: GBP
Nominal value of each share: 1
Amount unpaid: 0
Amount paid: 1

Name: AMJAD MAHMOOD

Address SUITE 86 105 LONDON
STREET
READING
UNITED KINGDOM
RG1 4QD

Class of Shares: ORDINARY

Number of shares: 25
Currency: GBP
Nominal value of each share: 1
Amount unpaid: 0
Amount paid: 1

Name: MOHAMMAD ASHRAF

Address SUITE 86 105 LONDON
STREET
READING
UNITED KINGDOM
RG1 4QD

Class of Shares: ORDINARY

Number of shares: 25
Currency: GBP
Nominal value of each share: 1
Amount unpaid: 0
Amount paid: 1

Persons with Significant Control (PSC)

Statement of initial significant control

On incorporation, there will be someone who will count as a Person with Significant Control (either a registerable person or relevant legal entity (RLE)) in relation to the company

Individual Person with Significant Control details

Names: **MR MOHAMMAD ASHRAF**

Country/State Usually Resident: **ENGLAND**

Date of Birth: ****/05/1959** *Nationality:* **BRITISH**

Service Address: **SUITE 86 105 LONDON STREET
READING
UNITED KINGDOM
RG1 4QD**

The subscribers confirm that each person named as an individual PSC in this application knows that their particulars are being supplied as part of this application.

Nature of control

The person has the right to exercise, or actually exercises, significant influence or control over the company.

Statement of Compliance

I confirm the requirements of the Companies Act 2006 as to registration have been complied with.

memorandum delivered by an agent for the subscriber(s): YES

Agent's Name: THEFORMATIONSCOMPANY.COM LIMITED

Agent's Address: FIRST FLOOR 130 OLD STREET
LONDON
ENGLAND
EC1V 9BD

Authorisation

Authoriser Designation: agent *Authenticated* YES

Agent's Name: THEFORMATIONSCOMPANY.COM LIMITED

Agent's Address: FIRST FLOOR 130 OLD STREET
LONDON
ENGLAND
EC1V 9BD

THE COMPANIES ACT 2006
PRIVATE COMPANY LIMITED BY SHARES
MEMORANDUM OF ASSOCIATION
OF
MAHIA LTD

Each subscriber to this memorandum of association wishes to form a company under the Companies Act 2006 and agrees to become a member of the Company and to take at least one share.

Name of each subscriber	Authentication by each subscriber
-------------------------	-----------------------------------

MUHAMMAD HAROON YOUSAF
IFTIKHAR ALI
AMJAD MAHMOOD
Mohammad Ashraf

Dated 2018-07-10

NEWS 0

APPEAL COURT UPHOLDS REVOCATION OF PREMISES LICENCE FOLLOWING “MODERN SLAVERY” REVIEW

[BACK TO SEARCH](#)



Appeal Court upholds revocation of Premises Licence following “modern slavery” review

29th June 2018

District Judge Julie Cooper, sitting at Camberwell Green Magistrates’ Court, has upheld the decision of the London Borough of Southwark to revoke a convenience store’s premises licence following allegations of illegal workers

being employed in conditions akin to “modern slavery”. Peckham Food and Wine had been found, on six separate occasions, to be employing illegal immigrant workers. A broom cupboard was being used as sleeping quarters for two workers who slept on a filthy mattress with only a small electric fan for ventilation. They were being paid a salary well below the minimum wage.

Super strength Polish lager was being sold at a price so low it must have been smuggled alcohol where duty had been evaded. Numerous breaches of the licence conditions were found.

A review application was made by Bill Masini on behalf of Southwark Trading Standards. Prior to the review hearing, an application to transfer the licence was received by the council and objected to by police. The transferee was a Mr Safeer Shah who claimed to be untainted by the past behaviour and pledged to turn around the operation. Following questioning it turned out Mr Shah was the estranged husband of the premises licence holder and related to the other directors of the operating company. The licensing sub-committee refused the transfer and revoked the premises licence.

On appeal Mr Shah argued that it was wrong to judge him by his family relationships. He was his own “autonomous” individual and had demonstrated his commitment to promote the licensing objectives. Under cross-examination it became apparent that Mr Shah had been involved in the running of the business prior to the review application. It was also revealed that two of his current employees had worked at the venue when the litany of transgressions had taken place. One was, and continued to be, an illegal worker. On inspection visits prior to the appeal hearing further breaches of the licence had been found and, under Mr Shah’s stewardship, the premises had failed a test purchase exercise by selling alcohol to a 17 year old.

The Council submitted that not only was Mr Shah properly to be tainted by the previous operation, but he had failed to demonstrate the promised turn around of the operation since he took over. The judge found him to be a discredited witness.

The Council also argued, in reliance on Griffiths LJ’s observations in R v Knightsbridge Crown Court ex p International Sporting Club (London) Ltd [1982] 1 QB 304, that it risks bringing the licensing regime into disrepute if reckless licence holders can avoid the consequences of their behaviour by simply transferring the

licence into someone else's name or selling the business when they got caught and so, effectively, get away with it. The deterrent effect of licensing enforcement would be lost and licensing authorities are right to take a robust stance against such transfers, particularly those which appeared to be a ruse.

In refusing the appeals on 28 June 2018, DJ Cooper awarded the Council its costs of over £11,000.

Gary Grant acted for the London Borough of Southwark instructed by Debra Allday of Southwark's Legal Department.

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Food Hygiene Inspection Aid Mémoire

Name: *The Perfect Fried Chicken*

Inspection Date: *18/8/2018*



Address: *51 Wokingham Road, Reading*

Announced inspection? Y N Officer: *FMI*

FLARE DATABASE CODES INU Type: R routine inspection; S- V&S visit (Partial inspection); X: Non Official Control (educa/intel) BC Cat D/E alternate with OOC; J - ceased trading (food premise ceased trading but business still exists).

ACTION DIARY TEMPLATE FH1 (F50) - FH Written Warning (letter or IRF with legal requirements), F51 - Improvement Notice(s), F53 - Voluntary closure, F52 - HEPN, F54 - seizure of food, (F35) - Re-rating, Code - food reg sent/left/checked, G48 - 2nd person, FT1 - leaflets (left/sent), FR J (Insert rating no.) Admin to send rating stickers, F64 - Copy of IRF to Head Office **PRU, More tab, Equipment** FBK - Blast chiller, FBA - Blast freezer, FAQ - Vac Pack Machine, FBQ - Duck oven, FBP - Tandoori oven, FAJ - Band saw; FAR - Sous vide; FAS - Sushi

Item	Detail	Description	Scheduled Date	Actual Date	Officer	Time
1	R	Routine		18/8/2018	FMI	15:17
2	F50	FH written warning IRF		18/8/2018	FMI	15:17
3	FR J	FR J left		18/8/2018	FMI	15:17
4	FBP	Tandoori oven		18/8/2018	FMI	15:17

Food Hygiene Risk Rating *F35 Revisit*

Inspection Summary *11/10/18*

SCORE	Criteria
TYPE OF FOOD & METHOD OF HANDLING	
5/A	Handling Low risk Foods
10/B	Handling High Risk Foods
<input checked="" type="radio"/> 30/C	Preparation High Risk Foods
40/D	Manufacture high Risk foods
METHOD OF PROCESSING	
0/A	None
<input checked="" type="radio"/> 0/A	High Risk Activities, Cook/Chill foods; Air drying ie. biltong; low acid foods; add salt or preservatives; sushi, rare burgers; vacuum & sous vide packing; Retail & small producers of cooked meats
OR	
20/B	
CONSUMERS AT RISK	
0/A	Very Few
<input checked="" type="radio"/> 5/B	Few
10/C	Intermediate
15/D	Substantial
VULNERABLE GROUPS (catering)	
<input checked="" type="radio"/> 0/A	Premises serving >20 people in a vulnerable group
OR	
22/B	
FOOD HYGIENE & SAFETY (see COP)	
0/A	Reason:
5/B	<i>Chicken held @ 5°C</i>
<input checked="" type="radio"/> 10/C	<i>10°C hand drying facilities and soap</i>
<input checked="" type="radio"/> 15/D	<i>Food not covered</i>
20/E	<i>Food stored directly on table</i>
25/F	
STRUCTURAL (see COP)	
0/A	Reason:
5/B	<i>Extract canopy dirty</i>
10/C	<i>Flaking ceiling</i>
<input checked="" type="radio"/> 15/D	<i>Missing tiles</i>
20/E	<i>Missing diffuser</i>
25/F	<i>Missing at diffuser</i>
CONFIDENCE IN MANAGEMENT (see COP)	
0/A	Reason:
5/B	<i>No documented food safety management system</i>
10/C	<i>no late coding</i>
<input checked="" type="radio"/> 20/D	<i>No formal training</i>
30/E	
<input checked="" type="radio"/> 0/A	Significance of Risk of food being contaminated.
OR	
20/B	
TOTAL	
<i>85</i>	<i>C A B A D D D A</i>

File Comments from last visit incl any complaints to follow up since last insp

FH 5 CIM *Patent* *10/15/10* *No and 10* *FBK* *Guide* *@ 5°C* *long cords*

Risk Rating of Premises of past 4 FH1

Owners name on existing food reg *Via*

PAP for FH Y/N Y N **PAP name**

Health and safety due? Yes No **Food standards due?** Yes No

Range of foods incl online sales
burgers, pizzas, chicken, fish & chips, wraps, curries, kebabs

Method of processing
Pizza bake, grill, deep fry, cook

Preferred language(s)
English

Number of customers/meals: min *300* max *360*

Premises used by other bodies? Y/N Y N Who? :

Any off site activities? Y/N Y N Details:

Business to business sales? Y/N Y N Who?

Approval needed? Y/N

Reason for Chosen intervention - other than full inspection. This is an S type inspection. Highlight which areas audited i.e. food hygiene, structural, CIM or audit
Licensing consultation re FBK

Activities in progress at time of visit (incl any specific discussion points with named staff, include job function)
service

Proposed business change (Cr e menu changes/ building work refurb, starting delivery, new contractor closure/ownership change, other new service? Other _____)

Suggested areas for focus on for next partial inspection:
SFB
Training
Structure
Monitoring records

Reasons if changed from category A (manager needs to sign bottom of page)

	Y	Timescale
Sampling to be undertaken during next visit:	<i>2</i>	
Discussion /submission to PAP	<i>2</i>	
Change in FHRs rating (if zero/one rating has revisit been scheduled)	<i>Y</i>	<i>2 - 1</i>
Variance to food enforcement policy	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	Reason:

FH Risk Rating	Rating FR	FHRs score	But no score greater than
A: 92-196	5	0-15	5
B: 72-91	4	20	10
C: 52-71	3	25-30	10
D: 31-51	2	35-40	15
E: 0-30	1	45-50	20
	0	> 50	30

left

Qualitative Review : Name & Signed: Position: Date:
 Comments:

Part 1: Suppliers:

1.1 Names of main food suppliers and type of food supplied. (Meat, Fish, bi-valve molluscs, dairy, eggs, imported foods)

no information available as manager not available

1.2 Any foods purchased direct from companies outside the UK? e.g. Internet Y/N

Part 2: Training

2.1 Details of Training/Instruction/Supervision Arrangements

Officer to describe training/instruction & supervision (incl new staff training)

no formal training records

2.2 Food Handler Training

Categories	Staff Name	Cat A,B C	Training Type Specify if Online (O), accredited (A) or In-house (H)	Date	Cert Y/N
A=Handle LRFs & wrapped food	a. Moazzam Azmat Beyum	C			(X)
B=Handle open HRFs	b.				
	c.				
C=Food handlers who have a supervisory role	d.				
	e.				

2.3 Discussion with staff and observed operational practices suggest suitable training? (Y/N)
Comments on staff practices:

Moazzam Beyum has knowledge of operational practices but work occasionally
Consideration of knowledge of hand washing, cross contamination, e.coli source & control

Part 3: Food Safety Management System (FSMS)

√ = Satisfactory, ⊕ = Unsatisfactory (⊕ must result in a comment on IRF), N/A = Not applicable

3.1 Details of HACCP system in place

-SFBB
-Bespoke/Codex type
-Records only
-Suitable? (Consider EC Guidance on Flexibility)

no evidence of food & documented food safety management

CCP= Critical control point; CL=Critical Limits; CA=corrective action; MP = monitoring PROCEDURES

List business CCPs: (officer's opinion) (Cross off if n/a, add CCPs as needed)	3.2 business identified all necessary CCPs?	3.3 CL identified?	3.4 CL valid?	3.5 MPs for CCPs established?	3.6 CA for each CCP?	3.7 CCP controlled satisfactorily?
Purchase/ Delivery						
Storage (chill/ frozen)						
Preparation						
Cooking & Reheating						
Cooling						
Hot holding						
Cold Service						
Delivery Transport						

3.8 Defrosting procedures safe?

3.9 Doc procedures for e. coli control?

Verification

3.13 Are records up to date and accurate?

Validation

3.14 Manager sign off of records? (X)

3.10 Suitable person did analysis?

3.15 Staff trained? (incl new staff)? (X)

3.11 All CCPs and CLs identified?

3.16 Periodic review? (& when menu/equip change)

3.12 MPs and CAs are suitable?

3.17 Inhouse/third party audit?

3.18 General Comments on FSMS

3.19 Overall HACCP Compliant (Article 5): Y/(N) Proposed Action if N:

Hygiene Prerequisite programme (PRP)

√ = Satisfactory, ⊗ = Unsatisfactory (⊗ must result in a comment on IRF), N/A = Not applicable

Part 4: Structural

General	
4.1 Construction & size of business permit GHP?	✓
4.2 Layout of premises permits GHP?	✓
4.3 Drainage satisfactory?	✓
4.4 Lighting suitable?	⊗
4.5 Ventilation satisfactory? <i>Missing Fil</i>	⊗
4.6 Suitable sanitary accommodation? Ventilated lobby? <i>Missing filters</i>	⊗
4.7 Provision of suitable changing facilities?	✓
Food Room Requirements	
4.8 Adequate number of wash hand basins with hot & cold water, soap & hand drying facilities? <i>No hand drying fac Obstructed no soap</i>	⊕
4.9 Adequate facilities for, <i>Colander</i>	✓
Cleaning utensils/equip? (H+C water, 2 sinks or 1+ dishwasher (full cycle uninterrupted) or equivalent?)	✓
Washing food? (if dual use, system for cleaning?)	✓
4.10 Ceilings & overhead fixtures prevent accumulation of dirt, formation of mould/condensation & shedding of particles? <i>Dirty & shedding particles, fine dirt</i>	⊗
4.11 Are the following in sound condition & easy to clean/disinfect?	
Floors <i>Missing tiles in store room</i>	⊗
Walls	⊗
Doors	⊗
Food contact surfaces	⊗
4.12 Windows constructed to prevent accumulation of dirt?	✓
4.13 Equipment in good repair/condition?	⊗
4.14 Food containers in good repair/condition? Cleaned & disinfected if reused? <i>X</i>	✓
4.15 Food packaging stored in clean area?	⊗
Pest Prevention & Control	
4.16 Structure ok? No proofing required.	⊗
4.17 No Signs of infestation?	
4.18 Pest control contractor? Name: Frequency: <i>no contract</i> Type: Rodents/ Cockroaches/ Flies/ All	
4.19 Log book/Diary examined? Last visit date:	
4.20 Any actions from checks addressed?	
4.21 Or is in house system suitable? Frequency of checks? Recorded? <i>no current checks</i>	
Vehicles	
4.22 Vehicle seen, clean, good repair and condition? Note registration of vehicle:	
4.23 Adequate temp controlled storage space?	
4.24 Designated areas for raw and RTE	

Part 5: Operational

Cleaning	
5.1 Premises clean? <i>Minor</i>	⊗
5.2 Equipment installed to allow cleaning?	✓
5.3 Food contact surfaces & equipment clean? (Remember ice machine & soda gun)	✓
5.4 All hand contact surfaces clean?	⊗
5.5 Suitable chemicals and materials for cleaning? List: <i>Jantex</i>	✓
5.6 Disinfectant/Sanitiser meet BS EN 1276:1997 or BS EN 13697:2001?	⊗
5.7 Cleaning chemicals properly stored?	⊗
5.8 Cleaning schedule in place & implemented?	⊗
5.9 Two stage cleaning? Visibly clean then disinfect, consider contact time, correct dilution	⊗
5.10 Suitable cloth management? - Sep cleaning cloths, sponges, mops? - Are reusable cloths machine washed? <i>Blue Roll</i>	✓
Food Contamination	
5.11 All foods covered?	⊗
5.12 Appropriate controls to prevent cross-contamination including E. coli (examples below). Proposed Action if N* ^{see opposite}	Y N
- Different equip? (unless disinfected in dishwasher)	N/A
- No dual use of complex equipment unless dismantle	✓
- Dual use of easy clean equipment - cleaning safely	N/A
- No raw food contamination of cash registers?	N/A
- Raw meat is not washed during preparation	✓
- Use bowl/ chopping board as food contact surface	✓
- Separate storage areas? (clearly identifiable)	✓
- Zoned areas? (clean area sufficiently separated)	✓
- Time zoning? (are cleaning, sanitising and doc ok?)	✓
- Separate staff for tasks?	N/A
5.13 Contaminated e.g. raw meat cardboard used/disposed of appropriately?	⊗
5.14 No evidence of breakages, unnecessary glass, bolts missing, paper clips, or other physical contaminants etc... in food prep areas?	✓
5.15 Staff aware of food allergens and appropriate controls? - Cross-contamination with allergens controlled?	⊗
Stock Control	
5.16 Products date labelled where necessary?	⊗
5.17 Manufacturers & in house dates all ok?	?
Personal Hygiene	
5.18 Good standards of personal hygiene observed?	
5.19 Appropriate hand washing practices <i>Discussed</i> - Recognised technique e.g. DoH - Taps turned off with towel (or no touch taps)? - Sanitizing gel only after proper HW	
5.20 Aware of appropriate glove use?	✓
5.21 Staff fit to work & know 48 hr rule?	
5.22 Changing clothing after handling raw food?	✓
5.23 Fitness to work procedure in place?	
5.24 Over-clothing suitable and clean?	✓
5.25 Adequate first-aid provisions?	✓
Complaints/Incidents	
5.26 Procedures/recent complaints all ok?	
5.27 How are customer complaints handled?	
*5.12 Appropriate controls to prevent cross-contamination including E. coli. Proposed Action if N:	

*Pizza bake Stand Above Fridge no handle / un cleanable
Tandoori chest freezer poor condition
Fryer wall near the battering area
griller
FP1 WDI V18*

Waste Disposal		5.32 Copy of Waste Transfer Licence seen?	
5.28 Food waste Contractor used and details: oileco	✓	5.33 Animal by-products? (RETAIL ONLY) - Separation of raw meat/fish & eggs - Disposal via approved contractor - Detailed records kept (what collected, weight, destination, transport, date – NB – Kept for 2 years)	
5.29 Cooking oil? Stored properly. No spillage. Collected by authorised collector	✓		
5.30 Outside bin area tidy? Grundon	✓	5.34 Is any surplus food (bakery) being put into the feed chain or going to animals? If yes – details of where food is going and pass to TS	
5.31 Bins inside satisfactory?	✓		

Part 6: Temperature Control
 ✓ = Satisfactory, ⊗ = Unsatisfactory (⊗ must result in a comment on IRF), N/A = Not applicable

6.1 Able to demonstrate conformance with 4hr rule for chilled hold?	✓	6.4 Able to demonstrate conformance with 2hr rule for hot hold?	✓
6.2 Is cooling done safely?	?	6.5 Devices for temperature monitoring?	
6.3 Does the business prepare fish to consume raw /lightly cooked e.g. sushi/sashimi/? (Check that fish is frozen at -20°C for at least 24 hrs?) Documentation from FBO carrying out freezing process? Detail in comments box. Does not apply to FARMED salmon, Atlantic halibut, rainbow trout. Has to be these fish +FARMED +cultured from embryos + fed on parasite free diet	NO	6.6 Use of independent thermometer? (Probe and/or storage thermometers)	✓
		6.7 Adequate sanitisation/probe wipes?	⊗
		6.8 Thermometer calibration?	⊗

6.11 Officers Temperature Checks			
Equipment	Location	Temp °C	
a. Fridge		6.8	✓
b. walk in freezer		7	✓
c. walk in chiller		6.2	✓

Product	Location	Temp °C	
d. Fried Chicken	Hot cabinet	54°C	⊗
e.			
f.			

Comments on temperature control

Part 7: Traceability and Supplier Control
 ✓ = Satisfactory, ⊗ = Unsatisfactory (⊗ must result in a comment on IRF), N/A = Not applicable

Traceability		Supplier Control	
7.1 Able to trace food one step back?	no information	7.5 Arrival in opening hours?	no info
7.2 Traceability documentation available on site?	available	7.6 Rejection procedure for unsatisfactory deliveries?	
7.3 Able to trace food forward to businesses? Detail businesses below		7.7 Supplier control and approval system?	N/A
7.4 Discuss if approval required? (supply to other businesses)	no	7.8 No SRM on premises (only blue strips on labels of bovine carcasses.)	

7.9 Does business (incl retail and caterers) sell Live Bivalve Molluscs (Oysters, Mussels, Clams etc)? Officer to inspect receipts. 60 day retention of certificates? Traceability/invoice/approved numbers?

7.10 Imported Foods **Officers Traceability Checks**

Are there any imported foods?	Foodstuffs likely to fail food safety requirements based on current EC 669/2009 Annex 1(PNAO) , at 1 st point of destination after port CVED (POAO) or CED (PNAO)	
Product Name and Description	Category -Imported POAO, - Imported FNAO, -EU/EEA prod.	Details of Check and Results
a.		
b.		

7.11 Notes/Diagrams

Cardboard in the chiller
 Tony on food (tomatoes)
 Rear yard floor very dirty and greasy

Legislation covered by Inspection: Food Safety & Hygiene (England) Regulations 2013 Food Safety Act 1990 (as amended) Health & Safety at Work etc. Act 1974 Other legislation.....
Reason for Visit: Proactive Reactive Advisory Sample Taken (detailed below) Revisit

Name of Premises Perfect Fried Chicken Business Type Takeaway/Restaurant
Address 51 Wokingham Road, Reading RG6 1LH
Registered Office Address.....
Email..... Tel/mobile.....

Person Seen Muhammad At Azmat Begum Position Staff Attendant
Name of Food Business Operator/Dutyholder Mohammed Achraf (New FBO)
Business days & hours 11am - 12pm Areas Checked All

List of Documents checked ✓ = Yes x = Not available \ = not applicable Written FSMS Cleaning Log
FH Training Policy /records Fridge/Freezer Temperature Log Hot Food Temperature Log Pest Control
Health and Safety: Policy Risk Assessments (Details.....)

Comments: Matters Arising (L = Legal Requirement + Timescale and R = Recommendation) (Food Only: S=Structure, FH=Food Hygiene/Practices, CIM=Confidence in Management; FStd: Food Standards; H&S: Health & Safety)

L/R	S/FH/CIM	FStd/H&S	Comments
			<u>Routine Food Hygiene Inspection</u>
L	CIM		<u>There was no food safety management system as the time of the inspection. In order to comply you must visit the Food Standards Agency website and download the safer food poster business pack for Bangladesh/Indian Cuisine</u> <u>http://www.food.gov.uk/business-industry/feature/sfbb/</u> <u>Action by 18 September 2018</u>
L	CIM		<u>You must also ensure that staff are properly trained and are aware of the controls and follow the safe methods in the SFBB pack. Action by 18/9/2018</u>

Action Proposed: Inspection report form left Letter to follow Formal notices(s) Revisit

Food Hygiene Rating Criteria Assessed	Good	SCORE	Poor	Your Premises Rating is
Compliance with food safety procedures	0 5	<u>10</u> <u>15</u>	20 25	1
Compliance with structural requirements	0 5	10 <u>15</u>	20 25	
Confidence in management /control procedures	0 5	10 <u>20</u>	30	

Business Reply Expected: e-mail officer with your plan of action to address requirements Yes No

Officer Name Frankie Makombe Signature F. Makombe Designation EHO

2nd Officer Name..... Signature A.A. Designation.....

Date & Time 18/8/2018 1517 am/pm. Telephone No: 0118 9374363 Date of Next Visit.....

As the person seen at the visit, I have taken note and understand all aspects of work discussed with the Inspecting Officer OR I have received this form and I will ensure this inspection report form is passed to the Manager.

Signed Muhammad Name Muhammad At Azmat Job Title.....

Note: This report describes those matters requiring attention. The report only covers the areas inspected at the time of the visit. Any queries about this report or you do not agree with your food rating, please contact the officer named above in the first instance. If it is not resolved then write to the Licensing, Food & Safety Manager at: Environmental Health (Food & Safety), Reading Borough Council, Civic Offices, Bridge Street, Reading. RG1 2LU or email: consumerprotection@reading.gov.uk

CONTINUATION SHEET

 Name of Premises..... PFC Address 51 Wokingham Road, Reading
COMMENTS Matters Arising (L= Legal Requirement + Timescale R= Recommendations)
(Food Only: CIM=Confidence in Management, FH=Food Hygiene & Safety Practices, S=Structure)

L/R	CIM/ FH/S	
L	CIM	You must keep a record of important checks relevant to your business such as cleaning, cooking temperatures, hot holding temperatures and equipment, you can use the dairy diary, weekly or implement your own records. Action by 18 September 2018
L	CIM	There was no evidence of formal training of staff. Ensure all staff are trained/supervised and instructed in food hygiene matters that commensurate their activities. Action by 18 October 2018
L	FH	At the time of the inspection, ^{cooked} food items namely chicken breasts, was being held at 54°C in the hot hold service. Cooked food which is sold hot must be held at or above 63°C. You have advised me that you holding food for 2 hours and then discarding it. Service or ^{adjust} replace the hot hold cabinet temperature. Action by Today

Action Proposed: See Sheet One

 Name of Officer..... Frankie Mukanje Signature..... F. Mukanje Date & Time..... 18/8/2018

I have taken note and understand all aspects of work discussed with the Inspecting Officer

1517

 Signed..... Morgan Job Title.....

Note: This report only covers the areas inspected at the time of the visit and is an informal indication of areas of the business requiring attention. If you have any queries regarding this report or you do not agree with your food rating, please contact the officer named above in the first instance. If it is not resolved then write to the Food Law Manager or Health and Safety Manager, as appropriate at: Consumer Protection, Reading Borough Council, Civic Centre, Reading RG1 7AE or email: consumerprotection@reading.gov.uk

CONTINUATION SHEET

Name of Premises..... PFC Address 51 Wokingham Road, Reading

COMMENTS Matters Arising (L= Legal Requirement + Timescale R= Recommendations)

(Food Only: CIM=Confidence in Management, FH=Food Hygiene & Safety Practices, S=Structure)

L/R	CIM/ FH/S	
L	FH	Food in the freezer and stand alone fridge were not covered. All food should be covered when stored in the fridge to prevent any possible contamination. Action Today
L	FH	The only wash hand basin in the kitchen production area was obstructed by the fridge. Remove the fridge today.
L	FH	There were no hand drying facilities and no soap at the wash hand basin. You must provide the wash hand basin with soap and hand drying facilities. Action Today.
L	S	The flooring in the rear yard was dirty and greasy. Thoroughly clean and maintain in a clean condition. Action by 26 August 2018
L	S	The flooring in the store room was dirty and greasy. Thoroughly clean and maintain in a clean condition. Action by 26 August 2018

Action Proposed: See Sheet One

Name of Officer..... Frankie Makombe Signature..... F. Makombe Date & Time..... 18/8/2018

I have taken note and understand all aspects of work discussed with the Inspecting Officer 1517

Signed..... M Makombe Job Title.....

Note: This report only covers the areas inspected at the time of the visit and is an informal indication of areas of the business requiring attention. If you have any queries regarding this report or you do not agree with your food rating, please contact the officer named above in the first instance. If it is not resolved then write to the Food Law Manager or Health and Safety Manager, as appropriate at: Consumer Protection, Reading Borough Council, Civic Centre, Reading RG1 7AE or email: consumerprotection@reading.gov.uk

CONTINUATION SHEET

Name of Premises..... PFC Address 51 Wokingham Road, Reading

COMMENTS Matters Arising (L= Legal Requirement + Timescale R= Recommendations)

(Food Only: CIM=Confidence in Management, FH=Food Hygiene & Safety Practices, S=Structure)

L/R	CIM/ FH/S	
L	S	The floor covering in the store room has missing tiles. Replace the missing tiles. Action by 18 October 2018
L	S	The wall covering in the area for preparing/battering chicken is not easy to clean. Replace with the one that can be kept clean Action 18 October 2018
L	S	The paint to the ceiling in the production area is shedding. Remove any loose paint to a sound ^{base} and redecorate ensuring the finished surface will prevent the accumulation of dirt and reduce condensation and flaking paint Action 18 October 2018
L	S	Remove ^{cardboard} newspaper from shelving in the fridge used to store salad, burgers etc. Action Today
L	S	The condition of the stand above fridge, and chest freezer and can no longer be kept clean. Replace the fridges and freezer. ^{small under counter fridge} Action by 18 October 2018

Action Proposed: See Sheet One

Name of Officer..... Frankie Mlakombe Signature..... [Signature] Date & Time..... 18/10/2018

I have taken note and understand all aspects of work discussed with the Inspecting Officer 1517

Signed [Signature] Job Title.....

Note: This report only covers the areas inspected at the time of the visit and is an informal indication of areas of the business requiring attention. If you have any queries regarding this report or you do not agree with your food rating, please contact the officer named above in the first instance. If it is not resolved then write to the Food Law Manager or Health and Safety Manager, as appropriate at: Consumer Protection, Reading Borough Council, Civic Centre, Reading RG1 7AE or email: consumerprotection@reading.gov.uk

CONTINUATION SHEET

 Name of Premises PFC Address 51 Wokingham Road, Reading
COMMENTS Matters Arising (L= Legal Requirement + Timescale R= Recommendations)
(Food Only: CIM=Confidence in Management, FH=Food Hygiene & Safety Practices, S=Structure)

L/R	CIM/ FH/S	
L	S	The light fitting in the production kitchen is missing a diffuser cover. Replace the diffuser this will prevent glass fragments contaminate your food in an event of a breakage Action by 18 September 2018.
L	S	The extractor fan was dirty and greasy. Thoroughly clean and maintain in a clean condition Action by 18 September 2018
L	S	The filters were missing from their position in the extract canopy. To reduce nuisance you must install proper filters. Action by 18 September 2018
L	S	There are some redundant items in the storeroom and under the stairs. Remove these and keep this food area clean Action by 18 October 2018
L	FH	The food items stored in the walk in fridge have no dates, that is a shelf life. You must ensure all ^{cooked} food items stored in the fridge have a shelf life Action today

Action Proposed: See Sheet One

 Name of Officer Frankie Platombe Signature [Signature] Date & Time 18/09/2018

I have taken note and understand all aspects of work discussed with the Inspecting Officer

1517

 Signed [Signature] Job Title.....

Note: This report only covers the areas inspected at the time of the visit and is an informal indication of areas of the business requiring attention. If you have any queries regarding this report or you do not agree with your food rating, please contact the officer named above in the first instance. If it is not resolved then write to the Food Law Manager or Health and Safety Manager, as appropriate at: Consumer Protection, Reading Borough Council, Civic Centre, Reading RG1 7AE or email: consumerprotection@reading.gov.uk

CONTINUATION SHEET

Name of Premises PFC Address 51 Wokingham Road, Reading

COMMENTS Matters Arising (L= Legal Requirement + Timescale R= Recommendations)

(Food Only: CIM=Confidence in Management, FH=Food Hygiene & Safety Practices, S=Structure)

L/R	CIM/ FH/S	
L	S	Install a soap dispenser / hand drying facilities holder by the wash hand basin Action by 18 September 2018
L	S	There is a gap in the exit door. Repair or replace the door Action by 15 October 2018
R	S	Ensure you are using a BS: EN 1476 or BS EN 13697:2001 sanitiser
L	FSD	Go through the ingredients and identify all the allergens and input them in a matrix. Action by 18 October 2018
L	H/S	Provide me with the following (1) Gas safety certificate (2) Electrical report (3) Canopy cleaning report
L	S	The staff toilet was dirty. Thoroughly clean and leave in a good condition Action Today

Action Proposed: See Sheet One

Name of Officer Frankie Makombe Signature F. Makombe Date & Time 18/8/2018

I have taken note and understand all aspects of work discussed with the Inspecting Officer

1517

Signed M. O. A. Z. A. M. Job Title.....

Note: This report only covers the areas inspected at the time of the visit and is an informal indication of areas of the business requiring attention. If you have any queries regarding this report or you do not agree with your food rating, please contact the officer named above in the first instance. If it is not resolved then write to the Food Law Manager or Health and Safety Manager, as appropriate at: Consumer Protection, Reading Borough Council, Civic Centre, Reading RG1 7AE or email: consumerprotection@reading.gov.uk

CONTINUATION SHEET

Name of Premises.....PFC..... Address 51 Wokingham Road.....

COMMENTS Matters Arising (L= Legal Requirement + Timescale R= Recommendations)

(Food Only: CIM=Confidence in Management, FH=Food Hygiene & Safety Practices, S=Structure)

L/R	CIM/ FH/S	
L	FH	Ensure you have probe wipes at all times Action Today
L	FH	Invest in an independent thermometer i.e. probe thermometer Action 18 september 2018
L	cim	You new owner must register their details online. Action by 18 september 2018

Action Proposed: See Sheet One

Name of Officer.....Frankie W. Makomba..... Signature.....F. Makomba..... Date & Time.....18/9/2018

I have taken note and understand all aspects of work discussed with the Inspecting Officer 1517

Signed.....[Signature]..... Job Title.....

Note: This report only covers the areas inspected at the time of the visit and is an informal indication of areas of the business requiring attention. If you have any queries regarding this report or you do not agree with your food rating, please contact the officer named above in the first instance. If it is not resolved then write to the Food Law Manager or Health and Safety Manager, as appropriate at: Consumer Protection, Reading Borough Council, Civic Centre, Reading RG1 7AE or email: consumerprotection@reading.gov.uk

Division/Station : Reading Police Station Licensing Dept

From : C2107 Declan Smyth

To : Reading Borough Council

Ref : Perfect Fried Chicken, 51 Wokingham Road, Reading, RG6 1LH Date : 7th August 2018

Subject :

Objection to the Application For A Premises licence by Mahia Limited

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 Perfect Fried Chicken, 51 Wokingham Road, Reading, RG6 1LH as it is believed that this application will undermine the four licensing objectives with specific regard to that of the prevention of public nuisance and the prevention of crime & disorder.

The proposal before the Sub-Committee is for:

Recorded Music, Monday 08:00 - 00:00, Tuesday to Sunday 08:00 - 01:00

Late Night Refreshment (Both), Monday 23:00 - 00:00, Tuesday to Sunday 23:00 - 00:00.

Hours Premises Are Open To The Public Monday 08:00 - 00:00, Tuesday to Sunday 12:00 - 00:00

Thames Valley Police believe that the evidence contained within this application suggest that this premises shall be primarily a late night fast food restaurant, and not primarily an internet café for which the current planning consent allows.

There is a history of premise licence holders at this location both not using the premises in line with the consent that has been provided as well as serious breaches of legislation and conditions which Thames Valley Police are keen to ensure do not repeat themselves.

There is a general concern surrounding the provision of late night refreshment after midnight per se' but specifically within this area. These concerns are further compounded by the details provided by the applicant within the application that do not provide sufficient detail to for us to be able to determine this application and its ability to support and not undermine the four licensing objectives.

These concerns and our rationale for them shall be discussed further within our objection.

On the 31st August 2007 the Head Of Planning & Building Control attached a condition “**The premises shall be used for an internet café only** (with ancillary take-away facilities), **wherein internet facilities are permanently available for customer use**, and for no other purpose (including any other purpose in the same Use Class of the Schedule to the Town & Country Planning (Use Classes Order 1987), or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that order with or without modification. Reason: as a case has been made for permitting this particular use as an exception to the Council policy and to enable the local planning authority to control the use of the building. This is further detailed in **Appendix DS – PFC – 1**

A Planning application to “ change of use at the ground floor from A1 to Internet Café (A3 restaurant) without complying with condition 4 to change opening hours” was refused by the Council on the 28th July 2017 for the following reason:

“The proposed extension to the opening hours of this premises would likely to have an unduly detrimental effect on the amenities of nearby residential properties in terms of noise

and disturbance including from people visiting the premises, vehicle deliveries, home delivery vehicles, and from the extract system, and fumes”.

Also and in relation to this the Current Secretary of States Section 182 Guidance states:-

8.34 Plans, for written and electronic applications, will not be required to be submitted in any particular scale, but they **must be in a format which is “clear and legible in all material respects”**, i.e. they must be accessible and provides sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information

Having viewed the plans that the applicant attached to the application we suggest that the drawings do not portray a premises that will be used primarily as an internet café. Instead they reflect a singular usage fast food restaurant of a style used by the current incumbent involved in the recent licence revocation.

Arguably even if the applicant states that the submitted plan is not a true reflection of what the business intends to be then it can be argued that it does not “provide sufficient detail for the licensing authority to be able to determine the application”.

The Reading Borough Council Statement of Licensing Policy provides further guidance in relation to this specifically within Sections 7.1 – 7.3 detailed below for the advice of the Sub-Committee:-

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.

7.2 As outlined at paragraph 13.56 of the Consolidated Guidance issued under Section 182 of the Licensing Act 2003 (October 2012 version), there are also 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.

7.3 Where a licence application is to be determined by the Licensing Applications Sub Committee, the Sub Committee in such cases will normally impose a condition to the effect that the licence will **not** become effective until the relevant planning consent has been obtained.

Furthermore, the Reading Borough Council Statement of Licensing Policy states that the Council are concerned regarding Late Night Food Outlets that trade after midnight with regards to crime and disorder and anti-social behaviour. (Para 11.7.1) Please see below.

11.7 Late Night Refreshment

11.7.1 There are concerns about noise and nuisance, crime and disorder and anti-social behaviour related to late night opening. Therefore, operators of late night refreshment premises wishing to open beyond 11pm will need to demonstrate clearly that nuisance, crime, disorder or antisocial behaviour will not result from their later operation.

11.7.2 In the case of premises which were in operation prior to the Act coming into force, the Authority will not seek to curtail operating hours unless there is evidence that such operation impacts negatively on the licensing objectives.

Thames Valley Police feel that the applicant has failed to submit sufficient detailed measures in their proposed operating schedule to demonstrate that there will be no increase in crime and disorder and Anti-Social behaviour in the local area and provide statistical details from the local area for the consideration of the Sub-Committee.

The current crime statistics provided by Police.uk show the number of offences and their crime types within the area between July 2017 and June 2018. These are detailed in **Appendix DS – PFC – 2**

The Sub-Committee may also wish to consider that prior to this application Thames Valley Police received no contact from the applicant in relation to this application in order to discuss any concerns which we may have had in relation to this, and to determine any information that could have been supplied relating to our advice on local issues or the application or proposed premises licence itself.

I would draw your attention specifically to Section 182 Secretary of States Guidance in relation to the the Licensing Act 2003 section 8.46 – 8.49 which is relevant to this

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 take into consideration when making an application.”

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.

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.

Finally Thames Valley Police wish to provide the Licensing sub-Committee with a brief history of the premises for which this application refers. The Sub-Committee may feel that it is relevant to take this history into account or may not, however we feel it is imperative to understand the recent issues at this site so as to avoid any recurrence.

Currently a late night refreshment licence is held at the premises which having been revoked on 2nd August 2018 by the Reading Borough Licensing Sub- Committee is currently held within the relevant appeal period.

There were a number of incidents and wilful breaches which led to that revocation which are briefly outlined below:-

- The premises licence holders were discovered to be employing illegal workers on numerous occasions.
- The premises had persistently operated licensable activities beyond the hours permitted by the premises licence;
- There had been numerous other breaches of the conditions of the licence including:
 1. Failures to display the required notices and copies of the licence.
 2. Failure to keep training records
 3. Failure to keep an accurate door supervisor register, which was likely to have been deliberately falsified
 4. Failure to make CCTV footage available to officers, which was particularly serious as it indicated a deliberate failure to co-operate with authorities

These was compounded by a number of failures to comply with licensing legislation and breaches of licensing conditions dating back to February 2010.

Of course due to the history of this site and nature of the previous incidents leading to that review it is imperative that these criminal activities and wholesale failures are not repeated. The concern of Thames Valley Police is that this application has been made in an attempt to circumvent the current review process relating to this premises and if granted will likely lead to the continuation of poor practice and a failure to uphold the licensing objectives.

We strongly recommend that based on these concerns extreme scrutiny and due diligence be carried out by the licensing sub-committee to ensure that this is indeed a “New” application, and not a “rebranded” application that will likely undermine the four licensing objectives, as well as extreme caution in relation to whether this application both supports the planning consent granted for the site and does not undermine the licensing objectives.

Thames Valley Police understand that the Licensing Objectives are prospective and preventative, and as such submit that in order to ensure that the licensing objectives are upheld with specific regard to the prevention of crime and disorder that this application should be refused based on the many questions and concerns that have been raised surrounding this application.

If however the Sub-Committee are of a mind to grant the applicant a late night refreshment licence, Thames Valley Police requests the Sub-Committee consider the following conditions which we feel are appropriate in order to promote the four licensing objectives:- .

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.

Recorded images shall be of such quality as to be able to identify the recorded person in any light.

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

At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.

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

3. An incident log whether kept in written or electronic form shall be used, maintained and retained at the premises and made available for inspection to an authorised Officer of Thames Valley Police or Reading Borough Council.

4. 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

5. Before any person is employed at the premises sufficient checks will be made of their bona fides to ensure they are legally entitled to employment in the UK. Such checks will include:

- Proof of identity (such as a copy of their passport)*
- Nationality*
- Current immigration status*
- Employment checks will be subject of making copies of any relevant documents produced by an employee, which will be retained on the premises and kept for a minimum period of one year. Employment records as they relate to the checking of a person's right to work will be made available to an authorised officer of Reading Borough Council or Thames Valley Police upon request.*

6. 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.

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

8. Whilst Door Supervisors are employed at the premises a minimum of one Door Supervisor working on the entrance/ exit to the premises, and one internally within

the premises will be deployed with digitally recording Body Worn Video (BWV). The BWV will be used to record any incidents which occur inside or outside of the premises involving customers, prospective customers or any staff member that impact on any of the four licensing objectives.

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

9. The Premises Licence Holder (PLH) shall ensure that all door supervisors whilst employed at the premises shall wear hi visibility jackets/ tabards in bright green, yellow or orange in order that they can be clearly visible and identifiable at all times to the public and via CCTV both internally and externally. When tabards are worn, hi visibility armbands must also be worn that incorporate displaying SIA badges. If hi visibility full sleeved jackets are worn the PLH must ensure that all door supervisors badges are also displayed via an easily visible arm band of a different hi visibility colour to the jacket that is being worn.

10. The Premises Licence Holder (PLH) will insure that a minimum of 2 SIA registered security guards will be working on the premises Monday to Sunday from 22:00 and up to 30 minutes from the last customer served.

11. A register of Door Staff shall be kept. The register will show the following details:

(a) Full SIA registration number.

(b) Date and time that the Door Supervisor commenced duty, countersigned by the General Manager or Duty Manager.

(c) Date and time that the Door Supervisor finished work, countersigned by the Designated Premises Supervisor or Duty Manager.

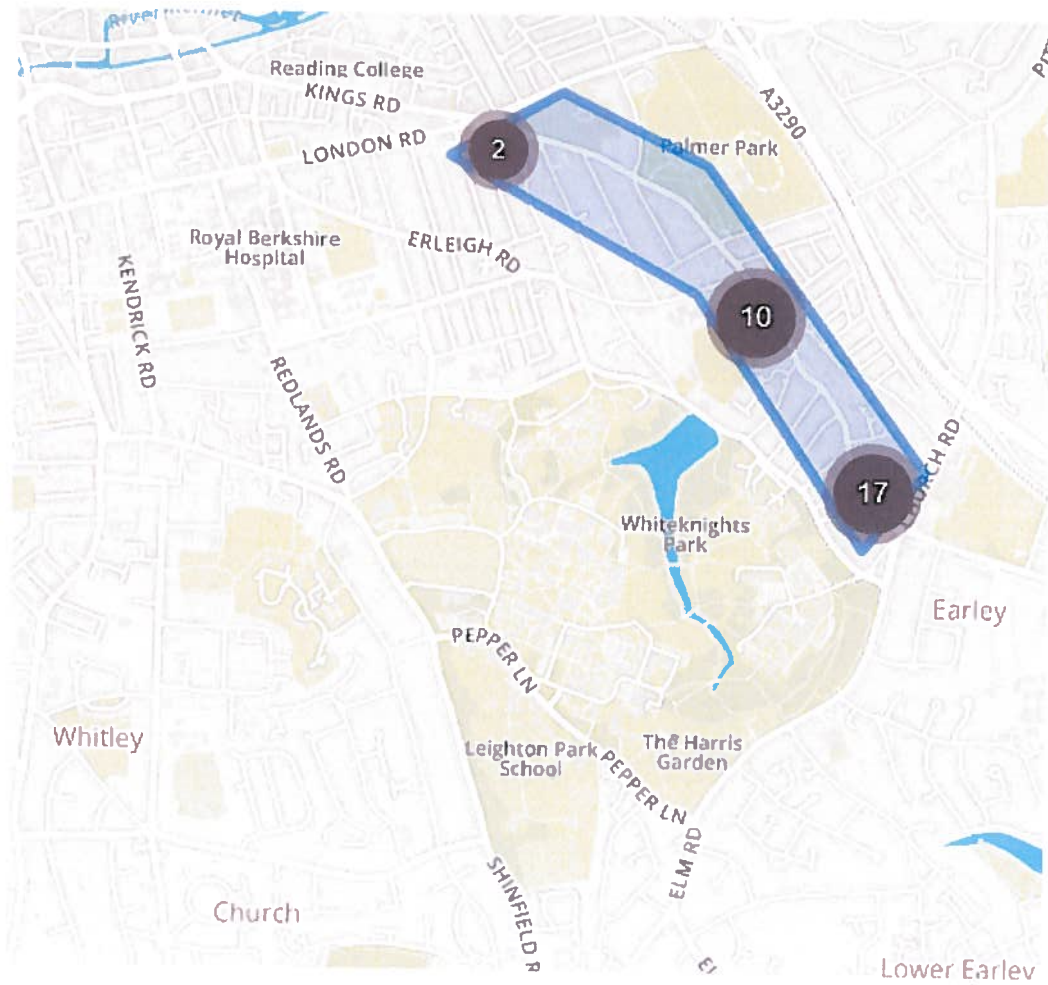
(d) Any occurrence or incident of interest involving crime & disorder or public safety must be recorded giving names of the Door Supervisor involved.

12. The Door Supervisor register shall be kept at the premises and be available for inspection by an authorised officer of TVP, or an authorised officer from RBC and shall be retained for a period of 1 year;

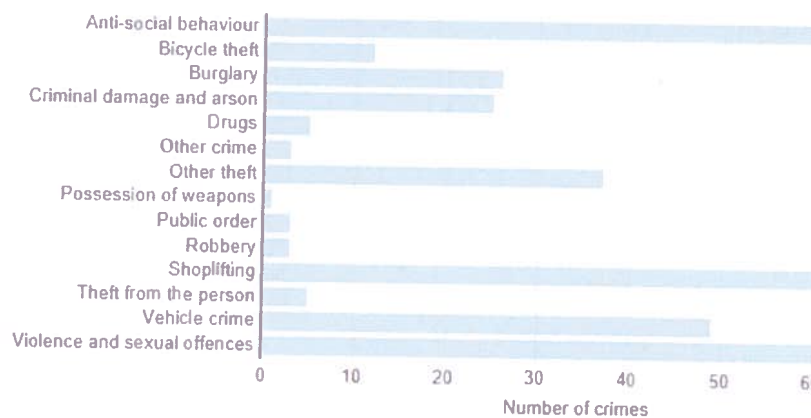
13. After 2200hrs regular checks will be made of the front of the premises to ensure customers are not causing a disturbance to residents and that litter is regularly cleared away. This action will be documented in a logbook.

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

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



Comparison of crime types in this area between July 2017 and June 2018



Crime type	Total	Percentage
Anti-social behaviour	66	17.93%
Bicycle theft	12	3.26%
Burglary	26	7.07%
Criminal damage and arson	25	6.79%
Drugs	5	1.36%
Other crime	3	0.82%
Other theft	37	10.05%
Possession of weapons	1	0.27%
Public order	3	0.82%
Robbery	3	0.82%
Shoplifting	69	18.75%
Theft from the person	5	1.36%
Vehicle crime	49	13.32%
Violence and sexual offences	64	17.39%

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT PROCEDURE ORDER
1995**

**APPLICATION TO VARY/REMOVE CONDITION UNDER SECTION 73 OF THE TOWN
AND COUNTRY PLANNING ACT 1990**

To: Mr Aadil Asghar
C/O DLP Planning Ltd
Mrs Nicola Taplin
2 Richfield Place
12 Richfield Avenue
Reading
Berkshire
RG1 8EQ

Application No: 07/00910/VARIAT

Applicant: Mr Aadil Asghar

READING BOROUGH COUNCIL as local planning authority HEREBY Vary the condition(s) as described below:-

Proposal: Relaxation of Condition 4 of planning permission 01/00458/FUL to extend opening hours of internet cafe (currently 08.00-23.30 Monday to Saturday and 13.00-22.30 Sundays) to 08.00-01.00 Monday to Saturday and 08.00-00.00 Sundays with ancillary take-away use (as approved under 02/01162/VARIAT)

At: Perfect Fried Chicken 51 Wokingham Road Reading Berkshire

Subject to such conditions and for such reasons as may be attached

ALL OTHER CONDITIONS STILL APPLY.

**OTHER STATUTORY CONSENTS MAY BE REQUIRED
PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE**

Date: 31st August 2007


Head of Planning & Building Control

Application At: Perfect Fried Chicken 51 Wokingham Road Reading Berkshire

Application No: 07/00910/VARIAT

CONDITIONS & REASONS

1. The premises shall not be used for the preparation and/or sale of food or be available for internet use outside the hours of 8am to 1am (the following day) Mondays to Saturdays and 10am to midnight on Sundays and Bank Holidays. Reason: in order to protect local residents from unreasonable disturbance arising from the use, in accordance with Policy RET 5 of the Reading Borough Local Plan (1998).
2. All other of the Conditions of Consent No. 01/00458/FUL (as varied under consent 02/01/62/VARIAT) apply to this Consent, viz:
 1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which the permission was granted. Reason: To prevent an accumulation of unimplemented planning permissions and in accordance with Section 41(1) of the Town and Country Planning Act 1971.
 2. Prior to the commencement of development, internal layout plans detailing the areas to be used for internet facilities, customer tables and seating, kitchen and sales counter, shall be submitted to and approved in writing by the local planning authority. Thereafter, the internal layout as approved shall be implemented and retained in accordance with the approved plans, unless the prior written consent of the local planning authority to any change is first obtained. Reason: as a case has been made for permitting this particular use as an exception to Council policy and to enable the local planning authority to control the use of the building.
 3. The premises shall be used for an Internet Cafe only (with ancillary take-away facilities), wherein internet facilities are permanently available for customer use, and for no other purpose (including any other purpose in the same Use Class of the Schedule to the Town & Country Planning (Use Classes Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification. Reason: as a case has been made for permitting this particular use as an exception to Council policy and to enable the local planning authority to control the use of the building.
4. See now above.
5. Prior to the commencement of development plans detailing the parking layout at the rear of the site shall be submitted to and approved in writing by the local planning authority.
6. The refuse and cycle storage shall be provided in accordance with the approved details prior to the first occupation of any dwelling on the site. Reason: in the interest

Date: 31st August 2007



Head of Planning & Building Control

of the amenity of residents and to reduce reliance on the private motor car in accordance with the Council's Balanced Transport Strategy.

7. Suitable ventilation and filtration equipment shall be installed to suppress and disperse fumes and/or smell created from the food preparation operations on the premises. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues. Details of the equipment shall be submitted to and approved by the local planning authority in writing prior to commencement of use. Details to include outlet height which in general should be at least 1m above ridge height of the nearest building. Reason: to ensure that the use has adequate ventilation equipment to ensure that neighbouring properties are not unreasonably polluted by odours from the use.

8. The development hereby permitted shall be constructed in accordance with the following plans only:- numbers SP.01, SP.02, SP.03. Reason: for the avoidance of doubt.

Date: 31st August 2007



Head of Planning & Building Control

NOTES

APPEALS

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. Appeals must be made using an official form which is obtainable from Customer Support Unit, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN Phone: 0117 372 8000. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted, otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (a), to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.
- (2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Common Council, or on the Council of the district in which the land is situated, as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- (3) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.
- (a) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.

BERKSHIRE ACT 1986 - Section 32

- (1) Except as provided in subsection (a) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show -
 - (a) That there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended, and
 - (b) That the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.
- (2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1990, unless notice of the provisions of this section is endorsed on or accompanies the planning permission.
- (3) Section 16(7) and (8) and section 36(2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act 1984.
- (4) Any person aggrieved by the action of the district council in rejecting plans under this section, may appeal to a magistrates' court.
- (5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

SECTION 76 TOWN AND COUNTRY PLANNING ACT-1990

- 76-(1) This section applies when planning permission is granted for any development that will result in the provision -
 - (a) Of a building or premises to which section 4 of the Chronically Sick and Disabled Persons Act 1970 applies (buildings or premises to which the public are to be admitted whether on payment or otherwise);
 - (b) Of any of the following (being in each case, premises in which persons are employed to work) -
 - (i) Office premises, shop premises and railway premises to which the Offices, Shops and Railway Premises Act 1963 applies;
 - (ii) Premises which are deemed to be such premises for the purposes of that Act; or
 - (iii) Factories as defined by section 175 of the Factories Act 1961.
 - (c) Of a building intended for the purposes of a university college or college, or of a school or hall of a university;
 - (d) Of a building intended for the purposes of an institution within the PCFC funding sector; or
 - (e) Of a building intended for the purposes of a school or an institution which provides higher education or further education (or both) and is maintained or assisted by a local education authority.
- (2) The local planning authority granting the planning permission shall draw the attention of the person to whom the permission is granted -
 - (a) In the case of such a building or premises as are mentioned in subsection (1)(a)
 - (i) To sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970; and
 - (ii) To the Code of Practice for Access of the Disabled to Buildings (British Standards Institution code of practice BS 5810: 1979) or any prescribed document replacing that code,
 - (b) In the case of such premises as are mentioned in subsection (1)(b), to sections 7 and 8A of that Act and to that code or any such prescribed document replacing it;
 - (c) In the case of such a building as is mentioned in subsection (1)(c), (d) or (e), to sections 7 and 8 of that Act and to Design Note 18 "Access for Disabled People to Educational Buildings" published in 1984 on behalf of the Secretary of State, or any prescribed document replacing that note.
- (3) Expressions used in subsection (1)(d) and (e) and in the Education Act 1944 have the same meanings as in that Act.

HAZARDOUS WASTE AND MATERIALS

Your attention is drawn to the possibility that development of land or redevelopment of properties will give rise to hazardous material probably in the form of contaminated soil or building construction waste (e.g. asbestos lagging around pipe work) needing disposal. Under the requirements of the Control of Pollution Act 1974 and regulations made there under it is an offence if such material is not deposited in appropriate sites licensed by the County Council acting in their capacity as Waste Disposal Authorities and additional procedures may have to be followed. Details of the sites in Berkshire and advice on suitability of wastes involved and procedures necessary can be obtained from:

Environment Agency, Isis House, Howbery Park, Wallingford, Oxon, OX10 8BD Tel: 0870 8506506

There may also be occasions when hazardous substances such as gas from former landfill sites could be a problem. The County Surveyor's Waste Management Group have agreed to list and map all such sites and copies will be available from the above address.

BUILDING REGULATIONS

This planning permission does not give approval under the Building Regulations. Before any works are commenced you should check with the Building Control Section of the Planning Department whether any approval is required under the Building Regulations.

INTERNAL MEMORANDUM

To: Licensing

From: Rebecca Moon

Dept: Licensing

Dept: Environmental Protection & Nuisance

Cc:

Date: 8 August 2018

Urgent

Response required

Further action (see below)

Subject: Application for Premises Licence: our ref - 628012
Premises: Perfect Fried Chicken, 51 Wokingham Road,

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 residential location of the premises, the measures outlined in section P(d) of the application are not sufficient to prevent a public nuisance from occurring.

The application is for late night refreshment until 1 am indoors and outdoors for recorded music until 1 am.

The main areas of concern are:

- Noise from the consumption of refreshments outdoors
- Noise from people coming and going
- Break out music noise from the premises

The Reading Borough Council Licensing Policy Statement states that licensed premises 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 planning permission in place and the associated permitted opening hours (of 08:00 and 01:00 Monday to Saturday and 08:00 and 00:00 on Sundays) is for use as an A3 restaurant (internet café) with an ancillary takeaway unit.

The submitted plan shows a large food preparation and cooking area with a small area of tables but no indication of the primary internet café use therefore the use as a takeaway seems more than ancillary. It is considered that the risk of a public nuisance from a takeaway use is greater than that of an internet café as there will be many more comings and goings of

customers to and from a takeaway and it should be noted that operation primarily as a takeaway would be outside of the planning consent and therefore has not been assessed in terms of whether associated noise and disturbance would be acceptable in this location. It would be appreciated if the applicant could provide clarification on the proposed primary use of the premises.

Additionally, in order to prevent public nuisance, the consumption of late night refreshment should be indoors only. The recorded music should cease at 11 pm.

Please contact me if you require any further information.

Kind regards

Rebecca Moon
Senior Environmental Health Officer