

To: Councillors Woodward (Chair),
Dennis and Livingston

Our Ref: lcs.c/agenda

Your Ref:

Direct: ☎ 0118 937 2368

e-mail: amy.bryan@reading.gov.uk

4 January 2017

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

NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 2 - THURSDAY 12 JANUARY 2017

A meeting of Licensing Applications Sub-Committee 2 will be held on Thursday 12 January 2017 at 9.30am in the Council Chamber, Civic Offices, Bridge Street, Reading.

The agenda for the meeting is set out below.

WARDS AFFECTED PAGE NO

1. DECLARATIONS OF INTEREST

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

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

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

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

2. MINUTES OF THE MEETING OF LICENSING APPLICATIONS SUB-COMMITTEE 1 HELD ON 1 NOVEMBER 2016 AND LICENSING APPLICATIONS SUB-COMMITTEE 2 HELD ON 8 DECEMBER 2016

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To confirm the Minutes of the meeting of Licensing Applications Sub-Committee 1 held on 1 November 2016 and Licensing Applications Sub-Committee 2 held on 8 December 2016 as correct records.

3. APPLICATION FOR THE GRANT OF A PREMISES CHURCH 7
LICENCE - SHINFIELD TANDOORI, SHINFIELD ROAD,
READING.

To consider an application for the grant of a Premises Licence in respect of Shinfield Tandoori, 234C Shinfield Road, Reading.

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 1 NOVEMBER 2016

Present: Councillors Woodward (Chair), Dennis and Vickers.

15. MINUTES

The Minutes of the meeting of Licensing Applications Sub-Committee 2 held on 7 July 2016 and Licensing Applications Sub-Committee 1 held on 19 July 2016 were confirmed as correct records and signed by the Chair.

16. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE, ISLAND PIZZA AND GRILL, PIPERS ISLAND, CAVERSHAM BRIDGE, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by Reading Borough Council for a review of the premises licence in respect of Island Pizza and Grill, Pipers Island, Caversham Bridge, Reading.

The report stated that the Reading Borough Council Environmental and Nuisance Team had requested the review of the Premises Licence, outlining numerous incidents of public nuisance that had taken place on the premises since 2014. The report stated that the application provided details of incidents that had generally occurred between 2300hrs and 0400hrs. It stated that the noise being generated from the premises was so severe as to warrant a noise abatement notice being served on the premises licence holder on 21 December 2015. The application stated that further noise nuisance had occurred in August 2016 on more than one occasion which was arguably a breach of the noise abatement notice. The application also raised significant concerns about the management of the premises and the lack of effective noise monitoring between the hours of 2300hrs and 0400hrs.

The report stated that the application sought revocation of the premises licence as the only definitive means of promoting the licensing objectives, or if the Sub Committee was not minded to revoke the licence then the applicant sought the removal of all live and recorded music from the licence, the removal of the exemption to play live music between 0800hrs and 2300hrs under Section 177A of the Licensing Act 2003 and the removal of the Designated Premises Supervisor due to his lack of control over the noise issues discovered at the premises and his poor management in breaching the licence conditions and the noise abatement notice.

The report stated that supporting representations from Thames Valley Police and Reading Borough Council's Licensing team had been received, which outlined concerns in regard to crime and disorder at the venue and licence conditions consistently being breached.

A copy of the review application was attached to the report at Appendix RF-1.

A copy of the representations received from Reading Borough Council's Licensing Team and Thames Valley Police were attached to the report as Appendix RF-2 and RF-3 respectively.

A plan showing the location of the premises and surrounding streets was attached to the report at Appendix RF-4

The report stated that the Premises Licence Holder was Reading Island Bar Ltd and the Designated Premises Supervisor was Mr Omar Yucel. The current Premises Licence, a copy of which was attached to the report at Appendix RF-5, permitted the following:

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 1 NOVEMBER 2016

Hours for the Performance of Live Music

Sunday - Thursday from 1800hrs until 2400hrs
Friday-Saturday from 1100hrs until 0100hrs

Live Music shall be permitted outdoors between 0900hrs and 2100hrs Monday to Sunday only. It shall be unamplified and for one hour a day only.

Hours for the Playing of Recorded Music

Sunday - Thursday from 1100hrs until 2400hrs
Friday-Saturday from 1100hrs until 0100hrs

Hours for the Performance of Dance

Sunday - Thursday from 1800hrs until 2400hrs
Friday - Saturday from 1100hrs until 0100hrs

Hours for the provision of Late Night Refreshment

Sunday - Thursday from 2300hrs until 2400hrs
Friday - Saturday from 2300hrs until 0100hrs

Hours for the Sale by Retail of Alcohol

Sunday - Thursday from 1100hrs until 2400hrs
Friday - Saturday from 1100hrs until 0100hrs

That the terminal hour for all licensable activities on New Year's Eve be extended until 0400hrs on New Year's Day

Hours the Premises is Open to the Public

Sunday - Thursday from 1100hrs until 2400hrs
Friday - Saturday from 0900hrs until 0100hrs

The premises still benefited from the exemption to play live music between 0800hrs and 2300hrs as per the provisions in the Live Music Act 2012 and the exemption stated at Section 177A of the Licensing Act 2003.

The report stated that in determining the application the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives, as follows:

- The prevention of crime and disorder
- public safety
- The prevention of public nuisance
- The protection of children from harm

The report stated further that in determining the application the Licensing Authority must also have regard to the representations received, the Licensing Authority's statement of licensing policy and any relevant section of the statutory guidance to licensing authorities. Further, in determining the application the Licensing Authority could take such of the following steps as it considered appropriate and proportionate for the promotion of the licensing objectives:

- Take no further action
- To issue formal warnings to the premises supervisor and/or premises licence holder

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 1 NOVEMBER 2016

- Modify the conditions of the licence (including, but not limited to hours of operation of licensable activities)
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises licence supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

(Where the Sub-Committee took a step mentioned in the third and fourth bullet points above it may provide that the modification or exclusion was to have effect for a period not exceeding three months or permanently.)

The report set out paragraph 2.14 of Secretary of State's Guidance, Section 182 of the Licensing Act 2003 (March 2015), which stated that the Act enabled licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It was therefore important that, in considering the promotion of the licensing objective of preventing public nuisance, licensing authorities and responsible authorities focused on the effect of the licensable activities at the specific premises on persons living and working in the area around the premises which might be disproportionate and unreasonable.

The report also set out paragraph 9.12 of Secretary of State's Guidance which stated that in their role as a responsible authority, the police were an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police had a key role in managing the night-time economy and should have good working relationships with those operating in their local area.

The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but might also be able to make relevant representations with regard to the other licensing objectives if they had evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority had evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remained incumbent on the police to ensure that their representations could withstand the scrutiny to which they would be subject at a hearing.

Mr Omar Yucel, Director of Island Pizza and Grill Ltd was present at the meeting and addressed the Sub-Committee and was represented by Mr Jon Payne, Solicitor, who addressed the Sub-Committee on behalf of the premises licence holder.

Peter Narancic, of Reading Borough Council's licensing team was present at the meeting and addressed the Sub-Committee on the application. Jodie Wilson, of Reading Borough Council's environmental protection (noise) team and PC Simon Wheeler, Thames Valley Police, were present at the meeting and addressed the Sub-Committee on the application.

Resolved -

That having reviewed the Premises Licence in respect of Island Pizza and Grill, and having had regard to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance and the oral and written representations made, the Secretary of State's guidance (in particular paragraphs

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 1 NOVEMBER 2016

9.12, 10.29, 10.30, 11.1, 11.17, 11.18 and 11.20, and paragraphs 10.5.1 and 11.11.2 of the Council's Statement of Licensing Policy the Sub-Committee has concluded that it would be appropriate and proportionate for:

- i) the premises licence to be suspended for 14 days;
- ii) the current Designated Premises Supervisor to be removed.

That Section 177A of the Licensing Act 2003 did not apply to conditions 1 and 3 imposed after a licensing authority hearing referred to on page 102 of the report, or to condition 4 imposed after a licensing authority hearing referred to on page 101 of the report; and

That the following additional conditions be imposed:

1. A written noise control policy shall be adopted. Any amendments to this policy will be submitted to the Council prior to implementation and shall take account of any written advice from the Council and Police. A copy of the policy shall be kept on the premises and shall be made available to the Council and Police on request;
2. Sound emanating from the premises as a result of regulated entertainment shall not exceed 45dB L[A]_{eq[15 min]} as measured 1 metre from the façade of any residential building. The Premises Licence holder shall be responsible for any such measurement and it shall be undertaken by a recognised and competent contractor;
3. A sound limiting amplifier shall be installed at the premises and all music played shall be filtered by the system. The level of the limiting amplifier shall be set to achieve the above condition, or other level as agreed with the Council. Any equipment shall be approved by the Council.

The Sub-Committee's reasons were:

- The Sub-Committee felt that the Premises Licence Holder would benefit from a period which could be used to implement systems which would enable him to meet all the licensing conditions
- The warning letters sent from the Council had not been heeded
- The fact that the service of the Noise Abatement Notices had not resulted in any appreciable improvement
- The fact that the Licence had been reviewed previously
- The fact that the Council and Police had held a performance review meeting on 6 May 2015, which had no appreciable effect on performance
- The repeated breaches of conditions.

(The meeting started at 5.00pm and finished at 8.50pm)

Present: Councillors Woodward (Chair), Dennis and Grashoff.

17. APPLICATION FOR A TEMPORARY EVENT NOTICE - ISLAND PIZZA AND GRILL

The Director of Environment and Neighbourhood Services submitted a report on an application by Mrs Elina Evans for the use of a Temporary Event Notice (TEN) in respect of Island Pizza and Grill, Pipers Island, Caversham, Reading.

The report stated that the Premises currently had a Premises Licence in force. The Premises Licence had been reviewed on 1 November 2016 (Minute 16 refers) and the Sub-Committee resolved to suspend the licence for 14 days and impose additional conditions. A decision from the Premises Licence Holder as to whether they would appeal the decision was still awaited. If the Premises Licence Holder proceeded with an appeal the conditions attached to the Premises Licence by the Sub-Committee on 1 November 2016 would not apply to this TEN. A copy of the current Licence was attached to the report at Appendix RF4.

The report stated that the application was for the use of a Temporary Event Notice to extend the permitted hours of the Premises Licence to permit the sale of alcohol and the conduct of regulated entertainment and the provision of late night refreshment from 1800 hours on 13 January 2017 until 0100 hours on 14 January 2017 and from 1700 hours on 14 January 2017 to 0200 hours on 15 January 2017. A copy of the Temporary Event Notice application form was attached to the report at Appendix RF1.

Representations objecting to the application had been received from Reading Borough Council's Environmental Protection and Nuisance Team, and was attached to the report at Appendix RF2, and Thames Valley Police, which was attached to the report at Appendix RF3. During the hearing the applicant, Mrs Elina Evans, reported that she only required a TEN for the evening of 14 January 2017 and not the full period that had been applied for. The relevant persons (Environmental Protection and Thames Valley Police) confirmed that their objections remained even if the event was for one evening only.

The report stated that in considering the representation received, the Licensing Authority had a duty to carry out its functions with a view to promoting the licensing objectives.

The report also set out the relevant sections on Temporary Event Notices from the Council's Licensing Policy (paragraphs 10.10.1 to 10.10.4) and Secretary of State's guidance (paragraphs 7.32 to 7.39 and paragraph 9.12).

Mrs Elina Evans, the applicant, was present at the meeting and addressed the Sub-Committee on the application.

Jodie Wilson, Senior Environmental Health Officer, Reading Borough Council and PC Simon Wheeler, Thames Valley Police, were present at the meeting and addressed the Sub-Committee on the objections raised.

Resolved -

That, having regard to the oral and written representations made by the parties, the Secretary of State's guidance and the Council's statement of licensing policy, the Sub-Committee decided to serve a counter notice to the Temporary Event Notice as the Sub-Committee had no confidence that the premises would keep to their conditions and that they would not be able to promote the licensing

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objectives of the prevention of crime and disorder and the prevention of public nuisance and these licensing objectives would be undermined if the Temporary Event Notice were to go ahead because:

- (a) in relation to the prevention of crime and disorder licensing objection, there had been a history of violence, mismanagement, overcrowding and lack of security when Temporary Event Notices had been granted previously;
- (b) in relation to the prevention of public nuisance licensing objective, the premises had a history of non-compliance of licence conditions linked to noise nuisance.

(The meeting started at 3.38 pm and finished at 4.35 pm)

LICENSING ACT 2003 HEARING - THURSDAY 12 JANUARY 2016 @ 9.30HRS

APPLICATION FOR THE GRANT OF A PREMISES LICENCE

1. Premises:
Shinfield Tandoori 234c Shinfield Road Reading RG2 7HY
2. Applicant:
Deepak Gurung ■ Strathy Close Reading RG30 2PP
3. Premises Licence:
Although the premises is currently trading, there is no premises licence in force therefore any provision of hot food or drink should cease at 23.00hours until if/when a licence is applied for and granted.
4. Proposed licensable activities and hours:
The application is for the grant of a premises licence at 234c Shinfield Road, Reading for the supply of alcohol off premises and the provision of late night refreshment inside the premises until midnight Sunday to Wednesday and 0200hrs Thursday to Saturday. Hours premises open to the public 17.00hours until midnight Sunday to Wednesday and 17.00hours until 0200hrs Thursday to Saturday.
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: 18 November 2016
A copy of the application form is attached at <u>Appendix I</u>
7. <u>Date of closure of period for representations:</u> 16 December 2016

8. Representations received:

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

1. Reading Borough Council's Noise and Nuisance team.
2. Reading Borough Council's Planning team.
3. Reading Borough Council's Licensing team.

A copy of the Licensing team representation submitted is attached at **Appendix II**

Following agreement between the applicant, the planning and noise team to reduce the hours of operation, they have both withdrew their representations. A copy of the applicant's letter dated 15 December 2016 amending their application is shown at **Appendix III**

A plan showing the location of the premises (identified in black) and surrounding area is shown at **Appendix IV**

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 also states what is expected from an applicant in terms of planning permission:

7.1 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.

11.7 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.

**Amended Guidance issued under section 182 of the Licensing Act 2003
March 2015**

Licensing objectives and aims

- 1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.
- 1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.
- 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.

Unauthorised activities

- 3.19 It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities listed at paragraph 3.2 above other than in accordance with a licence or other authorisation under the 2003 Act. The fine for this offence is unlimited. Police and local authorities have powers to take action in relation to premises carrying on unauthorised activities.

Steps to promote the licensing objectives:

- 8.33 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.
- 8.34 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.

8.35 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.

8.36 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.

8.37 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.

8.38 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.

- 8.39 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.

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/peternarancic/shinfieldtandoori/12.01.2017

Reading Borough Council, Civic Offices, Bridge Street, Reading, Berkshire RG1 2LU

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 **DEEPAK GURUNG**

(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 SHINFIELD TANDOORI 234C SHINFIELD ROAD READING BERKSHIRE			
Post town	READING	Postcode	RG2 7HY

Telephone number at premises (if any)	01183 273450
Non-domestic rateable value of premises	£6,200,00

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | 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:

Please tick yes

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

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname GURUNG			First names DEEPAK		
I am 18 years old or over			X Please tick yes		
Current postal address if different from premises address		STRATHY CLOSE READING BERKSHIRE RG30 2PP			
Post town	READING		Postcode	RG30 2PP	
Daytime contact telephone number			[REDACTED]		
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
17	11	2016

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)

Shinfield Tandoori is based on the ground floor of 234c Shinfield Road, Reading. This is a take-away selling Indian and Nepalese cuisine. The premises have been used as a take-away for some time by previous owners.

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

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

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

- | Provision of regulated entertainment | Please tick any that apply |
|---|----------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur			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 5)		
Fri					
Sat					
Sun					

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			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 (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

E

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

F

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

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

H

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

1

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	17.00	24.00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	17.00	24.00			
Wed	17.00	24.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	17.00	02.00			
Fri	17.00	02.00	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 (please read guidance note 5)		
Sat	17.00	02.00			
Sun	17.00	24.00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	17.00	24.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	17.00	24.00			
Wed	17.00	24.00			
Thur	17.00	02.00			
Fri	17.00	02.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	17.00	02.00			
Sun	17.00	24.00			

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

Name DEEPAK GURUNG	
Address STRATHY CLOSE READING BERKSHIRE RG30 2PP	
Postcode	RG30 2PP
Personal licence number (if known) LP7000441	
Issuing licensing authority (if known) READING BOROUGH COUNCIL	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

There will be no activities at the premises relating to adult entertainment, showing of films, or any gaming machines on the premises

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	17.00	24.00	<p><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 5)</p>
Tue	17.00	24.00	
Wed	17.00	24.00	
Thur	17.00	02.00	
Fri	17.00	02.00	
Sat	17.00	02.00	
Sun	17.00	24.00	

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

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

It is intended that all four licensing objectives will be achieved by staff training and attending the relevant licensing courses.

b) The prevention of crime and disorder

It is intended that a CCTV System will be put in place to prevent crime and disorder.

The Applicant has gradually got to know the owners of the other take-aways and restaurants situated nearby on Shinfield Road and it is also intended that he will co-operate with all the other owners of restaurants and take-aways in sharing information that might assist in preventing crime and disorder

c) Public safety

As noted above, it is intended that a CCTV system will be put in place and this will be useful in protecting the public's safety.

It is intended that the operation of the CCTV system will be highlighted to customers by having notices on display

It is intended that the focus will be on preventing any incidents from occurring by notifying any unruly customers to the fact that they are being recorded and such video footage can be passed over to the Police

d) The prevention of public nuisance

It is intended that there will be a good working relationship with the Community Police Officers and that they will be made aware of any issues that arise in the area.

It is also intended that the applicants will work closely with the community and such consultation will help to avoid public nuisance incidents.

e) The protection of children from harm

The Applicant is aware of the danger from proxy buyers and will deal with this issue in staff training. The Applicant has gradually got to know the owners of other take-aways and restaurants situated on Shinfield Road and will co-operate with them in sharing information regarding proxy buyers and any other problems that may arise.

A CCTV system will be operated as noted above.

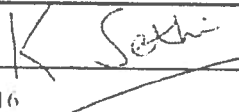
Checklist:

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	17th November 2016
Capacity	Solicitor

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

Signature	
Date	
Capacity	

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

Kuldeep Sethi
N.C. Brothers & Co
47 London Street
Reading

Post town	Reading	Postcode	RG1 4PS
Telephone number (if any)	01189 589966		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

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

Consent of individual to being specified as premises supervisor

DEEPAK GURUNG

[full name of prospective premises supervisor]

of

■ STRATHY CLOSE
READING
RG30 2PP

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

PREMISES LICENCE

[type of application]

by

DEEPAK GURUNG

[name of applicant]

relating to a premises licence

[number of existing licence, if any]

for

SHINFIELD TANDOORI, 234C SHINFIELD ROAD, READING, RG2 8EX

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

DEEPAK GURUNG

[name of applicant]

concerning the supply of alcohol at
234C SHINFIELD ROAD, READING, RG2 8EX

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

LP7000441

[insert personal licence number, if any]

Personal licence issuing authority

Reading Borough Council

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



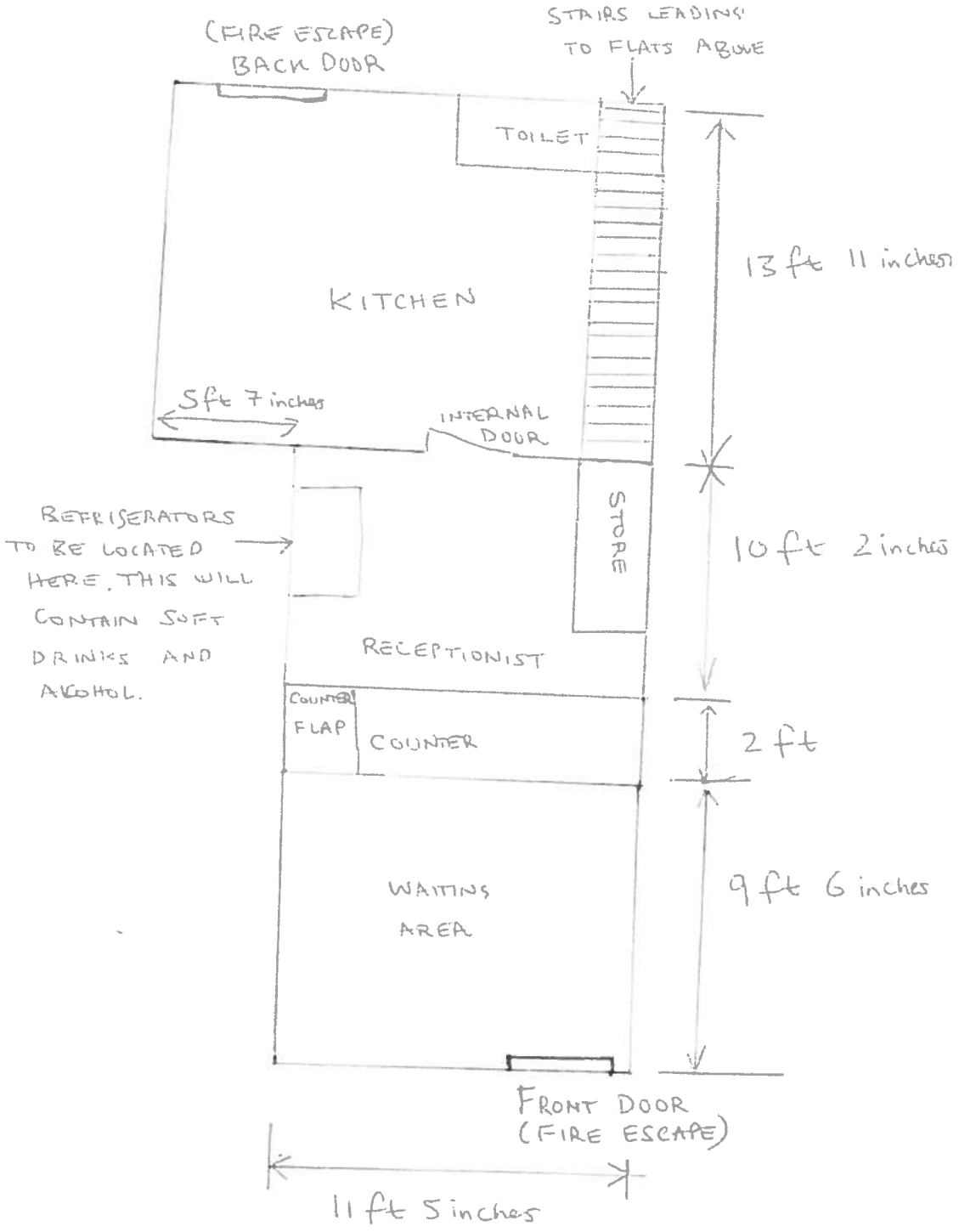
Name (please print)

DEEPAK K. GURUNG

Date

29/11/2016

PLAN FOR SHINFIELD TANDOORI AT 234C SHINFIELD ROAD
 READING, BERKSHIRE



SHINFIELD ROAD.

Name of Officer	Richard French						
Type of Application	Grant of Premises Licence - Licensing Act 2003						
Name of Premises	Shinfield Tandoori						
Address	234C Shinfield Road						
	Reading						
	RG2 8EX						
Licensable Activities	Late Night Refreshment until 0000hrs (Sun to Wed) and 0200hrs (Thurs to Sat)						
	Sale of Alcohol until 0000hrs (Sun to Wed) and 0200hrs (Thurs to Sat)						
Finish Times	Mon	Tue	Wed	Thu	Fri	Sat	Sun
	0000	0000	0000	0200	0200	0200	0000
Content of Application:							
The application seeks for the premises to provide late night refreshment and the sale of alcohol off the premises until 0000hrs from Sunday to Wednesday and until 0200hrs from Thursday to Saturday.							
Opening hours are from 1700hrs until the closing times outlined above.							
Licensing Officer's Comments:							
<p>The Licensing team object to the application to operate the premises known as 234C Shinfield Road, Reading to the hours proposed in the application form as we believe it will undermine the promotion of the four licensing objectives – notably the prevention of public nuisance and the prevention of crime and disorder. We therefore ask that the application be refused for the reasons outlined below.</p> <p><u>The approach of the Licensing Team:</u></p> <p>The Responsible Authorities named in the Licensing Act 2003 have to ensure that the licensing objectives are all actively <u>promoted</u> to <u>prevent</u> crime and disorder and public nuisance. All four licensing objectives are of equal importance.</p> <p>Section 1.5 of the Secretary of State's Guidance states that the Licensing Act 2003 also supports a number of <u>other</u> 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.</p>							

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 decisionsinvolve 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*’.

The Secretary of State’s Guidance at paragraphs 8.33 to 8.39 specifically outline what an applicant should do in order to be able to demonstrate that the proposed use of the premises for licensable activities would not undermine the licensing objectives. Section 8.33 states that applicants are expected to have regard to the Council’s Statement of Licensing Policy. This would have provided the applicant early sight of what is expected in terms of ensuring the premises is lawful in planning terms.

Section 8.34 outlines that applicants are expected to demonstrate that they understand the layout of the local area and proximity to residential premises so as to fully and effectively gauge the risk posed to the local area.

Section 8.36 states that 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.

Section 8.39 outlines that applicants are expected to make it clear why the steps being proposed in the operating schedule are appropriate for the premises. There does not seem to be any explanation within the operating schedule as to why the included steps are appropriate for the premises.

The representation:

The Licensing Authority object to the application in it’s current form as it undermines the promotion of the licensing objectives – notably the prevention of crime and disorder and prevention of public nuisance. There are a number of issues that undermine the promotion of the public nuisance objective and these can be summarised as follows:

The Secretary of State’s Guidance at 13.56 outlines how local authorities through their licensing policy should provide a clear indication on how the licensing authority will secure proper integration with, amongst other documents, the local planning authority. This has been done at Section 7.1 of the Council’s Statement of Licensing Policy at paragraph 7.1. This paragraph sets out the acknowledgement that planning and licensing are separate frameworks and should be dealt with appropriately. However, it also states that the Licensing Authority will normally expect applicants to demonstrate that their proposed use of the premises is lawful in planning terms. I attach at appendix RF-1 the planning consent for 234C Shinfield Road. The planning authority and then the inspectorate has already determined that the hours and conditions on the planning consent are deemed appropriate to avoid disturbance to local residents. Permitted planning hours are stated in the document to be until midnight on a Saturday and 11pm from Sunday to Friday. The Licensing authority is of the view that any hours permitted past the ones stated on the planning consent would

undermine the prevention of public nuisance licensing objective – particularly as the premises is within a parade of shops surrounded by residential dwellings. The opening hours; persons being in attendance at the premises either as employees or customers; the use of extractor fans, the noise from delivery vehicles and the collection of waste are all proper matters for the licensing authority to consider when it comes to preventing public nuisance. As stated previously, when determining an application the responsible authorities need to consider the likely effect of granting the licence in relation to the promotion of the licensing objectives. The hours applied for within the licensing application are excessive and have, in a way, already been deemed to cause disturbance to nearby residents via the conditions and timings on the planning consent. It logically flows from these assessments that the operating hours proposed would severely undermine the promotion of the public nuisance licensing objective and cause an unacceptable noise nuisance to local residents.

I further object to the application as the operating schedule provided does not suitably and robustly address how the licensing objectives would be actively promoted. The Secretary of State's Guidance at paragraphs 8.33 to 8.39 specifically outline what an applicant should do in order to be able to demonstrate that the proposed use of the premises for licensable activities would not undermine the licensing objectives. Section 8.33 states that applicants are expected to have regard to the Council's Statement of Licensing Policy. This would have provided the applicant early sight of what is expected in terms of ensuring the premises is lawful in planning terms.

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Section 8.36 states that 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.

Section 8.39 outlines that applicants are expected to make it clear why the steps being proposed in the operating schedule are appropriate for the premises. There does not seem to be any explanation within the operating schedule as to why the included steps are appropriate for the premises.

Given that there are no proactive steps outlined in the operating schedule that could allay the concerns of the responsible authorities in terms of demonstrating that the licensing objectives would be actively promoted, it calls into question whether the applicant understands the obligations placed upon him when operating a take away with 'off the premises' alcohol sales in a built up residential area and the issues this could potentially create.

There are a further 2 points that call into question the suitability of the applicant to operate a premises to the proposed hours and responsibly sell alcohol from it. The applicant – Mr Gurung - states in his application that he currently resides at 24 Strathy Close, Reading. He further states that his Personal Licence number LP7000441. Our records indicate that the person with this personal licence lives at Cambridge Street, Reading. Therefore, Mr Gurung

has failed to notify the licensing authority of a change of address which is an offence under Section 127 of the Licensing Act 2003. This demonstrates that the applicant does not understand the obligations placed upon him as a licence holder and has already failed to demonstrate understanding of the appropriate legislation.

Further, our records indicate that the applicant was the former licence holder and DPS at a premises called The Gurkha Square Restaurant. This licence was reviewed in January 2015 due to a number of serious large scale disorders emanating from the premises involving highly intoxicated males – many of whom were under the age of 18 years. These instances of disorder involved innocent passers by being inflicted with serious injuries such as a fractured skull. The review of the licence for this premises also outlines that the premises were open past permitted hours; were allowing persons under the age of 18 on the premises to get drunk and were consistently in breach of licence conditions. The hours applied for by this applicant at 234C Shinfield Road are similar hours to the ones in his previous premises. They also involve the sale of alcohol. The applicant therefore has a track record of failing to meet his obligations as a licence holder and these failings have led to the irresponsible and illegal sale of alcohol to underage persons, violence and a consistent breach of licence conditions. The licence holder and DPS are supposed to actively promote the licensing objectives and prevent crime and disorder and public nuisance. The applicant, in this case, has already demonstrated that he has little regard for running a premises legally and within the legislative framework. Therefore the Licensing Authority can have no confidence that any licence issued to the hours proposed can be correctly and compliantly operated.

The applicant has not demonstrated to the Licensing team's satisfaction that they have adequately addressed the potential issues of operating a late night takeaway in a residential area and the associated crime and noise issues that this could bring to that locality. The applicant has not outlined in sufficient detail how the proposals within the operating schedule will robustly promote the licensing objectives – particularly the prevention of public nuisance. As stated previously, the licensing hours applied for are excessive and contrary to the premises' permitted planning hours. Of most concern is the fact that the conditions on the planning consent are specifically on there to avoid a public nuisance being caused to local residents. The Licensing Authority – as well as licence holders – have a duty to actively promote the licensing objectives. The Licensing team, taking into account the planning consent with attached noise related conditions, the Council's Statement of Licensing Policy – particularly paragraph 7.1 and the operating schedule submitted which does not adequately address how the licensing objectives will be promoted at the premises, believe that the application should be refused until the applicant can demonstrate that they can operate from the premises without causing a public nuisance. As stated previously, the licensing authority has to consider the likely effect of granting a licence on the promotion of the licensing objectives and what would be in the judgement of the authority to be regarded as reasonably acceptable in this particular location. We therefore would suggest that this application, given its proximity to residential dwellings and the likelihood that if granted it would cause a public nuisance to not be acceptable in this location.

Date Received	18/11/2016	Date Due	16/12/2016
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Date	23	11	2016
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TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988

APPLICATION FOR FULL PLANNING PERMISSION

To:- Cowling Clarke Ltd
5a Prospect Street
Caversham
READING RG4 8JA

Application No:
90/0655/FD

Applicant: Mr J S Sahota

READING BOROUGH COUNCIL as local planning authority REFUSE
to planning permission for the following development:

Change of use from launderette on the ground floor to a small
restaurant with residential on first floor

at

234C SHINFIELD ROAD

for such reasons as may be attached to this notice.

Date: 23rd August 1990

A handwritten signature in black ink, appearing to read 'M. G. Keworth'.

Director of Planning and
Technical Services

PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE

234C SHINFIELD ROAD

Application No: 90/0655/FD

Reasons for Refusal

1. Parking is restricted in the vicinity of this property which is situated on a busy distribution road near a pelican crossing, while the use of the forecourt area as a parking facility for the proposed restaurant would be potentially hazardous to pedestrian and vehicular movements. The proposed change of use would prejudice the free flow of traffic and conditions of general highway safety in Shinfield Road.
2. The proposed change of use would be detrimental to the amenities of local residents by reason of increased noise, litter, smell and general disturbance.

Date: 23rd August 1990

M. G. Keenan

Director of Planning and
Technical Services

90/0655/PD.



Planning Inspectorate
Department of the Environment

D/125/HB/P

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ 927
Telex 449321 Direct Line 0272-218
Switchboard 0272-218811
GTN 1374

Cowling Clarke Limited
5A Prospect Street
Caversham
READING
Berkshire
RG4 8JA

Your reference

1168

Our reference

T/APP/Q0315/A/91/174468/P7

Date

26 APR 91

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR J S SAHOTA
APPLICATION NO:- 90/0655/FD

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Reading Borough Council to refuse planning permission for the change of use from a launderette on the ground floor to a small restaurant with residential on the first floor at 234C Shinfield Road, Reading, Berkshire. I have considered the written representations made by you and by the council and also those made by interested persons. I have also considered those representations made directly by interested persons to the council which have been forwarded to me. I inspected the site on 25 March 1991.
2. From my view of the site and surroundings and assessment of the written representations I consider the main issues in this appeal are the effects of the proposal upon pedestrian and vehicular safety and whether it would cause unacceptable increases in the levels of noise, litter, smell and general disturbance.
3. The appeal site fronts Shinfield Road, the A327 a busy route leading to Reading town centre. Although many of the other properties fronting the road are in various retail and commercial uses, immediately to the south of the appeal site is a line of dwellings and behind to the west the area is largely residential in use.
4. To comply with the council's current parking standards they state that 11 parking spaces would need to be provided whereas the existing forecourt could accommodate, I estimate, a maximum of three. Furthermore the council claim that vehicles using the forecourt will be obliged to cross the footpath and reverse onto the A327 causing danger to pedestrians and vehicles alike.
5. The appeal premises have been in use as a launderette for nearly 30 years and customers have used the forecourt parking facilities for an equally long period. The footpaths in the area are fairly wide and many of the buildings are set well back from the footpaths creating generally open views and giving reasonably good visibility to both pedestrians and vehicle drivers along the road and its corridor. During my visit I saw the forecourt in operation and it did not appear to me to be particularly dangerous and detailed evidence including accident statistics is not submitted for me to arrive at a different conclusion.
6. There are double yellow lines along both sides of the main road and parking is not therefore permitted at any time. Parking generated by the proposal would have



to use other facilities such as the unrestricted on-street spaces provided opposite the appeal site and further away along the side roads, and I note the council may consider on-street parking acceptable if full on-site parking cannot be provided.

7. I have taken into account that the restaurant would be very modest in size and consequently generate limited car parking demand which would not, by and large, coincide with either peak retailing or peak traffic times. I am not convinced that the proposed change of use would to any significant degree create any additional danger to pedestrians and vehicular safety sufficient on its own to justify a refusal of planning permission.

8. I now turn to the second issue. In considering internal noise generation and the escape of cooking smells, I agree with the council that the installation of sound insulation measures and a filtered extraction mechanism would eliminate problems for the flat above and nearby dwellings. As regards the creation of litter, there are take-away food premises nearby to the south of the appeal site and on my site visit there was little evidence of any undue litter problem, possibly due to the fairly liberal distribution of litter bins along Shinfield Road. However, I note your client intends to provide a restaurant-only service which is not normally considered to pose any particular problem in this respect and therefore I do not consider the proposed change of use would lead to any significant increase in the creation of litter.

9. In terms of causing a general disturbance, the traffic generation of a small restaurant would be very limited and, I believe hardly noticeable against the background of the high level of traffic activity associated with Shinfield Road. Although the proposal would operate until late in the evening, there are already many other commercial operations along Shinfield Road which operate similar hours and it would therefore be in keeping with those activities already established in the area. In these circumstances any general disturbance related to the proposed use would, I believe, be relatively insignificant.

10. The council propose a series of conditions to be attached to the planning consent. The details shown on the application plans form part of this approval and a condition requiring the development to be carried out in accordance with them is therefore unnecessary.

11. The application plans accord with council policy and show the proposals designed to be accessible to disabled persons using wheelchairs and therefore a condition in this respect is unnecessary. In the interests of nearby residents I propose to attach a suitable condition to control internal noise generation and the escape of cooking smells. As regards opening hours I note your client proposes to operate daily up to 11.00 pm except on Saturdays when he would extend to midnight. As a nearby take-away opens until 1.00 am I do not consider your client's operating hours would be unduly out of place, and I will apply a suitable condition, as detailed evidence to the contrary has not been submitted to convince me otherwise.

12. I have taken account of all other matters raised but they do not outweigh those considerations which have led to my decision.

13. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the change of use from a launderette on the ground floor to a small restaurant (Class A3 food and drink) with residential on the first floor at 234C Shinfield Road, Reading, Berkshire in accordance with the terms of the application (No 90/0655/FD) dated 6 June 1990

(re-submitted 22 June 1990) and the plans submitted therewith (drawing No 2/90 dated February 1990) subject to the following conditions:-

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;
2. no development shall take place until a scheme for the ventilation and sound insulation of the proposed restaurant shall be submitted to and approved by the local planning authority;
3. the use hereby permitted shall not be carried out before 8.00 am daily and not later than midnight on Saturdays and 11.00 pm Sundays to Friday.
14. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.
15. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

I am Gentlemen
Your obedient Servant

S E Ward

S E WARD ARIBA MSc MRTPI
Inspector

N. C. BROTHERS & Co.
S O L I C I T O R S

Nigel C Brothers, LLB
Kuldeep Sethi, LLB

47 London Street Reading
Berkshire RG1 4PS
DX: 4002 Reading

Telephone: 01189 58 99 66
Facsimile: 01189 58 94 08
Regulated by the Solicitors Regulation Authority
(No. 350463)

Your Ref:

Our ref: KS/Gurung

Date: 15th December 2016

Licensing Team
Reading Borough Council
DX: 40124 Reading (Castle Street)

BY E-MAIL

Dear Sirs,

**Re: Deepak Gurung - Application for Premises Licence
Shinfield Tandoori, 234c Shinfield Road, Reading, RG2 8EX**

We are writing with regard to the application for Premises Licence in respect of ShinfieldTandoori.

We have seen the representations made by the Licensing Department, and the Planning Department.

We have the following observations:-

1. Our client is prepared to put forward the alternative hours for the operation of the Premises Licence as follows:-

Monday, Tuesday, Wednesday & Thursday	17.00 to 23.00
Friday & Saturday	17.00 to 00.00
Sunday	17.00 to 23.00

2. Our client is well aware of the Licensing Objectives, and is happy to co-operate with the Council in improving the operation of the Licensed Premises in any way that he can assist.

3. The Applicant is fully aware of the fact that the premises are in close proximity to residential premises and will be happy to comply with the usual steps taken by Licensees to ensure that warning is given to all customers to minimise noise levels and to prevent public nuisance.

4. It is correct that the Applicant moved to 24 Strathy Close and that he previously lived at Cambridge Street, Reading. The failure to inform the Local Authority of the change of address was entirely an oversight. In addition, the Applicant would like to point out that he has sold his business in Gun Street some time ago, and has not utilised the Personal Licence that he holds in any other business, and therefore asks to be excused for this oversight.

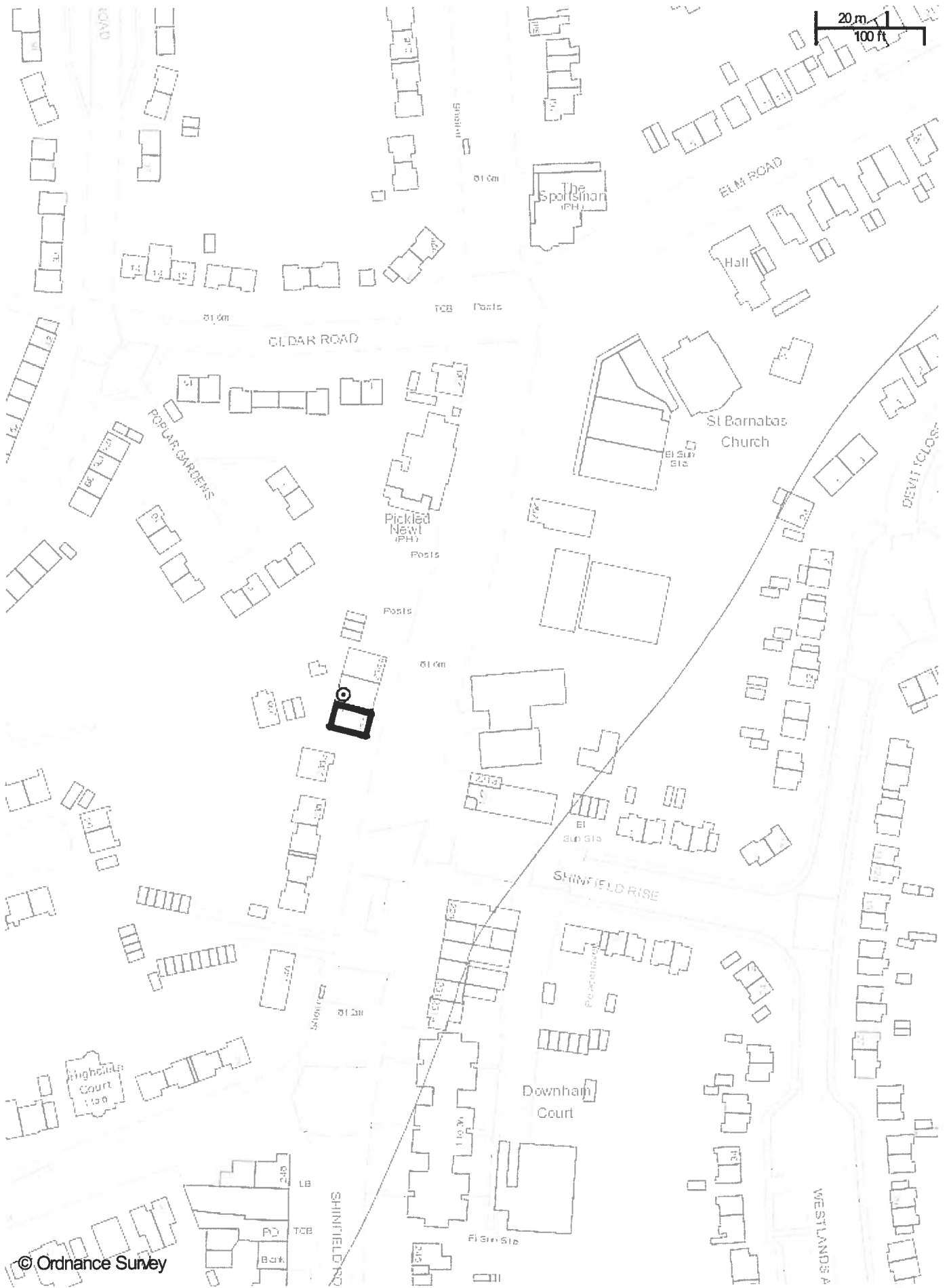
5. As far as previous matters are concerned regarding the Applicant's previous business at Gurkha Square Restaurant, these were actively dealt with by a Hearing before the Committee and the matters were resolved. The Applicant has since then been actively involved in taking further advice on Licensing matters from Licensing Consultants who were acting for him at the time and believes that he will be fully compliant with all licensing objectives. He is happy to meet with the Licensing Team to discuss any further matters that may be of concern.

In the circumstances listed above, we would ask that the application be granted on the basis of the amended hours that our client now proposes.

Yours faithfully,

N. C. Brothers & Co

N. C. Brothers & Co



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