

To: Councillors Woodward (Chair)
and Rowland.

Our Ref: Ics.c/agenda

Your Ref:

Direct: ☎ 0118 937 2368

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

2 August 2018

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

NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 2 - THURSDAY 16 AUGUST 2018

A meeting of Licensing Applications Sub-Committee 2 will be held on Thursday 16 August 2018 at 5.30pm 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 MEETINGS OF LICENSING APPLICATIONS SUB-COMMITTEE 1 HELD ON 10 JULY 2018 AND LICENSING APPLICATIONS SUB-COMMITTEE 2 HELD ON 19 JULY 2018 1

To confirm the Minutes of the meetings of Licensing Applications Sub-Committee 1 held on 10 July 2018 and Licensing Applications Sub-Committee 2 held on 19 July 2018 as correct records.

3. APPLICATION FOR THE GRANT OF A PREMISES PEPPARD 4
LICENCE - MOMO HOUSE, FARNHAM DRIVE,
5.30pm CAVERSHAM, READING

To consider an application for the grant of a Premises Licence in respect of Momo House, 28 Farnham Drive, Caversham, Reading.

4. APPLICATION FOR THE GRANT OF A PREMISES KATESGROVE 43
LICENCE - JEEVIKA STORE, WHITLEY STREET,
6.30pm READING

To consider an application for the grant of a Premises Licence in respect of Jeevika Store, 69 Whitley Street, Reading.

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 10 JULY 2018

Present: Councillors Woodward (Chair), Rowland.

1. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 1 held on 10 April 2018 and 24 April 2018 and of Licensing Applications Sub-Committee 2 held on 19 April 2018 were confirmed as correct records and signed by the Chair.

2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - GERMAN DONER KEBAB

The Head of Planning, Development and Regulatory Services submitted a report on an application by Maza Doner Ltd. for the grant of the Premises Licence in respect of German Doner Kebab, 106 Friar Street, Reading, RG1 1EP.

The report stated that there was currently no Premises Licence in place and the premises had been observed open past 2300hrs carrying on licensable activities not in accordance with any authorisation (licence) on at least one occasion prior to the application being received on 27 April 2018. A licence pursuant to the Licensing Act 2003 was required to carry out the licensable activity of the provision of late night refreshments past 2300hrs.

The applicant was seeking the grant of a Premises Licence for the following licensable activities:

Late Night Refreshment (On the premises only)

Sunday to Wednesday from 2300 hours until 0100 hours

Thursday to Saturday from 2300hrs until 0230hrs

Opening Hours

Sunday to Wednesday from 1000 hours until 0100 hours

Thursday to Saturday from 1000hrs until 0230hrs

A copy of the application form was attached to the report at Appendix RF1.

Representations against the application had been received from Thames Valley Police, which was attached to the report at Appendix RF-2; Reading Borough Council Licensing Team, which was attached to the report at Appendix RF-3; and Reading Borough Council Environmental Protection and Nuisance Team, which was attached to the report at Appendix RF-4.

The application was made in an area subject to the Council's Cumulative Impact Policy, which created a rebuttable presumption that applications for the grant of premises licenses which were likely to add to the existing cumulative impact would normally be refused or subject to certain limitations, following representations, unless the applicant could demonstrate that there would be no negative cumulative impact on one or more of the licensing objectives.

The report stated that in considering representations received, 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

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 10 JULY 2018

- The prevention of public nuisance
- The protection of children from harm

The report set out paragraphs 7.15.1, 8.1.1, 8.1.2, 8.1.3, 8.1.4, 8.1.6, 8.1.7, 8.1.8, 8.1.9, 8.1.10, 8.1.11, 8.2.1, 8.2.2, 8.2.3, 8.2.4, 8.2.5, 8.3.3, 8.4.1, 8.4.2, 8.5.1, 8.5.2, 8.5.3, 8.6.6, 7.1 and 11.4.1 of the Council's Statement of Licensing Policy.

The report also set out paragraphs 1.5, 8.41 to 8.49, 9.11 to 9.13, and 14.63 to 14.65 of the amended guidance issued under Section 182 of the Licensing Act 2003 April 2017.

PC Simon Wheeler and Declan Smyth of Thames Valley Police, who had submitted a representation, were present at the meeting and addressed the Sub-Committee on the application. Mr Peter Narancic, Reading Borough Council Licensing, who had submitted a representation, was present at the meeting and addressed the Sub-Committee on the application.

Mr Jamil Ali proprietor of Moza Doner Ltd. was present at the meeting and addressed the Sub-Committee. He was represented by his agent Mr Haris Kasuji and accompanied by door supervisor Lukas Wojciechowski who both addressed the Sub-Committee.

Resolved -

That, in order to promote the four licensing objectives and having regard to the oral and written representations made, the Secretary of State's guidance (in particular paragraphs 8.41 to 8.49, 9.11 to 9.13, and 14.63 to 14.65) and paragraphs 7.15.1, 8.1.1, 8.1.2, 8.1.3, 8.1.4, 8.1.6, 8.1.7, 8.1.8, 8.1.9, 8.1.10, 8.1.11, 8.2.1, 8.2.2, 8.2.3, 8.2.4, 8.2.5, 8.3.3, 8.4.1, 8.4.2, 8.5.1, 8.5.2, 8.5.3, 8.6.6, 7.1 and 11.4.1 of the Council's Statement of Licensing Policy, particularly in respect of cumulative impact, the Sub-Committee was not satisfied that the presumption against granting the application had been rebutted and therefore the application be refused by reason of:

1. The applicant was aware that a Cumulative Impact Policy was in force yet did not address this within the application, or sufficiently during the hearing;
2. The proposed conditions put forward by the applicant or the responsible authorities did not serve as a rebuttal to the Cumulative Impact Policy.

(The meeting started at 5.00pm and finished at 6.55pm)

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 19 JULY 2018

Present: Councillors Woodward (Chair) and Grashoff.

3. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - PERFECT FRIED CHICKEN

The Head of Planning, Development and Regulatory Services submitted a report on an application by Reading Borough Council Licensing Team for the review of the Premises Licence in respect of Perfect Fried Chicken, 51 Wokingham Road, Reading, RG6 1LH.

Mr William Donne, representing the Premises Licence Holder, was present and addressed the Sub-Committee to request an adjournment.

Richard French and Anthony Chawama, Reading Borough Council Licensing Team, PC Simon Wheeler, Thames Valley Police, Russell Angell, Immigration Service, were all present at the meeting.

The Sub-Committee decided that it was in the public interest to adjourn the hearing following the request from the Premises Licence Holder's representative.

(The meeting started at 9.30am and finished at 9.43am)

LICENSING ACT 2003 HEARING THURSDAY 16TH AUGUST 2018 @ 1730HRS

APPLICATION FOR THE GRANT OF A PREMISES LICENCE

1. Premises:
Momo House 28 Farnham Drive Caversham Reading RG4 6NY

2. Applicant:
Thir Bahadur Gurung

3. <u>Premises Licence:</u>
There is currently no premises licence in place. The previous licence for the premises was revoked by the Licensing Committee on 24 October 2017 due to a number of issues which included the employment of illegal workers and selling alcohol without a valid licence being in place. The premises licence holder did not appeal the decision.

4. Proposed licensable activities and hours:
The application is for the grant of a premises licence for the following activities: <u>Sale of Alcohol (On the premises)</u> Monday to Sunday 1200 hours to 0000 hours <u>Late Night Refreshment (Indoors and Outdoors)</u> Monday to Sunday 2300 hours to 0000 hours <u>Hours open to the public</u> Monday to Sunday 1200hours to 0000hrs

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: 28th June 2018
A copy of the application form is attached as <u>Appendix PN-1</u>

7. Date of closure of period for representations: 26th July 2018
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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**

Reading Borough Council Environmental Protection and Nuisance team. A copy is attached at **Appendix PN-3**

Thames Valley Police. 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.

**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 Thir Bahadur 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			
MOMO HOUSE 28 Farnham Drive.			
Post town	Reading	Postcode	RG4 6NY

Telephone number at premises (if any)	01189484818.
Non-domestic rateable value of premises	£

Part 2 - Applicant details

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

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



- 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 checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <i>Gurung</i>			First names <i>Thir</i>		
Date of birth		I am 18 years old or over	<input checked="" type="checkbox"/>	Please tick yes	
Nationality					
Current residential address if different from premises address		<i>Charles Street</i> <i>RG1 7DB</i>			
Post town	<i>Reading</i>			Postcode	<i>1</i>
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 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
┆	┆	┆
┆	┆	┆
┆	┆	┆
┆	┆	┆
┆	┆	┆

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)

Resturant / takeaway - primearly food with alchole service.

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 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 indoors or outdoors or both – please tick (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					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			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)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films 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 exhibition of films</u> (please read guidance note 5)		
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 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			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			<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)
Thur			
Fri			
Sat			
Sun			

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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed			<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)		
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music 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					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (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 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 playing of recorded music (please read guidance note 5)	
Thur						
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)	
Sat						
Sun						

G

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

I

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			
Mon	23:00	00:00	Please give further details here (please read guidance note 4)		
Tue	23:00	00:00			
Wed	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	23:00	00:00			
Fri	23:00	00:00	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 6)		
Sat	23:00	00:00			
Sun	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 checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	5:00 12:00	00:00	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	17:00 12:00	00:00			
Wed	17:00 12:00	00:00			
Thur	17:00 12:00	00:00			
Fri	17:00 12:00	00:00			
Sat	17:00 12:00	00:00			
Sun	17:00 12:00	00:00			

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):

Name	Thir Bahadur Gurung .
Date of birth	[REDACTED]
Address	47 Charles Street. Reading. RG1 7DB.
Postcode	
Personal licence number (if known)	LP7003074.
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 9).

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)
Day	Start	Finish	
Mon	12:00	00:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	12:00	00:00	
Wed	12:00	00:00	
Thur	12:00	00:00	
Fri	12:00	00:00	
Sat	12:00	00:00	
Sun	12:00	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)

We provide aim to provide good food and drink. to complement the community people wise and enjoyment. Following the licensing objectives and laws. ~~we strongly.~~

b) The prevention of crime and disorder

Staff training.
Refusal book.
Under 25 challenge.
Correct ID's for staff.
CCTV available for 31 days.

c) Public safety

Refusal to sell to drunk people.
Publ~~ic~~ notice to tell people to leave quietly.
CCTV.

d) The prevention of public nuisance

Music kept in background ~~leave~~ lvl.
Keeping notice for customer to be thoughtful to surrounding neighbours.

e) The protection of children from harm

Making sure children ~~under age~~ are attendent.
 ID check.
 Making sure child is not on the bar on
 their ~~one~~ own.

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	
Date	28/06/2018.
Capacity	Director.

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)			
A [REDACTED]			
28 Farnham Drive.			
Reading			
Post town		Postcode	RG4 6NY
Telephone number (if any)			
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. In terms of specific regulated entertainments please note that:

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



Name of Officer	Richard French						
Type of Application	Grant of Premises Licence - Licensing Act 2003						
Name of Premises	Momo House (formerly Himalaya Momo House)						
Address	28 Farnham Drive						
	Caversham, Reading						
	RG4 6NY						
Licensable Activities	Sale of Alcohol - 1200hrs to 0000hrs (on the premises)						
	Late night refreshment - 2300hrs to 0000hrs						
	Opening Hours - 1200hrs to 0000hrs						
Finish Times	Mon	Tue	Wed	Thu	Fri	Sat	Sun
	0000	0000	0000	0000	0000	0000	0000
Content of Application:							
<p>The application was submitted by Thir Bahadur Gurung. The application is for the sale of alcohol and provision of late night refreshment until midnight - 7 days a week. A previous licence in place at the premises was revoked by the Licensing Sub Committee on 24th October 2017.</p>							
Licensing Officer's Comments:							
<p>The licensing team wish to make representation against the application submitted by Thir Bahadur Gurung to licence the premises known as Momo House at 28 Farnham Drive, Caversham, Reading for the following reasons:</p> <ol style="list-style-type: none"> 1. An inspection of the premises - carried out under Section 59 of the Licensing Act 2003 on 21st July 2018 - raised concerns over who was actually managing and in control of the business. Upon arrival, Mr Bir Chhantyal - who was found to be running the business when it was called Himalaya Momo House without a licence and with illegal workers found in the kitchen and who subsequently had their licence revoked by the licensing sub committee - appeared to be running and in control of the business. Doubts remain whether the applicant - Mr Gurung - is genuinely running the business or whether he has applied for a licence on behalf of Mr Chhantyal. 2. Upon attendance at the premises on 21st July 2018, alcohol was found to be displayed behind the bar area and in the fridge. Exposing alcohol for what looks like a sale without a licence being in place is an offence under Section 137 of the Licensing Act 2003. Part B of the former licence was also on display behind the bar area. 							

3. The inspection carried out as per Section 59 of the Licensing Act 2003 on 21st July 2018 calls into question a number of statements made within the applicant's operating schedule in relation to their proposals to promote the licensing objectives at the premises if a licence were granted. There seemed to have been no attempt to prepare to implement any of the matters listed within the operating schedule such as staff training or the installation of CCTV. It further transpired that the installation of CCTV would take a number of months to install which would immediately put the premises in breach of any licence that may be granted.

4. The proposed licence holder and DPS seemingly has a caution for a relevant offence which may impact on his suitability and ability to promote the licensing objectives.

5. The applicant has applied for hours up until midnight which would be in breach of the premises planning permission. The planning permission states that the restaurant may only be used up until 2330hrs. This is for reasons of potential public nuisance. The prevention of public nuisance is a licensing objective and therefore granting hours until midnight would undermine its promotion. The Council's Licensing Policy at paragraph 7.1 clearly states that applicants are required to achieve the correct planning permission before applying for any licence. This is consistent with paragraph 14.63 of the Secretary of State's guidance which states that the licensing authority must set how licensing policy must be integrated with other strategies and policies such as planning.

6. The applicant has also stated that he will be running a takeaway service from the premises. This is also contrary to the planning permission and, again, was put in place to prevent public nuisance. The Council's Licensing Policy at paragraph 7.1 clearly states that applicants are required to achieve the correct planning permission before applying for any licence. This is consistent with paragraph 14.63 of the Secretary of State's guidance which states that the licensing authority must set how licensing policy must be integrated with other strategies and policies such as planning.

7. The Council's Business Rates team have informed us that the previous licence holder - Sirop Chapel - is still paying the business rates for the premises. Therefore doubts remain over whose business this is.

8. Information obtained from the website of the premises only states the old owners and the person who was running the premises when we last attended it in July 2017. (appendix RF-1)

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

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

I have stated above on pages 1 and 2 why the licensing team believe the application should be refused. If the committee is satisfied that the applicant is a new and distinct licence holder from the previous management of the premises; is satisfied that the measures contained within the application are appropriate and proportionate to actively promote the licensing objectives and is satisfied that they will be implemented by the applicant, then we would respectfully ask that the following conditions and amendments to timings be imposed upon the licence:

- a) That any licensable activity cease at 2330hrs and not midnight as stated in the application.
- b) That any licensable activity involving the provision of late night refreshment be restricted to 2330hrs and for provision on the premises only.

And that the following conditions be attached to the licence:

1. The premises licence holder shall ensure that any staff employed by them who are involved in the sale of alcohol undergo training prior to employment or during induction in relation to the premises' licensing policies. This shall include, but not

be limited to, dealing with refusal of sales, proxy purchasing and identifying intoxicated persons to purchase alcohol. Such training sessions are to be documented and refreshed every 12 months. Records of training shall be kept for a minimum of 1 year and be made available for inspection to an authorised officer of Thames Valley Police and Reading Borough Council.

2. The premises licence holder shall ensure that a refusal log (either written or electronic) is in operation at the premises. All staff involved in the sale of alcohol shall be trained in how to use and maintain said log. The log shall contain the following:

- a) Description of person attempting to purchase alcohol
- b) Time said person attempted to purchase alcohol
- c) The reason for refusing a person alcohol
- d) Name of staff member dealing with the refusal

The log shall be signed off weekly by the Designated premises supervisor or nominated representative and shall be made available for inspection to officers of Reading Borough Council and Thames Valley Police.

3. The premises shall at all times operate as a restaurant, with waiter and waitress service to tables, serving substantial food where alcohol is only sold ancillary to said food order. There shall be no vertical drinking permitted at the premises.

4. The Premises Licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or a Thames Valley Police officer, together with facilities for viewing upon request. Recorded images shall be of such a quality as to be able to identify the recorded person.

5. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, military ID or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) are to be accepted as identification.

6. Notices advertising the Challenge 25 policy shall be displayed in prominent positions on the premises.

7. Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly. Staff shall be available to assist in the dispersal of customers at the cessation of licensable activities each evening.

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

Condition 9, 10 and 11 if valid planning consent obtained to allow takeaway:

9. Deliveries shall only be made to a full and proper residential or commercial postal address. Deliveries shall not take place to car parks, bus shelters, fields, etc.

10. Delivery bikes, or any other vehicle used for the delivery of orders, shall be used and stored in a way that does not cause undue disturbance to neighbouring residents or businesses.

11. All takeaway packaging and utensils for use by customers shall be made of biodegradable or recyclable materials

NB: The applicant shall not conduct licensable activities until the above measures are in place and it is confirmed to the Licensing Authority that the conditions are being fully complied with. Any licensable activity that takes place at the premises not in accordance with a licence is an offence under Section 136 (1) of the Licensing Act 2003.

Date Received	28/06/2018	Date Due	26/07/2018
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Date	25	07	2018
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Bir Chhantyal

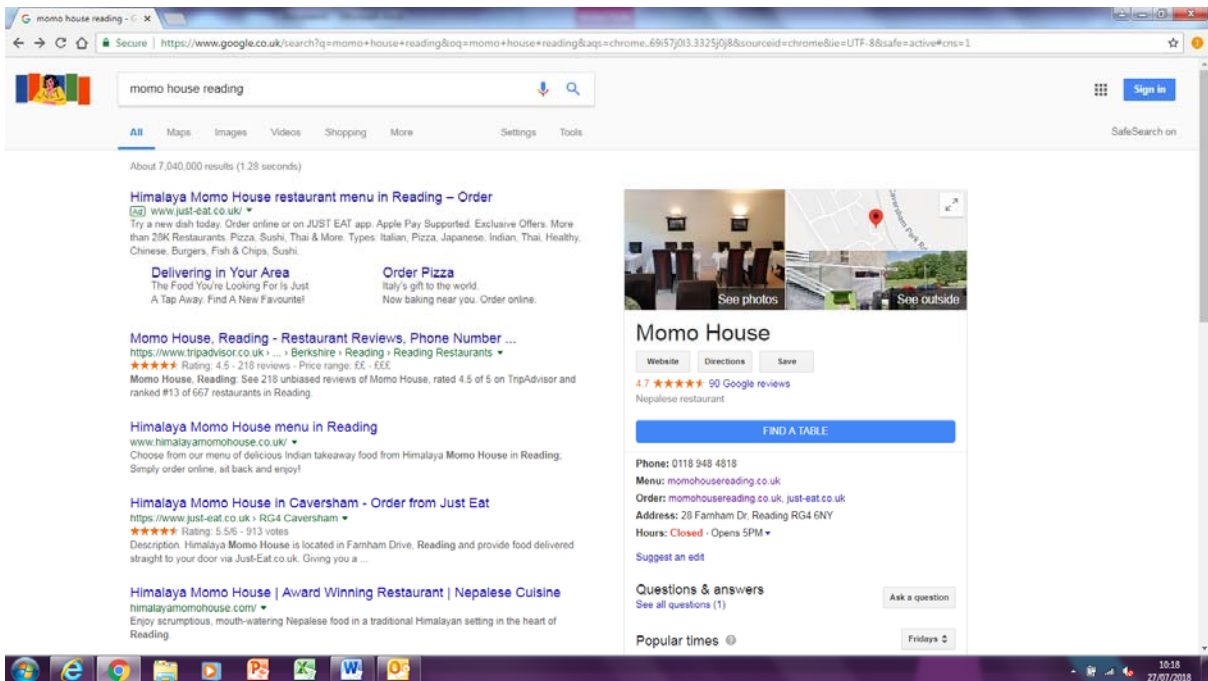
Originally from Nepal, Bir knows his customers better than anyone and has made many friends and acquaintances over the years, who seek him out as they come through the door and look forward to his friendly welcome. He brings an energetic passion for delivering the best possible hospitality to our customers.

Bir lives locally and we are proud to have Bir leading us from the front and taking care of the hospitality and service we are recognised for.

Sirop Chapel

Sirop is a highly skilled chef in Nepalese and Indian cuisine. He has over 7 years experience as Executive Chef for Sultan Balti where his talents previously shone.

Sirop has created a superb menu at Momo House Reading with an array of culinary delights for the discerning palate. Where possible he uses local ingredients and has built a personal relationship with his local suppliers ensuring high quality ingredients that are always reflective of the season.



INTERNAL MEMORANDUM

To: Licensing

Dept: Licensing

Cc: applicant

From: Rebecca Moon

Dept: Environmental Protection & Nuisance

Date: 9 July 2018

Urgent Response required Further action (see below)

Subject: Application for Premises Licence: ref - 625722
Premises: Momo House, 28 Farnham Drive, RG4 6NY

I refer to the above application.

I have reviewed the application and consulted our records and would like to make representation against the application.

The planning conditions relating to this premises (ref 97/0879) include the following:

2. The premises shall not be used for the preparation or sale of food outside the hours of 8:00 am to 11:30 pm. Reason: in order to protect local residents from unreasonable disturbance arising from the use.

6. The use of the premises hereby permitted shall be restricted to that of a restaurant with no hot food takeaway facility and shall not, without the written authority of the local planning authority, revert or change to any other use within class A3 of the Use Classes Order 1987 (notwithstanding the provisions of Article 3 of that Order and Section 55(2) (f) of the Town and Country Planning Act 1990, as amended). Reason: to enable the local planning authority to assess the impact of any alternative use on the local area.

The application is for the premises to be open to the public, provide late night refreshment and to supply alcohol until midnight each day. This is in contravention of planning condition 2. The application is also for the premises to operate as a restaurant/takeaway which is in contravention of planning condition 6 which prohibits takeaway use.

I am concerned that due to the residential location of the premises, the measures outlined in section P(d) of the application may not be sufficient to prevent a public nuisance nor to mitigate the contravention of the above

planning conditions. The coming and going of customers after 11:30 pm will increase the potential for public nuisance due to noise from people talking and vehicles coming and going. The use of the premises as a takeaway as opposed to just a restaurant will increase the potential for public nuisance due to noise from delivery vehicles coming and going.

If the applicant agreed to amend their application to align the proposed opening hours and the proposed use to those permitted by the planning consent then I would be willing to withdraw my representation.

Please contact me if you require any further information.

Kind regards

Rebecca Moon
Senior Environmental Health Officer

Division/Station : Reading Police Station Licensing Dept

From : C2107 Declan Smyth

To : Reading Borough Council

Ref : MOMO House, 28 Farnham Drive, Reading, RG4 6NY Date : 25th July 2018

Subject :

Objection

To whom it may concern

I C2107 Declan Smyth on behalf of the Chief Officer of Thames Valley Police wish to formally object to the proposed application for a Application for a premises licence submitted in relation to MOMO House, 28 Farnham Drive, Reading, RG4 6NY as it is believed that this application in its current format 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 Late Night Refreshment, Monday to Sunday 23:00 - 00:00. The Supply Of Alcohol, Monday to Sunday 12:00 - 00:00 and Hours Premises Are Open To The Public Monday to Sunday 12:00 - 00:00

Prior to this application Thames Valley Police can confirm that no contact has been received 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.

Paragraph 8.46 of the Secretary of States Guidance issued under Sec 182 Licensing Act 2003 states "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."

Thames Valley Police believe that in its current format that this application including the proposed operating schedule and hours of operation regarding the sale of alcohol will undermine the four licensing objectives. The applicant has not sufficiently taken into account concerns relating to public nuisance, crime and disorder within the local area and in our opinion not therefore provided sufficient steps to promote the licensing objectives.

Under Section 18(9)(a)and(b) of the Licensing Act 2003 Thames Valley Police believe that due to the exceptional circumstances in this case we are satisfied that the designation of Mr Thir Bahadur Gurung as the premises supervisor under the premises licence would undermine the crime prevention objective.

The current Section 182 Secretary of States guidance states at para 4.39

The police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns. For example, where a personal licence holder has been allowed by the courts to retain their licence despite convictions for selling alcohol to children (a relevant offence) and then transfers into premises known for underage drinking.

Mr Rispin has a relevant offence on 14th April 2018.

Although Mr Thir Bahadur Gurung was given a caution for this offence; due to its serious nature we believe it represents “exceptional circumstances” as set out above and that his appointment as DPS would therefore undermine the crime prevention objective.

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.

If this application proceeds to a Licensing Applications Sub Committee, and a licence is granted, Thames Valley Police requests the Sub-Committee to consider the following conditions which we feel are appropriate in order to promote the four licensing objectives:- .

- 1. The Premises Licence holder shall install and maintain a CCTV system which shall continually record whilst the premises are open to the public and conducting licensable activities. All recordings shall be stored for a minimum of 31 days. All recordings shall be made available within 24 hours upon the receipt of a request by an authorised officer of Reading Borough Council or a Thames Valley Police officer together with facilities for viewing upon the request. Recorded images shall be of such quality as to be able to identify the recorded person in any light.*
- 2. The premises shall at all times operate an age verification scheme such as Challenge 25 to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the prescribed age from making such a purchase without first providing identification. Valid identification for the purposes of the age verification scheme shall be a valid UK driver's licence showing a photograph of the person, a valid passport or proof of age card showing the PASS hologram or any other nationally accredited scheme, valid Military ID or any other form of identification from time to time approved by the Secretary of State. The Premises Licence Holder shall not adopt an age verification scheme that prescribes the prescribed age as being younger than 25.*
- 3. Notices advertising the age verification scheme (explaining the prescribed age) shall be displayed in prominent positions on the premises.*
- 4. A refusals register or electronic equivalent will be used and maintained by all staff involved in the retail sale of alcohol at the premises and will be made available for inspection by an authorised officer of Reading Borough Council or a Thames Valley Police officer.*
- 5. 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.*
- 6. Staff employed to sell alcohol shall undergo training upon induction in utilising the age verification scheme. This shall include, but not be limited to, dealing with refusal of sales, proxy purchasing and identifying attempts by intoxicated persons to purchase alcohol. Such training sessions are to be documented and refreshed every six months. Records of training shall be kept for a minimum of two years and be made available to an authorised officer of Thames Valley Police and Reading Borough Council.*

7. The Designated Premises Supervisor shall ensure they and staff who are authorised to sell alcohol, are able to converse with customers and representatives of Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives as contained in the Licensing Act 2003.

- i. The Prevention of Crime and Disorder.*
- ii. Public Safety.*
- iii. Public Nuisance.*
- iv. The Protection of Children from Harm.*

8. 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.

9. 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.*

10. 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.

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

LICENSING ACT 2003 HEARING THURSDAY 16TH AUGUST 2018 @ 1830HRS

APPLICATION FOR THE GRANT OF A PREMISES LICENCE

1. Premises:
Jeevika Store 69 Whitley Street Reading RG2 0EG

2. Applicant:
Pajmeet Singh Kalra

3. <u>Premises Licence:</u>
There is currently a premises licence in place at the premises with a licence holder called Mr Madan. This licence was revoked by the Licensing Committee on 4th January 2018 due to a number of issues which included the employment of illegal workers and breaching licence conditions. That licence holder - a Mr Madan - appealed that decision to the Magistrates Court which is awaiting determination.

4. Proposed licensable activities and hours:
The application is for the grant of a premises licence for the following activities: <u>Sale of Alcohol (Off the premises)</u> Monday to Sunday 0700 hours to 2300 hours <u>Hours open to the public</u> Monday to Sunday 0700 hours to 2300hrs

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: 4 th July 2018
A copy of the application form is attached as <u>Appendix RF-1</u>

7. Date of closure of period for representations: 1 st August 2018
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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 RF-2

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

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.



Reading
Application for a premises licence
Licensing Act 2003

For help contact
licensing@reading.gov.uk
 Telephone: 0118 937 3762

* required information

Section 1 of 21

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

System reference

Not Currently In Use

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

Your reference

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

PAJMEET SINGH

* Family name

KALRA

You must enter a valid e-mail address

* E-mail

NONE

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

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

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



Continued from previous page...

Address

* Building number or name	<input type="text" value="SAPPHIRE COURT"/>
* Street	<input type="text" value="HIGH STREET"/>
District	<input type="text"/>
* City or town	<input type="text" value="SLOUGH"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="SL1 1NB"/>
* Country	<input type="text" value="United Kingdom"/>

Agent Details

* First name	<input type="text" value="MANPREET SINGH"/>
* Family name	<input type="text" value="KAPOOR"/>
* E-mail	<input type="text" value="info@personalllicencecourses.com"/>
Main telephone number	<input type="text" value="02086060558"/>
Other telephone number	<input type="text"/>

Include country code.

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

Are you:

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

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

Agent Business

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

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

Registration number	<input type="text" value="10291684"/>
Business name	<input type="text" value="PERSONAL LICENCE COURSES UK LTD"/>
VAT number	<input type="text" value="-"/>
Legal status	<input type="text" value="Private Limited Company"/>
Your position in the business	<input type="text" value="EMPLOYEE"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	<input type="text" value=""/>
Street	<input type="text" value="STATION ROAD"/>
District	<input type="text" value=""/>
City or town	<input type="text" value="WEST DRAYTON"/>
County or administrative area	<input type="text" value=""/>
Postcode	<input type="text" value=""/>
Country	<input type="text" value="United Kingdom"/>

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="JEEVIKA STORE"/>
Street	<input type="text" value="69 - 71 WHITLEY STREET"/>
District	<input type="text" value=""/>
City or town	<input type="text" value="READING"/>
County or administrative area	<input type="text" value=""/>
Postcode	<input type="text" value="RG2 0EG"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text" value=""/>
Non-domestic rateable value of premises (£)	<input type="text" value="17,000"/>

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

INDIVIDUAL APPLICANT DETAILS

Applicant Name

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

- Yes No

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

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Current Residential Address

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

Yes No

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

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text" value="SLOUGH"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="SL1 1NB"/>
Country	<input type="text" value="United Kingdom"/>

Applicant Contact Details

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

Yes No

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

You must enter a valid email address

E-mail	<input type="text" value="NONE"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text" value="dd/mm/yyyy"/>
* Nationality	<input type="text" value="AFGHANI"/>

Documents that demonstrate entitlement to work in the UK

Section 5 of 21

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

Continued from previous page...

OFF LICENCE, CONVENIENCE STORE AND POST OFFICE

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

- Yes No

Continued from previous page...

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes No

Section 13 of 21

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

See guidance on regulated entertainment

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

Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

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

NONE

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

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

NONE

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

Name

First name

Family name

Date of birth

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text" value="SLOUGH"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="SL1 1NB"/>
Country	<input type="text" value="United Kingdom"/>
Personal Licence number (if known)	<input type="text" value="APPLIED FOR"/>
Issuing licensing authority (if known)	<input type="text" value="SLOUGH BOROUGH COUNCIL"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

NONE

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

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

NONE

Section 18 of 21

LICENSING OBJECTIVES

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

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

Continued from previous page...

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

1. Strict implementation of challenge 25 policy
2. CCTV to be installed and 28 days recoding system
3. All staff to be trained in responsible alcohol retailing
4. Training manual will be available at the premises

b) The prevention of crime and disorder

Staff Training

1. Staff employed to sell alcohol shall undergo training upon induction before they are allowed to sell alcohol. This shall include, but not be limited to:-
 - The premises age verification policy
 - Dealing with refusal of sales
 - Proxy purchasing
 - Recognising valid identity documents not in the English language
 - Identifying attempts by intoxicated persons to purchase alcohol
 - Identifying signs of intoxication
 - Conflict management
 - How to identify and safeguard vulnerable persons who attend and leave the premises.
2. Such training sessions are to be documented and refreshed every six months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised officer of Thames Valley Police and Reading Borough Council upon request.

CCTV

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.
2. 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.
3. Recorded images shall be of such quality as to be able to identify the recorded person in any light.
4. 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.
5. A sign advising customers that CCTV is in use shall be positioned in a prominent position.

Immigration (Right to work) Documents

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

Alcohol Wholesale Registration Scheme

1. The Premises Licence Holder shall have available on the premises, for inspection by an authorised officer of Reading Borough Council or Thames Valley Police at any reasonable time, true copies of invoices, receipts or other records of transactions for all tobacco and alcohol products purchased in the preceding three months.
2. All alcohol products shall only be purchased from outlets registered with HMRC's Alcohol Wholesale Registration Scheme.

Additional Conditions:

All staff involved in the sale of alcohol must attend and pass the BII Level 1 Award in Responsible Alcohol Retailing or equivalent within 28 days of employment or equivalent. All staff shall be trained on the law relating to underage sales and

Continued from previous page...

how to question and refuse sales if necessary. Records of the training and reminders given shall be retained and be readily made available to authorised officers of Reading Borough Council and the Police on request.

All incidents which impact on any of the four licensing objectives shall be recorded on a register kept at the premises for this purpose. In the case of refusals for under age sales, the date, time, person refusing, the reason for refusal and a brief description of the customer shall be recorded. The register must be made available to an authorised officer of the Licensing Authority and the Police on request. The log shall be signed off by the Designated Premises Supervisor or nominated representative at the end of each trading sessions. A weekly review of the incident register shall also be carried out by the Designated Premises Supervisor.

c) Public safety

1. Installation of appropriate safety equipment
2. Fire exit signs displayed
3. To comply with all current, fire, health and safety laws
4. CCTV working at all times

d) The prevention of public nuisance

1. Notice displayed asking customers to leave quietly from premises also customers will be told in person to leave quietly and not to disturb the local neighborhood
2. Strict policy in place to tell all staff not to serve alcohol to drunks at all
3. Appropriate signage will be displayed, in prominent position informing customers they are being recorded on CCTV

e) The protection of children from harm

1. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years without having first provided identification.
2. Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the 'Pass' hologram are to be accepted as identification. Military ID Cards can also be accepted.
3. Notices advertising the Challenge 25 and proof of age verification policies shall be displayed in a prominent positions on the premises.

Refusal Book

All staff involved in the sale of alcohol shall be trained to record refusals of sales of alcohol in a refusal log/book.

1. A refusal register whether written or electronic – shall be used, kept and maintained at the premises.
2. The refusal register shall record the time and date of the refusal; which age restricted product was refused, details of the staff member refusing service and a description of the person refused.
3. The refusal log shall be produced to authorised officers of Reading Borough Council and Thames Valley Police upon request.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

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

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

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. The fee payable will be based on the rateable value of the property. Band A - 0 - 4300 - Fee Payable - 100 Band B - 4301 - 33,000 - Fee Payable - 190 Band C - 33,001 - 87,000 - Fee Payable - 315 Band D - 87,001 - 125,000 - Fee payable - 450 Band E - 125,001 and over - Fee payable - 635 Additional fees apply to outdoor events.

* Fee amount (£)

DECLARATION

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

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

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/reading/apply-1> to upload this file and continue with your application.
Don't forget to make sure you have all your supporting documentation to hand.

Continued from previous page...

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

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

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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Name of Officer	Peter Narancic						
Type of Application	Grant of a Premises Licence - Licensing Act 2003						
Name of Premises	Jeevika Store						
Address	69 Whitley Street, Reading						
	Reading						
	RG2 OEG						
Proposed Licensable Activities	Sale by Retail of Alcohol						
Finish Times	Mon	Tue	Wed	Thu	Fri	Sat	Sun
	x	x	x	x	x	x	x
<u>Content of Application</u>							
The application seeks to:							
1.	Supply of Alcohol (off premises)			Monday - Sunday		0700 to 2300 hours	
2.	Hours premises open to public			Monday - Sunday		0700 to 2300 hours	
<u>Officer comments</u>							
<p>The Licensing team object to the application to operate the premises known as Jeevika Store, 69 Whitley Street, Reading as we believe granting a licence will undermine the promotion of the licensing objectives - notably the prevention of crime and disorder. We have concerns over the applicant and their suitability to run a licensed premises in accordance with legislation and the promotion of the licensing objectives. Section 18 (6) of the Licensing Act 2003 states that representations should relate to the <u>likely effect</u> of granting a licence on the licensing objectives and we believe that the likely effect of granting this licence is that the proposed licence holder will have no day to day control of this business and that he is, in effect, applying for a licence on behalf of someone else - notably the current business owner who has committed serious criminal offences at the premises, which resulted in a review of the premises licence.</p> <p>On 4 January 2018, the Sub-Committee revoked the premises licence for the employment of two illegal workers in 2013 and 2017, the failure of the present Premises licence holder to promote the licensing objectives due to breaches of the terms and conditions of the premises licence.</p> <p>The Premises Licence holder has appealed to the Magistrates Court and is awaiting a court date. He is permitted to sell alcohol pending the outcome of the appeal. However it is not known if this business has actually been sold to the applicant, Mr Pajmeet Singh Kalra.</p> <p>Given these circumstances we would have expected the new applicant to have contacted the Licensing team and Police to discuss his application beforehand given the history of the</p>							

premises. As already mentioned Mr Kalra, has not provided any documents or any other evidence in relation to the purchase of this business from the present owner.

Guidance issued under section 182 of the Licensing Act 2003 (April 2018)

Paragraph 8.46 states "*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*".

8.41 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.

8.47 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.

Reading Borough Council Licensing Policy statement states:

7.21 Crime Prevention

Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies.

Where relevant representations are received the Authority may impose conditions, for example, requiring the use of CCTV both inside and outside of licensed premises for the purpose of minimising crime disorder and disturbance. Again, applicants for licences should note that the Authority might only attach conditions to licences if such conditions are consistent with the operating schedule submitted as part of the application process, or if relevant representations are received.

11.3 Hours of Sales in Off Licences

Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual shops that are known to be a focus of disorder and disturbance, then subject to relevant representations being received, a limit on licensing hours may be appropriate.

11.4 Licensed Premises in Residential Areas

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.

14. Licence Conditions

General Approach to Licence Conditions

The purpose of the licensing Act is the regulation of licensable activities on licensed premises. All conditions attached to Premises Licences and Club Premises Certificates, will be focused on matters, which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, matters will centre on the premises being used for licensable activities and the vicinity of these premises.

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour once persons are away from licensed premises, and therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation. However, licensing law will always be part of a holistic approach to the management of the evening and local economy.

Licensing conditions will relate to licensed premises and the impact of those licensable activities on the premises in the vicinity thereof. In this latter regard the Council will primarily focus on the direct impact of any activities taking place on those living, working or otherwise engaged in the area concerned business, which is a relevant representation, or conditions are consistent with the operating schedule submitted by the applicant.

The Authority will, only impose conditions on premises if it is considered necessary and proportionate to do so in order to promote the licensing objectives. The Authority does not propose to implement standard conditions on licences across the board but instead, will draw upon a pool of conditions based upon those issued by the Home office and will attach such other conditions as it considers appropriate, given the circumstances of each individual case.

The model conditions will cover issues surrounding;

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

Conditions to be imposed on licences will be tailored to the individual premises and events concerned. None of the matters discussed within this policy which may result in the imposition of conditions will be applicable or suitable for all premises. The Authority will have regard to the size and type of premises when considering imposing conditions upon licences as the result of receiving relevant representations.

Applicants are asked to consider the model conditions and incorporate such of the conditions into their operating schedules as they consider appropriate and necessary in order to promote the licensing objectives. The Authority will impose the model conditions on application when those conditions are consistent with the operating schedule.

If this premises licence is granted, the Licensing team believe it risks bringing the licensing regime into disrepute if reckless licence holders can avoid the consequences of their behaviour by simply putting the licence into someone else's name when they get caught and so, effectively, get away with it. The deterrent effect of licensing enforcement would be lost and Licensing authorities should take a take a robust stance against such applications, particularly those which appeared to be a ruse.

Similarly, the current licence holder - Mr Madan - who was the premises licence holder and DPS when the current licence was revoked in January 2018 is still stated to be paying the business rates for the premises and is still running the post office. Therefore the Licensing team have severe doubts that the current applicant - Mr Kalra - will be running the premises and is thus applying for a licence to run the premises in name only.

If this application proceeds to a Licensing Applications Sub Committee, and a licence is granted, the Licensing team requests the Sub-Committee to consider the following conditions.

General

Closed Circuit Television

1. The Premises Licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are undertaking licensable activities and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV. Data recordings shall be made available to an authorised officer of Reading Borough Council or a Thames Valley Police officer, together with facilities for viewing upon request subject to the provisions of the Data Protection Act. Recorded images shall be of such a quality as to be able to identify the recorded person.

2. Signage advising customers that CCTV is in use shall be positioned in prominent positions

Age Verification Policy

3. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme as set down within the mandatory conditions) and Military ID Cards are to be accepted as identification.

4. Posters advertising the Challenge 25 scheme shall be displayed in prominent positions on the premises.

Staff Training

5. All staff shall be trained in the requirements of the Licensing Act 2003 in relation to age restricted sales of alcohol before being authorised to sell alcohol.

(b) Staff authorised to sell alcohol shall be accredited to at least the BIIAB Level 1 Award in Responsible Alcohol Retailing (ARAR) or any other similarly recognised

nationally approved accreditation curriculum, within four weeks for existing and subsequent new employees.

(c) Records of training, refresher training and proof of the date of the commencement of employment (e.g. signed contract) shall be retained and must be made available to officers of Reading Borough Council or Police Officer on demand.

6. All staff employed in the sale of alcohol shall be trained to record refusals of sales of alcohol in a refusals book or electronic register. The book/ register shall contain:

Details of the time and date the refusal was made;

The identity of the staff member refusing the sale;

Details of the alcohol the person attempted to purchase. This book /register will be available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police. A four weekly review of the refusal book/register shall also be carried out and signed off by the Designated Premises Supervisor or their nominated representative.

7. All staff employed to sell alcohol shall undergo training upon induction in utilising the Challenge 25 proof of age checking policy. This shall include, but not be limited to, dealing with refusal of sales, proxy purchasing and identifying attempts by intoxicated persons to purchase alcohol. Such training sessions are to be completed before the employee is permitted to sell alcohol, documented and refreshed every six months. Records of training shall be kept for a minimum of two years and be made available to an authorised officer of Reading Borough Council or a Thames Valley Police officer.

8. The Designated Premises Supervisor shall ensure they and staff who are authorised to sell alcohol, are able to converse with customers and representatives of Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives as contained in the Licensing Act 2003.

i. The Prevention of Crime and Disorder.

ii. Public Safety.

iii. Public Nuisance.

iv. The Protection of Children from Harm.

Incident Register

9. An incident register shall be used, maintained and kept on the premises to record any incident of crime and disorder or instances when the police have had to attend the premises. The register shall be made available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police upon request.

Public nuisance

10. 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.

Other Initiatives

11. The premises licence holder shall not sell super strength beer, lager or cider with an alcohol content of 6.5% ABV (alcohol by volume) or greater. This restriction shall not apply in respect of the specialist branded, premium priced, products - for example craft ales, local or micro brewery specialist products, boxed gifts or national

celebratory/commemorative beer, lager or cider with an alcohol content of 6.5% ABV or greater.

12. Spirits (with the exception of spirit mixers and pre-mixed spirit drinks) shall be located behind the counter.

13. 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.

14. 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.

15. The previous premises licence holder, Mr Gurnam Singh Madan shall be excluded from the premises and have no direct or indirect involvement with the business.

16. The new owner, Mr Pajmeet Singh Kalra will provide to Reading Borough Council a copy of the Lease agreement of the premises between him and his landlord before he commences trade in the sale and supply of alcohol by retail.

17. A copy of the VAT registration along with a proof of a Pay As You Earn scheme established in the name of the business operated by Mr Pajmeet Singh Kalra is to be provided to Reading Borough Council before commencement of trade or the sale or supply of alcohol by retail.

Date Received	04/07/2018	Date Due	01/08/2018
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Date	20	07	2018

Division/Station : Reading Police Station Licensing Dept

From : C2107 Declan Smyth

To : Reading Borough Council

Ref: JEEVIKA STORE, 69-71 Whitley Street, Reading, RG2 0EG

Date: 27th July 2018

Subject :

Objection

To whom it may concern

I C2107 Declan Smyth on behalf of the Chief Officer of Thames Valley Police wish to formally object to the proposed application for a premises licence submitted by Pajmeet Sing Kalra in relation to JEEVIKA STORE, 69-71 Whitley Street, Reading, RG2 0EG as it is believed that this application in its current format will undermine the four licensing objectives with specific regard to that of the prevention of crime & disorder.

The proposal before the Sub-Committee is for the Supply of Alcohol (Off Premises), Monday to Sunday 07:00-23:00 and Hours Premises Open To The Public Monday to Sunday 07:00-23:00

The Premises Licence for this site was revoked on 4th January 2018 by the Reading Borough Sub- Committee. On that occasion the premises licence holders were discovered to be employing two illegal workers the first being on the 10th October 2013 and the second on the 8th June 2017 which was compounded by a number of failures to comply with licensing legislation and breaches of licensing conditions found in 2015 and 2017.

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 insure that this is indeed a "New" application, and not a "rebranded" application that will likely undermine the four licensing objectives.

Prior to this application Thames Valley Police can confirm that no contact has been received 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.

Paragraph 8.46 of the Secretary of States Guidance issued under Sec 182 Licensing Act 2003 states "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.

In Conclusion Thames Valley Police strongly feel that this application in its current format and without further scrutiny is likely to undermine the licensing objectives, due to its failure to address sufficient conditions within the operating schedule that would provide reassurance that the failings of The Premier Stores are not repeated.

Case law within the East Lindsey District Council v Abu Hanif establishes:-

“Importantly the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of the prevention and deterrence”

Therefor in this situation we would state our opinion that the licensing objectives are prospective and can be preventative and would urge the Licensing Sub-Committee to refuse this application for a premises licence in order to prevent the licensing objectives from being undermined.

If the Licensing Sub-Committee were of a mind to grant this application we would strongly recommend the following conditions be added to the operating schedule.

CCTV

1. The Premises Licence Holder shall ensure the premises’ digitally recorded CCTV system cameras shall continually record whilst the premises are undertaking licensable activities and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV. Data recordings shall be made available to an authorised officer of Reading Borough Council or a Thames Valley Police officer, together with facilities for viewing upon request subject to the provisions of the Data Protection Act. Recorded images shall be of such quality as to be able to identify the recorded person.

2. Signage advising customers that CCTV is in use shall be positioned in prominent positions;

Age Verification Policy

3. The premises shall at all times operate a Challenge 25 age verification policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid driver’s licence showing the ‘Pass’ hologram (or any other nationally accredited scheme as set down within the mandatory conditions) are to be accepted as identification. The age verification policy shall be in a written form and displayed in a prominent position;

4. Posters advertising the premises’ Challenge 25 age verification policy shall be displayed in prominent positions on the premises;

Staff Training

5. All staff shall be trained in the requirements of the Licensing Act 2003 in relation to age restricted sales of alcohol before being authorised to sell alcohol.

(b) Staff authorised to sell alcohol shall be accredited to at least the BIIAB Level 1 Award in Responsible Alcohol Retailing (ARAR) or any other similarly recognised nationally approved accreditation curriculum, within four weeks for existing and subsequent new employees.

(c) Records of training, refresher training and proof of the date of the commencement of employment (e.g. signed contract) shall be retained and must be made available to officers of Reading Borough Council or Police Officer on demand.

6. All staff employed in the sale of alcohol shall be trained to record refusals of sales of alcohol in a refusals book or electronic register. The book/ register shall contain:

Details of the time and date the refusal was made;

The identity of the staff member refusing the sale;

Details of the alcohol the person attempted to purchase. This book /register will be available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police. A four weekly review of the refusal book/register shall also be carried out and signed off by the Designated Premises Supervisor or their nominated representative.

7. All staff employed to sell alcohol shall undergo training upon induction in utilising the Challenge 25 proof of age checking policy. This shall include, but not be limited to, dealing with refusal of sales, proxy purchasing and identifying attempts by intoxicated persons to purchase alcohol. Such training sessions are to be completed before the employee is permitted to sell alcohol, documented and refreshed every six months. Records of training shall be kept for a minimum of two years and be made available to an authorised officer of Reading Borough Council or a Thames Valley Police officer.

8. The Designated Premises Supervisor shall ensure they and staff who are authorised to sell alcohol, are able to converse with customers and representatives of Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives as contained in the Licensing Act 2003.

i. The Prevention of Crime and Disorder.

ii. Public Safety.

iii. Public Nuisance.

Incident Register

9. An incident register shall be used, maintained and kept on the premises to record any incident of crime and disorder or instances when the police have had to attend the premises. The register shall be made available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police upon request.

Public nuisance

10. 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.

Other Initiatives

11. The premises licence holder shall not sell super strength beer, lager or cider with an alcohol content of 6.5% ABV (alcohol by volume) or greater. This restriction shall not apply in respect of the specialist branded, premium priced, products - for example craft ales, local or micro brewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider with an alcohol content of 6.5% ABV or greater.

12. Spirits (with the exception of spirit mixers and pre-mixed spirit drinks) shall be located behind the counter.

13. 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.

14. 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.

15. The previous premises licence holder, Mr Gurnam Singh Madan shall be excluded from the premises and have no direct or indirect involvement with the business.

16. The new owner, Mr Pajmeet Singh Kalra will provide to Reading Borough Council a copy of the Lease agreement of the premises between him and his landlord before he commences trade in the sale and supply of alcohol by retail.

17. A copy of the VAT registration along with a proof of a Pay As You Earn scheme established in the name of the business operated by Mr Pajmeet Singh Kalra is to be provided to Reading Borough Council before commencement of trade or the sale or supply of alcohol by retail.

18. A personal licence holder to be in attendance at all times during opening hours