

To: Councillors Edwards (Chair) and
Rowland

Direct: ☎ 0118 937 2368
e-mail:
julie.quarmby@reading.gov.uk

23 May 2022

Your contact is: **Julie Quarmby - Committee Services**

NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 2 - 26 MAY 2022

A meeting of the Licensing Applications Sub-Committee 2 will be held on Thursday, 26 May 2022 at 9.30 am in the Council Chamber, Civic Offices, Bridge Street, Reading, RG1 2LU. The Agenda for the meeting is set out below.

<u>ACTION</u>	<u>WARDS AFFECTED</u>	<u>Page No</u>
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		3 - 8
To confirm the minutes of the meeting of Licensing Applications Sub-Committee 1 held on 21 December 2021 as a correct record.		
3. APPLICATION FOR THE GRANT OF TEMPORARY EVENT NOTICE - ZORBA'S, STATION ROAD		9 - 40
To consider an application for the grant of a Temporary Event Notice in respect of Zorba's, Harris Arcade, 16 Station Road, Reading, RG1 1JX.		

CIVIC OFFICES EMERGENCY EVACUATION: If an alarm sounds, leave by the nearest fire exit quickly and calmly and assemble on the corner of Bridge Street and Fobney Street. You will be advised when it is safe to re-enter the building.

This page is intentionally left blank

Present: Councillors Woodward (Chair), Rynn and Ennis.

3. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 2 held on 25 November 2021 were confirmed as a correct record.

4. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - THE HUT CENTRAL KEBABS, 39 ST MARY'S BUTTS, READING

The Deputy Director of Planning, Transport and Regulatory Services submitted a report on an application for the grant of a Premises Licence in respect of The Hut Central Kebabs, 39 St Mary's Butts Reading, RG4 2LG.

The report stated that the application was for the grant of a premises licence to permit the following licensable activities:

Provision of Late Night Refreshment

Sunday to Thursday from 2300hrs until 0100hrs
Friday to Saturday from 2300hrs until 0200hrs

Opening Hours

Sunday to Thursday from 0900hrs until 0100hrs
Friday to Saturday from 0900hrs until 0200hrs

The report explained that there was currently a dormant premises licence (licence no. LP9000107) at this address held by Mr Murat Emekdar, which was attached at Appendix RS-1. This licence authorised the provision of late-night refreshment from 2300hrs up until between 0200hrs and 0330hrs depending on the day of the week. Mr Emekdar no longer had permission from St Mary's Church (the land operator) to trade from this unit and did not wish to give his consent to transfer the licence to another operator, although he continued to pay the annual premises licence fee for LP9000107.

A copy of the application form and proposed conditions were attached to the report at Appendix RS2.

During the 28-day consultation period for the application, representations had been received from Thames Valley Police and Reading Borough Council Licensing Team, which were attached to the report at Appendices RS3 to RS4.

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

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

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 21 DECEMBER 2021

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

- Grant the application as applied for;
- Grant the application with modifications;
- Refuse the application.

The report set out paragraphs 8.41-8.42, 8.44-8.49, 9.12, 9.39-9.40, 9.42 and 9.43 from the Secretary of State's Guidance to the Licensing Act 2003 issued in April 2018. The report also set out paragraphs 1.6, 3.1, 3.2, 5.6, 5.7, 6.1, 6.2, 6.5, 6.19-6.23, 7.1-7.4, 7.16, 7.17, 7.11, 10.1 and 10.3 of the Council's Statement of Licensing Policy.

Kamal Saleem, the applicant and his representative Bill Donne, Silver Fox Consultants, attended the meeting, addressed the Sub-Committee on the application and responded to questions. Declan Smyth, Thames Valley Police and Peter Narancic, Reading Borough Council Licensing attended the meeting and addressed the Sub-Committee on the application as responsible authorities.

Robert Smalley, Licensing Enforcement Officer, presented the report at the meeting.

The Sub-Committee noted that the application could only be considered in light of its own merits and without reference to the terms of the previous licence.

Resolved -

That, in order to promote the four licensing objectives and having regard to the oral and written representations made in advance and at the meeting, the Secretary of State's guidance issued under section 182 of the Licensing Act 2003 (April 2018), the Council's Statement of Licensing Policy, the application for the grant of a Premises Licence in respect of The Hut Central Kebabs, 39 St Mary's Butts Reading, RG4 2LG, be granted to permit:

Provision of Late Night Refreshment

Sunday to Thursday from 2300hrs until 0100hrs
Friday to Saturday from 2300hrs until 0200hrs

Opening Hours

Sunday to Thursday from 0900hrs until 0100hrs
Friday to Saturday from 0900hrs until 0200hrs

and that the following conditions should apply:

1. The Premises License Holder shall provide and keep in operational condition a digital CCTV system on the Premises. It shall continually record during operating hours and recordings shall be kept for a minimum of 31 days' with

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 21 DECEMBER 2021

- 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 Reading Borough Council or Thames Valley Police together with facilities for viewing upon request, subject to the provisions of the Data Protection Act. Recorded images shall be of such quality as to be able to identify the recorded person in any light;
 3. 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;
 4. Signage advising customers that CCTV is in use shall be positioned in prominent positions;
 5. The premises licence holder shall ensure that a Door Supervisor is employed on Friday and Saturday evenings from 23:00 through to 02:00 hours. For the avoidance of doubt, the door supervisor must be specifically posted to the Premises, and not other premises in the area during that period.
 6. The Premises Licence Holder shall conduct a written risk assessment whenever late night refreshment is taking place at the premises between Sunday to Thursday inclusive to establish if door staff are required. The risk assessment shall be produced to an authorised Officer of Reading Borough Council or Thames Valley Police upon request.
 7. When employed, a register of Door Supervisors shall be kept. The register must show the following details:
 - a. Full SIA registration number;
 - b. Date and time that the Door Supervisor commenced duty, countersigned by the Duty Manager;
 - c. Date and time that the Door Supervisor finished work, countersigned by the Duty Manager;
 - d. Any occurrence or incident of interest involving crime & disorder or public safety must be recorded giving names of the Door Supervisor involved.
 8. The Door Supervisor register shall be kept at the premises and be available for inspection by an authorised Officer from Reading Borough Council or Thames Valley Police upon request, and shall be retained for a period of twelve months.
 9. All door supervisors whilst employed at the premises shall wear hi-visibility jackets/ tabards in bright green, yellow or orange in order that they can be clearly visible and identifiable at all times to the public and via CCTV both internally and externally;

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 21 DECEMBER 2021

10. When tabards are worn, hi-visibility armbands must also be worn that incorporate displaying SIA badges. If hi-visibility full sleeved jackets are worn the premises license holder must ensure that all door supervisors badges are also displayed via an easily visible arm band;
11. In the times a Door Supervisor is employed at the premises they shall wear a recording Body Worn Video (BWV), and ensure that it is recording during that time. The BWV will be used to record any incidents which occur outside of the premises involving customers, prospective customers or any staff member that impact on any of the four licensing objectives;
12. Data recordings shall be made within forty-eight hours on request on to a USB stick subject to data protection guidelines available to an authorised officer of Thames Valley Police or Reading Borough Council together with facilities for immediate viewing upon request, subject to the provisions of the Data Protection Act;
13. The premises licence holder or nominated representative shall keep and maintain all right to work documents for all staff members. Right to work documents shall be kept at the premises and produced to an authorised Officer of Reading Borough Council or Thames Valley Police upon request;
14. The premises licence holder shall participate, as far as is practicable, in the Local Townsafe Radio Scheme when the premises are open for licensable activities;
15. All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded.
 - a. This record shall be available for inspection by a Police Officer or an authorised officer of Reading Borough Council upon request and shall be retained for one year. The record shall be signed off by the Designated Premises Supervisor or nominated representative at the end of each trading session.
 - b. A weekly review of the incident register shall also be carried out by the Designated Premises Supervisor;
16. The Premises Licence Holder shall provide and adhere to a written dispersal policy during operating hours. That written dispersal policy shall be produced to an authorised Officer of Reading Borough Council or Thames Valley Police upon request;
17. The Premises License Holder will ensure that all staff undergo training suitable for the provision of late night refreshment and food, such training to include dealing with customers under the influence of alcohol. For the avoidance of doubt, staff are not required by this condition to undergo training for serving alcohol;

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 21 DECEMBER 2021

18. The venue management shall have suitable risk assessments in place relating to slips, trips and falls;
19. A sign shall be displayed adjacent to the serving hatch for the food requesting patrons to leave the area quietly;
20. At the end of each trading session the staff shall conduct a litter patrol in the immediate area to collect and to safely dispose of cartons and containers; and
21. Staff shall be trained on the procedures for conflict management and that training shall be recorded on the staff training records.

(The meeting started at 9.30 am and finished at 12:52pm)

This page is intentionally left blank

LICENSING ACT 2003 HEARING - THURSDAY 26 MAY 2022 @ 0930HRs

GIVING OF A TEMPORAY EVENT NOTICE

1. Premises:
Zorbas Shisha and Kebabs 16-17 Harris Arcade Reading Berkshire RG1 1DN

2. Applicant:
Mr Matthew Joannou

3. Background:
The premises is located in Reading town centre, within Harris Arcade, but with its main entrance being on Station Road. The premises is a hot food takeaway and currently has the benefit of a premises licence (Licence No. LP9000314 attached as Appendix RS-1) which authorises: Hours for the Playing of Recorded Music Monday to Sunday from 1100hrs until 0300hrs Hours for the Provision of Late Night Refreshment Monday to Sunday from 2300hrs until 0300hrs Hours the Premises is Open to the Public Monday to Sunday from 1100hrs until 0300hrs

4. Proposed licensable activities and hours:
The application is seeking to permit the use of the premises to conduct the licensable activity of Late Night Refreshment between 0300hrs and 0500hrs on both 04/06/2022 & 05/06/2022 . A copy of the notice is attached as Appendix RS-2 .

5. Date of receipt of application: 13 May 2022

6. Date of closure of period for representations: 18 May 2022
--

7. Objection(s) received:
During the 3 working day consultation period for the application, representations were received from: 1. Thames Valley Police - Mr Declan Smyth (attached as Appendix RS-3) - Received 17 May 2022

8. The Licensing Authority's approach to Temporary Event Notices

In considering objections received the Licensing Authority has a duty to carry out its functions with a view to promoting the licensing objectives. Temporary Events Notice can only be objected to by the police and the relevant local authority's Environmental Protection Team and must be in relation to one or more of the Licensing Objectives as stated in Section 4(2)(a-d) of the Licensing Act 2003.

Members are advised that Cumulative Impact policies do not apply to Temporary Events Notices.

Options:

The Sub-Committee has the following options:

to serve a Counter Notice and state the reasons for their decision.

not to serve a Counter Notice and state the reasons for their decision.

To reinstate existing premises licence conditions on the Temporary Events Notice.

Should the Sub-Committee decide to serve a Counter Notice the event shall not take place. It must be noted that the applicant has the option to appeal this decision to the magistrates' court within 21 days of receiving the decision.

Should the Sub-Committee decide not to serve a Counter Notice the event shall take place. It must be noted that the objector(s) have the option to appeal this decision to the magistrates' court within 21 days of receiving the decision.

Reading Borough Council's Licensing Policy (2018) states:

4.11 The Licensing Authority recognises that in relation to Temporary Event Notices and Personal Licences that it cannot:

c) Refuse a temporary event notice unless a relevant representation is received from the police or the body within the council that deals with noise nuisance.

5.31 An event organiser who wishes to arrange a one off event or extend the hours for licensable activities at a premises, may notify the Authority of the proposed event. The application (or notice) needs to be submitted to the Licensing Authority with the fee of £21.

The application must be submitted electronically via the gov.uk portal or via hardcopy. If submitted via hardcopy then it must also be sent to Thames Valley Police and the Council's Environmental Protection and Nuisance team.

5.32 A temporary event notice must be submitted to the authority at least ten clear working days before any event. This does not include the day of the application; the date the application is submitted; weekends or bank holidays. Failure to adhere to these timescales may invalidate the application.

5.34 Each Temporary Event may last for up to 168 hours and an individual premises may hold up to 15 events totalling 21 days. There must be a gap of 24 hours between the end of one temporary event and the start of another one.

5.35 If the police or the Environmental Protection and Nuisance team make a representation in regard to a temporary event notice then the Licensing Authority will arrange a hearing before the Licensing Application Committee in the required timescales.

5.36 Applicants are encouraged to submit Temporary Event notices as far in advance as possible to allow issues to be worked out and for any required hearing to be held in good time before any proposed event.

9.27 The Licensing Authority cannot in itself object to the holding of a temporary event notice. Thames Valley Police and the Environmental Health team can object to a temporary event notice if it believes that holding such event would undermine the licensing objectives. Given that the Authority works in partnership with Thames Valley Police and Environmental Health, it may, if requested, provide both with any information that it has in relation to enforcement matters including inspections carried out and/or complaints received. However, it will be down to Thames Valley Police and Environmental Health to make a representation if they reach the conclusion that holding the event will undermine the licensing objectives.

9.28 Any person who applies for a temporary event notice who is found not complying with the notice, will be subject to enforcement activity for carrying out licensable activities not in accordance with the authorisation they have applied for.

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

7.4 Unless it is sent electronically, it must be sent to the relevant licensing authority, to the police and “local authority exercising environmental health functions” (“EHA”) at least ten working days before the event.

7.6 The police or EHA (“relevant persons” for the purposes of TENs) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. A relevant person may also intervene by agreeing a modification of the proposed arrangements directly with the TENs user. If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded.

7.7 A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

7.10 The police and EHA have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives.

7.20 TENs may be given in respect of premises which already have a premises licence or club premises certificate to cover licensable activities not permitted by the existing authorisation.

7.28 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection unless all parties agree that this is unnecessary. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

7.29 Premises users are not required to be on the premises during the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children and allowing disorderly conduct on licensed premises.

7.32 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.

7.33 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN.

7.34 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings in respect of late TENs and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.

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

7.38 The 2003 Act provides that only the licensing authority can impose conditions to a TEN from the existing conditions on the premises licence or club premises certificate at the venue. The licensing authority can only do so:

- if the police or the EHA have objected to the TEN;
- if that objection has not been withdrawn;
- if there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;
- and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.

7.39 This decision is one for the licensing authority alone, regardless of the premises user’s views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations.

7.40 Where a TEN is not prominently displayed at the premises, the police and licensing officers have the right under sections 109(5) and (6) of the 2003 Act to request the premises user (or relevant nominated person who has the TEN in their custody) to produce the TEN for examination. If the police do not intervene when a TEN is given, they will still be able to rely on their powers of closure under the Anti-social Behaviour, Crime and Policing Act 2014.

10. Relevant Case law for consideration:

East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant) (2016)
this underpins the principles widely acknowledged within the Licensing Act 2003 that the licensing objectives are prospective, and that the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.

11. Appendices

Appendix RS-1: Current Premises Licence

Appendix RS-2: Temporary Event Notice

Appendix RS-3: Objection from Thames Valley Police - Declan Smyth

**Appendix RS-4: Additional information from Thames Valley Police -
Photos of Premises**

LICENSING ACT 2003 PREMISES LICENCE - PART A

Reading Borough Council being the Licensing Authority under the above Act,
HEREBY GRANT a PREMISES LICENCE as detailed in this licence.

Premises Licence Number	LP9000314
--------------------------------	------------------

Premises Details

Trading name of Premises and Address	
Zorbas Shisha and Kebabs 16-17 Harris Arcade Reading RG1 1DN	
Telephone Number	0118 9566717

Where the Licence is time limited the dates the Licence is valid
N/A

Licensable Activities

Licensable Activities authorised by the Licence
Playing of Recorded Music - Indoor Late Night Refreshment - Indoor & Outdoor

Authorised Hours for Licensable Activities

The times the licence authorises the carrying out of licensable activities	
Hours for the Playing of Recorded Music	
Monday	from 1100hrs until 0300hrs
Tuesday	from 1100hrs until 0300hrs
Wednesday	from 1100hrs until 0300hrs
Thursday	from 1100hrs until 0300hrs
Friday	from 1100hrs until 0300hrs
Saturday	from 1100hrs until 0300hrs
Sunday	from 1100hrs until 0300hrs
Hours for the Provision of Late Night Refreshment	
Monday	from 2300hrs until 0300hrs
Tuesday	from 2300hrs until 0300hrs
Wednesday	from 2300hrs until 0300hrs
Thursday	from 2300hrs until 0300hrs
Friday	from 2300hrs until 0300hrs
Saturday	from 2300hrs until 0300hrs
Sunday	from 2300hrs until 0300hrs

Opening Hours

Hours the Premises is Open to the Public

Monday from 1100hrs until 0300hrs
Tuesday from 1100hrs until 0300hrs
Wednesday from 1100hrs until 0300hrs
Thursday from 1100hrs until 0300hrs
Friday from 1100hrs until 0300hrs
Saturday from 1100hrs until 0300hrs
Sunday from 1100hrs until 0300hrs

Alcohol

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

N/A - NO ALCOHOL TO BE SOLD OR SUPPLIED UNDER THE PREMISES LICENCE

Premises Licence Holder

Name, (registered) address of holder of premises licence

Name: Matthew Joannou

Address:

Additional Details

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

None

Designated Premises Supervisor

Personal Licence number and issuing authority of personal licence held by the designated premises supervisor where the premises licence authorises the supply of alcohol

None

This Licence shall continue in force from **21/10/2014** unless previously suspended or revoked.

Dated: 21 October 2014

Head of Environment & Neighbourhood Services



Mandatory Conditions

Supply of Alcohol

To be applied where a premises licence authorises the supply of alcohol

- 1 No supply of alcohol may be made under the premises licence:-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- 2 Every supply of alcohol made under the premises licence must be made or authorised by a person who holds a personal licence.

Film Exhibitions

To be applied only where a premises licence or club premises certificate authorises the exhibitions of films

- 1 The admission of children to any exhibition of any film must be restricted in accordance with section 20 of Part 3 of the Licensing Act 2003.
- 2 In the case of films which have been classified by the British Board of Film Classification admission of children to films must be restricted in accordance with that classification.
- 3 In the case of films which have not been classified by the British Board of Film Classification, admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.

Door Supervisors

To be applied where a premises licence or club premises certificate includes a condition that any person must be at the premises to carry out a security activity. [Except premises with a premises licence authorising only plays or films or premises used exclusively by a club].

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

Responsible Drink Promotions (commencement date 01/10/2014)

1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Supply of Tap Water (commencement date 01/10/2014)

1. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Age Verification Policy (commencement 01/10/2014)

1. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

2. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

Drink Measurements (commencement date 01/10/2014)

1. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Minimum Permitted Pricing (commencement 28th May 2014)

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula—
$$P = D + (D \times V)$$
where—
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

Annex 2

Conditions Consistent with the Operating Schedule

Prevention of Crime & Disorder

1. The Premise Licence holder shall have Door Supervisors on a Friday and Saturday evening from 2300hrs until closing time.
2. The Premise Licence holder shall ensure that all Door Supervisors whilst employed at the premises shall wear 'High Visibility' arm bands to incorporate displaying their SIA badges.
3. The Premise Licence holder shall keep and maintain a register of Door Supervisors. The register shall contain the following details:
 - a) The name, home address and registration number of all Door Supervisors working at the Premises
 - b) SIA registration number
 - c) Date and time that the Door Supervisor commenced duty - countersigned by the Designated Premises Supervisor or Duty Manager
 - d) Any occurrence or incident of interest must be recorded giving names of the four supervisors involved

- e) Date and time the door supervisor finished work, countersigned by the Designated Premises Supervisor or Duty Manager
- f) The Door Supervisor register must be kept at the Premises and be available for inspection by Thames Valley Police and authorised officers of Reading Borough Council. The register shall be retained for a period of six months from the date of the event.

4. All incidents which impact on any of the four licensing objectives shall be recorded in a register at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders names shall also be recorded.

5. The Premise Licence holder shall ensure the premises digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public. The recordings shall be kept available for a minimum of 31 days with time date and stamping. 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.

Annex 3

Conditions attached after a hearing by the Licensing Authority

N/A

Annex 4

Plans

As attached plan no. 09/04/2009



Reading
Application for a Temporary Event Notice
Licensing Act 2003

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

* required information

Section 1 of 9

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

System reference

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

Matthew

Family name

Joannou

E-mail address

Main telephone number

include country code.

Other telephone number

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

Are you:

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

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

Applicant Business

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

Registration number

11109998

Business name

Zorbas Reading LTD

If your business is registered, use its registered name.

VAT number

- none

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

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

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

Have you had any previous or maiden names?

- Yes No

Your date of birth

Applicant must be 18 years of age or older

National Insurance number

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

Place of birth

Correspondence 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

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one? If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

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

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

Does the premises have an address?

Yes No

Address

Is the address the same as (or similar to) the address given in section one? If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

Building number or name

17 Harris Arcade

Street

Station Road

District

City or town

Reading

County or administrative area

Berkshire

Postcode

RG1 1DN

Country

United Kingdom

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

Neither Premises licence Club premises certificate

Premises licence number

LP9000314

Location Details

Provide further details about the location of the event

17 Harris Arcade , Station Road Reading, RG1 1DN

Continued from previous page...

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

n/a

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

Take away

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

To Extend Business Hours

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises

([see also guidance on completing the form, note 6](#)):

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

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

([See also guidance on completing the form, note 7](#)).

Event Dates

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

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

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

Event start date

/ /
dd mm yyyy

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

Event end date

/ /
dd mm yyyy

Continued from previous page...

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

[\(see also guidance on completing the form, note 9\)](#)

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

 26 RS

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 10\)](#)

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

[\(see also guidance on completing the form, note 11\):](#)

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

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 12\)](#)

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

n/a

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 13\)](#)

Do you currently hold a valid personal licence? Yes No

Section 7 of 9

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

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

Continued from previous page...

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

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

Section 8 of 9

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

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

- Yes No

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

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

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

- Yes No

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

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

Continued from previous page...

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 17\)](#)

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

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 18\)](#)

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

Full name	<input type="text" value="Matthew Joannou"/>
Capacity	<input type="text" value="24"/>
Date	<input type="text" value="13"/> / <input type="text" value="05"/> / <input type="text" value="2022"/> dd mm yyyy

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

OFFICE USE ONLY

Applicant reference number	<input type="text"/>	
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"/>	

Division/Station : Reading Licensing Dept

From : C2107 Declan Smyth (Licensing Officer)

To : Reading Borough Council

Ref : TENS objection – Zorbas, 17 Harris Arcade, Reading RG1 1DN Date :17th May 2022

Subject :

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 application for a Temporary Events Notice (TEN) under Section 104 Licensing Act 2003 submitted by Matthew Joannou, Zorbas Reading LTD, 17 Harris Arcade, Station Road, Reading, RG1 1DN to extend business hours for late night refreshment (LNR) on 4th June 2022 to 5th June 2022 from 03:00 to 05:00 for max 5 people. We believe that allowing the premises to be used in accordance with the TEN will undermine the four licensing objectives.

Thames Valley Police believe that due to the timing of this event and our recent concerns relating to incidents of crime and disorder at this premises, that this event will likely lead to further incidents and therefore in turn undermine and not promote the licensing objectives.

There are concerns over the current levels of crime and disorder and anti-social behaviour that are linked directly to this premises and its vicinity as caused by the high numbers of people within the area that are regularly patrons of this premises.

Furthermore, and in order to provide the licensing sub-committee with more specific evidence in support of our concerns we have provided the following exhibit relating to the premises:

TVP-DS1 is a Thames Valley Police licensed Premises Summary Report of occurrences/incidents that have required the provision of a recordable crime/incident report for the period between 1st January 2022 and 17th May 2022. Occurrences are created by police officers or call centre staff whenever a crime is confirmed to have taken place, or an investigation is required to determine the nature of any complaint.

The current Secretary of States Section 182 Guidance states:-

7.32 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.

7.33 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN.

7.34 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings in respect of late TENs and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.

7.35 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance – even where the statutory limits on numbers are being observed. The premises user who signs the form is legally responsible for ensuring that the numbers present do not exceed the permitted limit at any one time. In cases where there is reason to doubt that the numbers will remain within the permitted limit the premises user should make clear what the nature of the event(s) is and how they will ensure that the permitted persons limit will not be exceeded. For example, where notices are being given for TENs simultaneously on adjacent plots of land it may be appropriate for door staff to be employed with counters. In each case it is important that licensing authorities and relevant persons can consider whether they believe that the premises user intends to exceed the 499 person limit, or will be unable to control or know whether the limit will be exceeded. Where the planned activities are likely to breach the statutory limits or undermine the licensing objectives, it is likely to be appropriate for the police or EHA to raise objections.

*7.28 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection unless all parties agree that this is unnecessary. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions) and provide a copy to each relevant party. **Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.***

When considering the current secretary of states section 182 guidance above Thames Valley Police will say that we believe that it is necessary for us to object to this TENS application as it will undermine the licensing objectives. Our concerns surround the timings of the TEN which seeks to extend the hours for Late Night Refreshment at this premises.

Therefore in our submission we respectfully ask the Licensing Sub-Committee to consider the evidence supplied by Thames Valley Police in relation to our objection notice, and to issue a counter notice in response to this application as the only option available which shall ensure that the licensing objectives are not likely to be undermined.

In conclusion we have a host of issues relating to this premises including the management of the premises, security of the premises, prevention of crime & disorder, public safety, the prevention of public nuisance and Protecting Children From Harm. We at Thames Valley Police do not have the confidence in the management delivering the required steps to ensure the safety of both customers and staff.

In closing Thames Valley Police would ask the sub-committee to consider the case of East Lindsey District council V Abu Hanif (t/a Zara’s restaurant) 2016 where it is stated:

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

Thames Valley Police submit that our objection notice supports the usage of the licensing objectives as a prospective tool to ensure that crime and disorder is prevented in relation to this current TEN application.

Appendices:

TVP-DS1 – Thames Valley Police licensed Premises Summary Report



Licensed Premises Summary Report

ZORBAS SHISHA KEBABS

17 Harris Arcade, Reading, RG1 1DN

Events dated between 01 January 2022 and 17 May 2022

PLEASE NOTE: The information below is OFFICIAL - SENSITIVE and should not be shared outside of Thames Valley Police without the express consent of the Licensing Team. The records in this summary are derived from a variety of sources. In some cases, multiple records may relate to the same incident and should not necessarily be counted individually. The report relates only to events which have been entered on Amandus at the time of the report being run and may not be a comprehensive list. All data entry is at the discretion of the Licensing Team.

Incident: Disorder

Date/Time: Tuesday 18 January 2022 - 03:33

Niche Ref(s): 43220024492

Inc Ref(s): INC-20220118-0167

Sus has punched a male in the face - Sus then grabbed another female round the neck and thrown her on the ground -Group of agg'd's friends have seen this and retaliated with one of them punching sus in the face causing bleeding nose. 09x1

Premises Response: Unknown

Application: Full Variation

Date/Time: Tuesday 18 January 2022

Late night refreshment (INDOORS):- Monday to Sunday 23:00-05:00/Hours premises are open to the public:- Monday to Sunday 00:00-24:00
Amandus/Niche/PNC - Checks Completed - RBC,TVP & EHO concerns

Incident: Assault - Serious

Date/Time: Saturday 22 January 2022 - 04:37

Niche Ref(s): 43220031454

Inc Ref(s): INC-20220122-0334

50 year old male has been assaulted by 3 or 4 suspects "young lads", approx 18 - 19 year old males- AGG has been hit in the head, head then hit against the wall and pushed to the ground

Premises Response: Unknown

Incident: Breach of Licence

Date/Time: Sunday 01 May 2022 - 03:30

Inc Ref(s): NTE

DISORDER - Staff serving food @ 03:30, causing crowds and disorder -Large crowds gathered causing disorder - Aggressive behaviour, not dispersing when instructed to - Groups of people threw kebabs at officers and a male who was drunk laying on the floor

Premises Response: Unknown

20/02/2022

Appendix RS-4

03:04hrs



03:06hrs



03:06hrs



03:08hrs



03:16hrs



03:17hrs



This page is intentionally left blank