

LICENSING ACT 2003 HEARING TUESDAY 18 DECEMBER 2018 @18.30HRS
APPLICATION FOR THE GRANT OF A PREMISES LICENCE

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

2. Applicant:
Momo House Limited - Mr Thir Bahadur Gurung

3. Premises Licence:
<p>There is no licence in force at the premises. The previous licence was revoked by the Licensing Sub-Committee on 24 October 2017, due to a number of issues which included the employment of illegal workers and selling alcohol without a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. This decision was not appealed by the previous licence holder.</p> <p>A previous application for the grant of a premises licence (for shorter hours) was submitted by this same applicant, Mr Thir Bahadur Gurung) but was refused by the Licensing Sub-Committee on 16th August 2018 as they had concerns in relation to the experience and knowledge of the applicant and whether the new business was a new and distinct one from the previous business. None of these concerns have been addressed within this application. This decision was not appealed by Mr Thir Bahadur Gurung.</p> <p>The current application in front of the Licensing Sub-Committee is for a new licence (for alcohol only) and has been submitted by Momo House Limited. The sole director, prospective premises licence holder and designated premises supervisor being Mr Thir Bahadur Gurung.</p>

4. Proposed licensable activities and hours:
<p>The application is for the grant of a premises licence for the following activities:</p> <p><u>Sale of Alcohol (On Premises only)</u> Sunday to Thursday from 1000hrs until Midnight Friday and Saturday from 1000hrs until 0100hrs</p> <p><u>Opening Hours</u> Sunday to Thursday from 1000hrs until Midnight Friday and Saturday from 1000hrs until 0100hrs</p>

5. Temporary Event Notices
<p>In considering any application the Licensing Authority should be aware of the possible use of Temporary Event Notices to extend entertainment activities or hours of operation. A premises may extend the hours or scope of their operation by the use of Temporary Event Notices. Up to 15 events</p>

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: 29 October 2018

A copy of the application form is attached at [Appendix LIC-1](#)

7. Date of closure of period for representations: 26 November 2018

8. Representations received:

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

Reading Borough Council Licensing team (attached at [Appendix LIC-2](#))

Thames Valley Police (attached at [Appendix LIC-3](#))

Environmental Protection (Noise) team (attached at [Appendix LIC-4](#))

A plan showing the location of the premises (in black) and surrounding area is attached as [Appendix LIC-5](#)

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.

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

Licensing Objectives and Aims:

Section 1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims

for everyone involved in licensing work. They include:

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

Steps to promote the licensing objectives:

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

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

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

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

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

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

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

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

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

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

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

The role of responsible authorities

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

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those

operating in their local 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.

Integrating strategies

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

Planning and building control

14.64 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

14.65 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under

planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.

Licensing Act 2003

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

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

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

The Council's Licensing Policy Statement(2018):

2.1 The Secretary of State's Guidance to the Licensing Act 2003 states that the licensing authority should outline how it will secure proper integration between its licensing policy with policies and strategies concerned with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other policy or plan introduced for the management of town centres and night time economies. The Licensing Authority agree that such co-ordination and integration is crucial to achieve the Council's aims for a safe and vibrant night time economy.

2.4 Whilst there is a clear distinction and separation between the licensing authority and planning authority in terms of their remit, there are times when there are overlapping considerations. In order to secure proper integration across the Council's range of policies, the Licensing authority will expect applicants to demonstrate that their proposed use of a premises is lawful in planning terms, including complying with any conditions and timings that may be imposed upon a planning consent prior to any application being submitted under the Licensing Act.

2.5 Where the planning authority has granted planning consent to a specific time, the Licensing authority would expect any applicants under the Licensing Act to not exceed that time within any application.

2.6 Where the planning authority has granted a planning consent that contains conditions that may undermine the promotion of the licensing objectives (such as a restriction in the opening hours based on potential public nuisance issues), the licensing authority would expect applicants to demonstrate how they will mitigate those issues within any application. Failure to do so could lead to representations being made against an application.

2.7 Whilst acknowledging that planning and licensing are separate regimes and that licensing authorities are not bound by the decisions of planning committees (and vice versa), the licensing authority shall aim for the proper

integration between licensing and all other Council policies, strategies and initiatives in order to actively promote the licensing objectives.

2.8 When licensing applications are determined by officers of the Licensing Authority or by the Licensing Sub Committee, conditions may be imposed upon a licence in order to ensure consistency between the licensing objectives and any measures already determined by the planning authority that could impact the licensing objectives.

3. Licensing and integration with other legislation

3.1 Many other pieces of legislation impact directly or indirectly on the licensing regime. The Licensing Authority must have regard to the following when it discharges its responsibilities under the Licensing Act 2003 and in relation to the promotion of the four licensing objectives:

Crime and Disorder Act 1998

3.2 This Act requires local authorities and other bodies to consider crime and disorder reduction. Section 17 of the Act states that it shall be the duty of each authority, to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that is reasonably can to prevent, crime and disorder in its area (including anti social and other behaviour adversely affecting the local environment). This links specifically with the licensing objective of prevention of crime and disorder and the licensing authority will take into account all reasonable measures that actively promote this licensing objective.

5.4 It is the responsibility of the applicant to ensure that any application for the grant or full variation of a licence advertise the application in accordance with the relevant Licensing regulations. A blue notice should be placed on, at or near the premises to advertise the application for 28 days starting with the day after the application is served. A newspaper advert doing the same must be placed in a newspaper circulating in the Borough of Reading within 10 working days. Failure to do either of these things or to put inaccurate information in them will invalidate an application.

5.6 During the 28 day consultation period, the authority will scrutinise the application along with all of the other Responsible Authorities to judge whether it undermines the promotion of the licensing objectives. The application will be made available to any person who requests to see it. As per Section 18 (6) of the Licensing Act 2003, it will consider the likely effect of granting any licence on the promotion of the licensing objectives. The authority will expect all applicants to have taken cognisance of the Secretary of State's Guidance; local strategies and initiatives; this policy and any other known local issues before submitting their application and that these matters are addressed within the operating schedule of the application.

5.7 Whilst many applications will be resolved without the need for a committee hearing, any matters or representations that are not resolved will trigger a hearing before the properly constituted Licensing Applications

Committee for determination.

General Approach

6.1 Conditions shall be appropriate and proportionate for the promotion of the licensing objectives and shall be unambiguous and clear in their stated aims. Conditions will also be tailored to the type, location and characteristics of the particular premises and the relevant licensable activities. Any condition imposed by the Authority shall also aim to avoid duplication of other legislation unless there is a requirement to impose such a condition in order to promote the licensing objectives (for example, a capacity limit for public safety reasons). This shall apply to all relevant applications (grant/variation of a premises licence or club premises certificate)

6.2 The operating schedule within an application should contain an assessment from the proposed licence holder of what they believe are appropriate and proportionate measures to enable them to carry out their proposed licensable activities. This assessment should be arrived at by taking cognisance of this policy and the Secretary of State's guidance which outlines the matters that an applicant should take into account such as issues in the locality and why their proposed measures are suitable for their proposed operation.

6.5 Any conditions imposed upon a premises licence or club premises certificate will be tailored to that type of premises and the style of operation. Consideration will also be given to the locality of the premises; issues in the locality; the issues set out in the Guidance and any policy, initiative or other matter the licensing authority wishes to take into account in order to promote the four licensing objectives.

Restaurants and Cafes - General Approach to conditions

6.24 The licensing authority would expect all bona fide restaurants to take cognisance of the Secretary of State's Guidance and this policy and include measures that actively promote the four licensing objectives.

6.25 As well as the measures outlined above in relation to a Challenge 25 age verification policy, CCTV and staff training, the authority will expect all bona fide restaurants to include a condition within their operating schedule to the effect that the sale of alcohol will be ancillary to a sit down food order and that the premises will operate solely as a restaurant with waiters and waitresses providing table service. It is the authority's view that restaurants should not be a place where upright vertical drinking takes place.

Licensed Premises in Residential Areas

7.6 When dealing with applications and issuing licences, the authority is likely to impose stricter conditions on premises operating in residential areas if it considers it appropriate and proportionate to do so. This will apply to all premises types.

7.7 Generally, any licensed premises looking to open past 11pm (2300hrs) in a residential area will need to demonstrate clearly in their operating schedule that public nuisance will not result from later operation. As part of the operating schedule, applicants should read the Secretary of State's Guidance, this policy and any other relevant document and ensure that robust measures are included in any application.

7.12 The licensing authority will seek the input of the Council's Environmental Protection and Nuisance team when looking at measures that may be appropriate for the prevention of public nuisance. This will include taking cognisance of any representations that are submitted as part of the application process or any enforcement action they have taken under their own legislation - such as noise abatement notices.

10. Administration, Exercise and Delegation of Functions

10.1 The powers of the Licensing Authority under the Licensing Act 2003 may be carried out by the Licensing Committee; by a Sub Committee or by one or more officers acting under delegated authority. The Licensing Committee will consist of between 10-15 members and the committee may establish one or more sub-committees consisting of two or three members.

10.3 A Licensing Sub-Committee shall hear all applications where relevant representations have been received and applications for the review of a premises licence that may have been submitted by Responsible Authorities or any other persons.

10.5 The Licensing Authority has two roles within the Licensing Act 2003. The second of these is the role as a responsible authority. This means that the authority can make representations and apply for licences to be reviewed if it is of the belief that a premises or licence holder is likely to or already is undermining the licensing objectives. When exercising its role as a Responsible Authority there will be a clear separation of work between the officer acting as the Licensing Authority and the officer acting as the Responsible Authority.

10.6 When considering whether to exercise its role as a Responsible Authority, officers shall ensure that cognisance is taken of the Authority's Licensing policy; the Secretary of State's Guidance; information it has obtained during enforcement visits or joint working with other Responsible Authorities or any other relevant information available to it.

Case Law

Court of Appeal Licensing case Hope and Glory v City of Westminster (2011) EWCA Civ31

East Lindsey DC v Abu Hanif (2016)

British Beer and Pub Association v Canterbury City Council (2005)



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? <input checked="" type="radio"/> Yes <input type="radio"/> 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	THIR BAHADUR
* Family name	GURUNG

You must enter a valid e-mail address

* E-mail	NONE
Main telephone number	[REDACTED]
Other telephone number	

Include country code.

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

Is the applicant:

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

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

Applicant Business

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

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

Registration number	11146388
Business name	MOMO HOUSE LTD
VAT number	- NONE

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

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

Continued from previous page...

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

An agent that is a business or organisation, including a sole trader

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

A private individual acting as an agent

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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PREMISES DETAILS

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

Premises Address

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

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

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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

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NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

PRIVATE LIMITED COMPANY

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality Documents that demonstrate entitlement to work in the UK

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OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

NEPALESE RESTAURANT

Continued from previous page...

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

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PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

- Yes No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

- Yes No

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PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

- Yes No

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

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

See guidance on regulated entertainment

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

Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

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...

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

/ /
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name	FLAT
Street	CHARLES STREET
District	
City or town	READING
County or administrative area	
Postcode	RG1 7DB
Country	United Kingdom
Personal Licence number (if known)	LP7003074
Issuing licensing authority (if known)	READING 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'.

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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.

NONE

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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 10:00

End 00:00

Start

End

WEDNESDAY

Start 10:00

End 00:00

Start

End

THURSDAY

Start 10:00

End 00:00

Start

End

FRIDAY

Start 10:00

End 01:00

Start

End

SATURDAY

Start 10:00

End 01:00

Start

End

SUNDAY

Start 10:00

End 00:00

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

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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

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 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.

Alcohol will only be sold to customers who come in for a seated table meal or have pre booked a table for a meal

c) Public safety

1. Installation of appropriate safety equipment
2. Fire exit signs displayed

Continued from previous page...

3. To comply with all current, fire, health and safety laws
4. CCTV working at all times
5. All chefs qualified with minimum level 2 food safety in catering qualification

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. 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.

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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 (£)

190.00

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

MANPREET SINGH KAPOOR

* Capacity

DULY AUTHORISED AGENT

* Date

29 / 10 / 2018
dd mm yyyy

Add another signatory

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

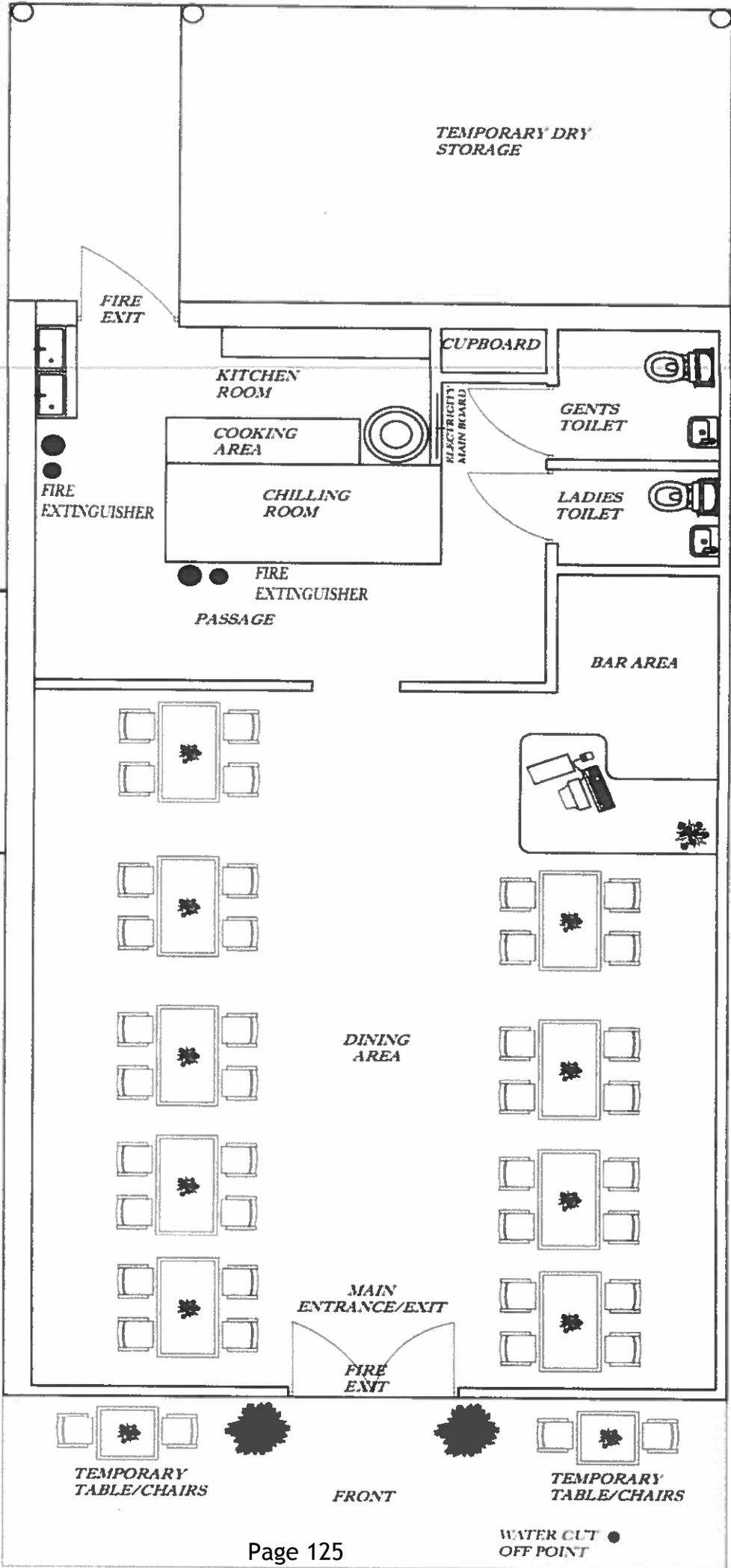
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT 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"/>

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

GAS SHUTTING
DOWN POINT





Name of Officer	Richard French						
Type of Application	Grant of Premises Licence - Licensing Act 2003						
Name of Premises	Momo House						
Address	28 Farnham Drive						
	Caversham, Reading						
	RG4 6NY						
Licensable Activities							
	Sale of Alcohol - 1000hrs to 0000hrs (Sun to Thurs)						
	Sale of Alcohol - 1000hrs to 0100hrs (Fri-Sat)						
Finish Times	Mon	Tue	Wed	Thu	Fri	Sat	Sun
	0000	0000	0000	0000	0100	0100	0000
Content of Application:							
<p>The application was submitted by Momo House Ltd. The sole director, prospective premises licence holder and DPS is Thir Bahadur Gurung. The application is for the sale of alcohol until midnight (Sunday to Thursday) and until 0100hrs on a Friday and Saturday. A previous licence in place at the premises was revoked by the Licensing Sub Committee on 24th October 2017. A previous application for the grant of a premises licence submitted by the same Thir Bahadur Gurung was refused by the Licensing Sub Committee on 16th August 2018.</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>							
<p>1. 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.</p>							
<p>2. The applicant has applied for hours which would be in breach of the premises planning permission. The planning permission states that the restaurant may only be used up until 2300hrs. 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 longstanding and unchallenged Licensing Policy at paragraphs 2.4 to 2.7 clearly states that applicants are required to achieve the correct planning permission before applying for any licence. It also states that applicants are expected to demonstrate compliance with the planning permission and any conditions attached to it. This is</p>							

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.

3. The application states that the premises is to operate as a Nepalese restaurant for the entirety of the opening hours. The application form under the heading 'Prevention of Crime and Disorder' also states that 'alcohol will only be sold to customers who come in for a seated table meal or have pre-booked a table for a meal'. However, late night refreshment has not been applied for. Therefore, it seems that after 2300hrs the 'restaurant' will be operating as a late night bar or drinking den. The premises has planning permission to be a restaurant and not a late night bar - again for public nuisance reasons. Therefore this proposal is unacceptable and undermines the promotion of the licensing objectives.

4. Granting the application as proposed is contrary to the Council's Licensing policy. Specifically 2.4 to 2.7 in relation to planning consent; 6.24 to 6.26 in relation to expectations around operating bona fide restaurants and paragraphs 7.6 to 7.12 in relation to premises operating in residential areas. The applicant has made no mention of how they would demonstrate that the operation of the premises would not undermine the prevention of public nuisance (para 7.7).

5. No documentation has ever been produced to state that Mr Gurung has ownership and control of the premises. Previous visits to the premises has identified the former owners still either managing the premises or paying the appropriate rates for the premises. This leads to the concern that if this licence were granted, it would be granted to Mr Gurung but still being run by the former owners who have already undermined the licensing objectives by previously employing illegal workers and selling alcohol without a DPS named on the licence.

6. A previous application from the same applicant was refused by the Licensing Sub Committee in August 2018 for shorter hours than is proposed here. Concerns were also raised by the Licensing Sub Committee in relation to the experience and knowledge of the applicant and whether the business was a new and distinct one from the previous. None of these concerns have been addressed within the application.

When looking to grant a premises licence, the licensing authority and other Responsible Authorities have to determine what the likely effect of granting any licence would be on the promotion of the licensing objectives. This is consistent with section 18 (6) of the Licensing Act 2003. The licensing objectives are prospective as outlined below and given all of the above reasons and the respectfully submit that application be refused unless guarantees can be given over whose business this is; the suitability of the applicant to promote the licensing objectives and the concerns over the hours and operation of the premises.

The 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.

Case Law and Secretary of State's Guidance (April 2018)

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 Council's Licensing Policy:

When making an application, the applicant is supposed to have read and had regard to the Council's Statement of Licensing policy. The onus is on the applicant to demonstrate that their proposal promotes the licensing objectives and is compliant with the expectations laid out in the guidance and Council's Statement of Licensing Policy. The application, as submitted, is contrary to the following paragraphs:

2.4 Whilst there is a clear distinction and separation between the licensing authority and planning authority in terms of their remit, there are times when there are overlapping considerations. In order to secure proper integration across the Council's range of policies, the Licensing authority will expect applicants to demonstrate that their proposed use of a premises is lawful in planning terms, including complying with any conditions and timings that may be imposed upon a planning consent prior to any application being submitted under the Licensing Act.

2.5 Where the planning authority has granted planning consent to a specific time, the Licensing authority would expect any applicants under the Licensing Act to not exceed that time within any application.

2.6 Where the planning authority has granted a planning consent that

contains conditions that may undermine the promotion of the licensing objectives (such as a restriction in the opening hours based on potential public nuisance issues), the licensing authority would expect applicants to demonstrate how they will mitigate those issues within any application. Failure to do so could lead to representations being made against an application.

2.7 Whilst acknowledging that planning and licensing are separate regimes and that licensing authorities are not bound by the decisions of planning committees (and vice versa), the licensing authority shall aim for the proper integration between licensing and all other Council policies, strategies and initiatives in order to actively promote the licensing objectives.

2.8 When licensing applications are determined by officers of the Licensing Authority or by the Licensing Sub Committee, conditions may be imposed upon a licence in order to ensure consistency between the licensing objectives and any measures already determined by the planning authority that could impact the licensing objectives.

6.25 As well as the measures outlined above in relation to a Challenge 25 age verification policy, CCTV and staff training, the authority will expect all bona fide restaurants to include a condition within their operating schedule to the effect that the sale of alcohol will be ancillary to a sit down food order and that the premises will operate solely as a restaurant with waiters and waitresses providing table service. It is the authority's view that restaurants should not be a place where upright vertical drinking takes place.

7.6 When dealing with applications and issuing licences, the authority is likely to impose stricter conditions on premises operating in residential areas if it considers it appropriate and proportionate to do so. This will apply to all premises types.

7.7 Generally, any licensed premises looking to open past 11pm (2300hrs) in a residential area will need to demonstrate clearly in their operating schedule that public nuisance will not result from later operation. As part of the operating schedule, applicants should read the Secretary of State's Guidance, this policy and any other relevant document and ensure that robust measures are included in any application.

The application

I have stated previously 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 2300hrs and not midnight or 1am as stated in the application.

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. All staff involved in the sale of alcohol must attend and pass the BII Level 1 Award in Responsible Alcohol retailing (ARAR) or equivalent qualification within 28 days of commencing employment at the premises. A copy of this qualification shall be kept at the premises for all relevant members of staff and produced to authorised officers of Reading Borough Council and Thames Valley Police upon request.

3. 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.

4. 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.

5. 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 and at least one camera shall be positioned to record the external area directly outside the entrance to the premises. 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.

6. 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.

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

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. Staff shall be available to assist in the dispersal of customers at the cessation of licensable activities each evening.

9. 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.

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

11. The premises licence holder shall have available on the premises true copies of invoices and receipts for all alcohol purchased from any wholesaler. Invoices/receipts shall be kept for a period of three months and produced to authorised officers of Reading Borough Council and Thames Valley Police upon request. All alcohol products shall only be purchased from outlets registered with HMRC's Alcohol Wholesale Registration Scheme.

12. No customers shall be permitted on the premises from 2300hrs until 1000hrs the following day.

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	29/10/2018	Date Due	26/11/2018
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Date	23	11	2018
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**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT PROCEDURE
ORDER 1995**

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

To: Martin And Pole Nicholas
7 Broad Street
Wokingham
RG40 1AY

Application No: 00/00839/VARIAT

Applicant: Mr A Oxlade

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

Proposal: Removal of Condition 6 on Planning Consent 97/0879/FD to allow for hot food take away

At: 28 Farnham Drive Caversham Reading

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

ALL OTHER CONDITIONS STILL APPLY.

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



Date: 11th October 2000

Head of Planning
and Transport

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Application At: 28 Farnham Drive Caversham Reading

Application No: 00/00839/VARIAT

CONDITIONS & REASONS

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which the permission was granted. Reason: to prevent an accumulation of unimplemented planning permissions, and in accordance with Section 91(1) of the Town & Country Planning Act 1990.
2. The premises shall not be used for the preparation or sale of food outside the hours of 5.00 pm till 11.00 pm Mondays - Saturdays and not at any time on Sundays or Bank Holidays. Reason: in order to protect local residents from unreasonable disturbance arising from the use.
3. Provision shall be made on-site for the installation and subsequent emptying of litter bins and such provision shall be approved in writing by the local planning authority before the use hereby permitted commences. Reason: to ensure that adequate facilities are provided for the collection and disposal of litter likely to be generated by the use.
4. Suitable ventilation and filtration equipment shall be installed to suppress and disperse fumes and/or smell created from the cooking operations on the premises. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues. Details of the equipment shall be submitted to and approved by the local planning authority in writing prior to commencement of the development or conversion works. The approved equipment shall be installed and in full working order prior to the commencement of use. Details to include outlet height which in general should be at least 1m above ridge height of the nearest building. Reason: to ensure that the use has adequate ventilation equipment to ensure that neighbouring properties are not unreasonably polluted by odours from the use.

Date: 11th October 2000



Head of Planning
and Transport

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NOTES

APPEALS

(1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. Appeals must be made on a form which is obtainable from the Department of the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (a), to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

(2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Common Council, or on the Council of the district in which the land is situated, as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

(3) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

(a) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.

BERKSHIRE ACT 1986 - Section 32

(1) Except as provided in subsection (a) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show -

(a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(b) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1990, unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

(3) Section 16(7) and (8) and section 36(2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act 1984.

(4) Any person aggrieved by the action of the district council in rejecting plans under this section, may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

SECTION 76 TOWN AND COUNTRY PLANNING ACT 1990

76(1) This section applies when planning permission is granted for any development which will result in the provision -

(a) of a building or premises to which section 4 of the Chronically Sick and Disabled Persons Act 1970 applies (buildings or premises to which the public are to be admitted whether on payment or otherwise);

(b) of any of the following (being in each case, premises in which persons are employed to work)-

(i) office premises, shop premises and railway premises to which the Offices, Shops and Railway Premises Act 1963 applies;

(ii) premises which are deemed to be such premises for the purposes of that Act; or

(iii) factories as defined by section 175 of the Factories Act 1961;

(c) of a building intended for the purposes of a university college or college, or of a school or hall of a university;

(d) of a building intended for the purposes of an institution within the PCFC funding sector; or

of a building intended for the purposes of a school or an institution which provides higher education or further education (or both) and is maintained or assisted by a local education authority.

(2) The local planning authority granting the planning permission shall draw the attention of the person to whom the permission is granted -

(a) in the case of such a building or premises as are mentioned in subsection (1)(a)

(i) to sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970; and

(ii) to the Code of Practice for Access of the Disabled to Buildings (British Standards Institution code of practice BS 5810: 1979) or any prescribed document replacing that code;

(b) in the case of such premises as are mentioned in subsection (1)(b), to sections 7 and 8A of that Act and to that code or any such prescribed document replacing it;

(c) in the case of such a building as is mentioned in subsection (1)(c), (d) or (e), to sections 7 and 8 of that Act and to Design Note 18 "Access for Disabled People to Educational Buildings" published in 1984 on behalf of the Secretary of State, or any prescribed document replacing that note.

(3) Expressions used in subsection (1)(d) and (e) and in the Education Act 1944 have the same meanings as in that Act.

HAZARDOUS WASTE AND MATERIALS

Your attention is drawn to the possibility that development of land or redevelopment of properties will give rise to hazardous material probably in the form of contaminated soil or building construction waste (e.g. asbestos lagging around pipework) needing disposal.

Under the requirements of the Environmental Protection Act 1990 (Part 2) and regulations made thereunder it is an offence if such material is not deposited in appropriate sites licensed by the Environment Agency acting in their capacity as Waste Disposal Authority and additional procedures may have to be followed. There may also be occasions when hazardous substances such as gas from former landfill sites could be a problem. Advice about all these issues can be obtained from:

Environment Agency
Isis House, Howberry Park
Wallingford
Oxon OX10 8BD

Telephone: (01491) 832801 Fax: (01189) 533302

BUILDING REGULATIONS

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

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 16 AUGUST 2018

The report set out paragraphs 8.41 to 8.49, 9.11 to 9.13, 10.4, 10.5 and 1.5 from the Secretary of State's Guidance to the Licensing Act 2003 issued in April 2017. The report also set out paragraphs 7.1, 7.15.1 and 11.4.1 of the Council's Statement of Licensing Policy.

Mr Thir Bahadur Gurung, the applicant, was present at the meeting and addressed the Sub-Committee on the application.

Richard French, Senior Licensing Officer, Reading Borough Council, and Declan Smyth, Licensing Officer, Thames Valley Police, were both present and addressed the Sub-Committee on their representations regarding the application as stated in the report.

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 issued under section 182 of the Licensing Act 2003 (April 2018), the Council's Statement of Licensing Policy, and the planning conditions relating to the premise, the application for the grant to a Premises Licence in respect of Momo House, 28 Farnham Drive, be refused. The Sub-Committee's reasons were:

- (a) the Sub-Committee was not satisfied that the application promoted the licensing objectives;
- (b) the Sub-Committee had concerns that the ownership of the business was unclear, as shown during the visit by a licensing officer to the premises on 21 July 2018, and that Council records indicated that the previous Premises Licence holder was still paying the business rates, therefore there was no distinct separation from the applicant and the previous Premises Licence holder;
- (c) the applicant had limited qualifications, experience, training and understanding of running a licensed premise.

(The meeting started at 5.30pm and finished at 7.54pm)

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 :9th November 2018

Subject :

Objection

To whom it may concern

I C2107 Declan Smyth on behalf of the Chief Officer of Thames Valley Police wish to formally object to the proposed application for a premises licence submitted in relation to 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:-

The Supply Of Alcohol, Sunday to Thursday 10:00 - 00:00 and Friday & Saturday 10:00 - 01:00.

Hours Premises Are Open To The Public, Sunday to Thursday 10:00 - 00:00 and Friday & Saturday 10:00 - 01:00

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.

Thames Valley police would like to bring to attention of the Licensing Applications Sub Committee that this is the second time the applicant has applied for the premises licence for Momo house.

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.
(See Appendix TVP-DS-1)

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 Thir Bahadour Gurung has a relevant offence as of 14th April 2018.
(See Appendix TVP-DS-2)

Although Mr Thir Bahadour 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.*

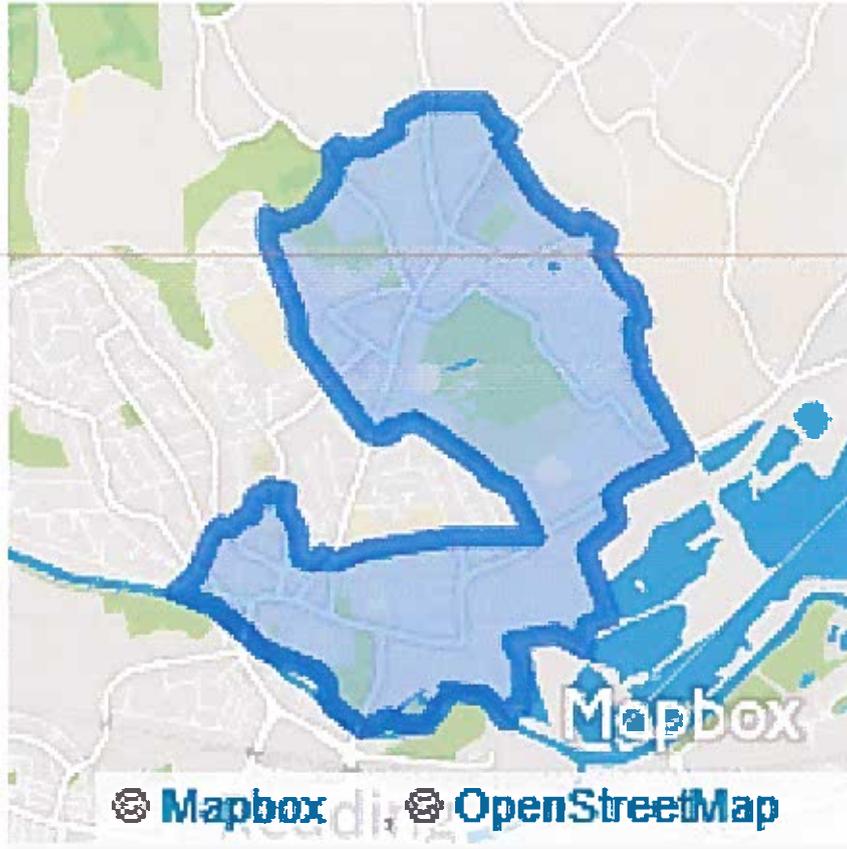
10. Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly.

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

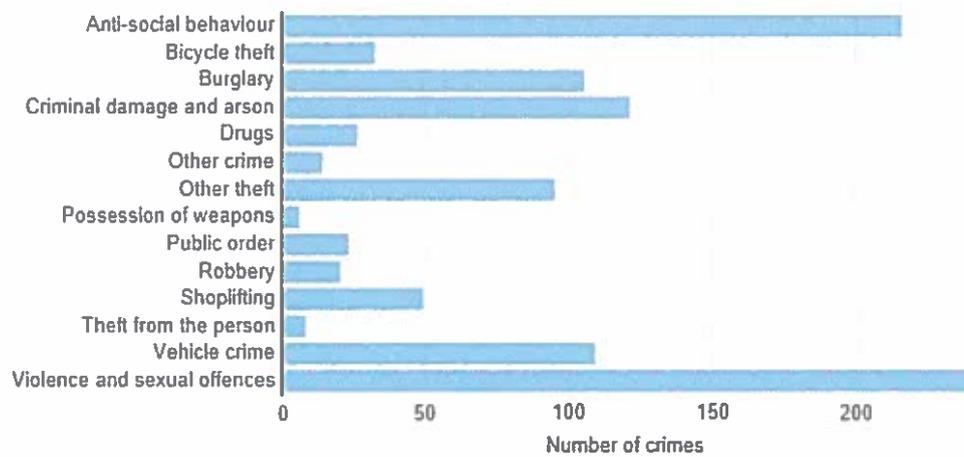
Appendices

Appendix TVP-DS-1 - Crime Map/ Detailed statistics for Peppard/ Caversham from Police.uk

Appendix TVP-DS-2 – Niche Occurrence enquiry log report (In view of the personal information that is enclosed, we must ask that the papers remain confidential and are not disclosed any further than the recipients and the members of the Committee)

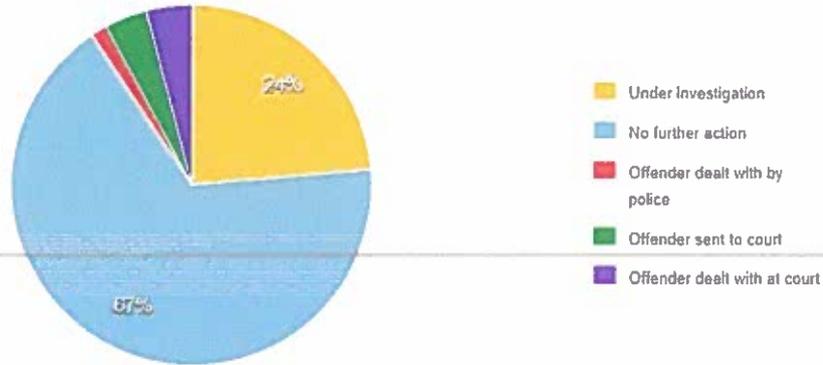


Comparison of crime types in this area between October 2017 and September 2018



Crime type	Total	Percentage
Anti-social behaviour	216	20.32%
Bicycle theft	32	3.01%
Burglary	105	9.88%
Criminal damage and arson	121	11.38%
Drugs	26	2.45%
Other crime	14	1.32%
Other theft	95	8.94%
Possession of weapons	6	0.56%
Public order	23	2.16%
Robbery	20	1.88%
Shoplifting	49	4.61%
Theft from the person	8	0.75%
Vehicle crime	109	10.25%
Violence and sexual offences	239	22.48%

Comparison of outcomes in this area between October 2017 and September 2018



Outcome type	Total	Percentage
Under Investigation	200	23.61%
Under investigation	96	11.33%
Status update unavailable	104	12.28%
No further action	568	67.06%
Formal action is not in the public interest	0	0.00%
Further investigation is not in the public interest	2	0.24%
Investigation complete; no suspect identified	426	50.30%
Unable to prosecute suspect	140	16.53%
Offender dealt with by police	12	1.42%
Action to be taken by another organisation	3	0.35%
Offender given a drugs possession warning	0	0.00%
Offender given penalty notice	1	0.12%
Offender given a caution	3	0.35%
Local resolution	5	0.59%
Offender sent to court	32	3.78%
Suspect charged	32	3.78%
Suspect charged as part of another case	0	0.00%

Offender dealt with at court	35	4.13%
Court case unable to proceed	3	0.35%
Defendant sent to Crown Court	0	0.00%
Defendant found not guilty	4	0.47%
Offender given absolute discharge	0	0.00%
Offender given conditional discharge	0	0.00%
Offender ordered to pay compensation	0	0.00%
Offender fined	2	0.24%
Offender deprived of property	0	0.00%
Offender given community sentence	4	0.47%
Offender given suspended prison sentence	0	0.00%
Offender sent to prison	11	1.30%
Offender otherwise dealt with	0	0.00%
Court result unavailable	11	1.30%

Crime levels in this area between October 2017 and September 2018

Showing **All crime**



Month	Total
September 2018	21
August 2018	100
July 2018	102
June 2018	105
May 2018	124
April 2018	131
March 2018	76
February 2018	59
January 2018	79
December 2017	84
November 2017	79
October 2017	103

INTERNAL MEMORANDUM

To: Licensing

Dept: Licensing

From: Rebecca Moon

Dept: Environmental Protection & Nuisance

Date: 7 November 2018

Urgent

Response required

Further action (see below)

Subject: Application for Premises Licence: ref - 634426
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 application is for the premises to be open to the public, and supply alcohol until midnight each day and until 1 am on Friday and Saturday nights.

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. 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. This is likely to be exacerbated by the fact that customers won't be eating after 11 pm as late night refreshment has not been applied for, therefore there will be an hour or two hours of just drinking which is likely to lead to public nuisance from drunk customers leaving, as the premises will be effectively operating as a bar after 11 pm.

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.

This suggests that it is reasonable for the premises to be operating during the above hours. If the applicant agreed to amend their application to align the proposed supply of alcohol and opening hours with those permitted by

the planning consent for service of food 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

