

**LICENSING ACT 2003 HEARING THURSDAY 23<sup>RD</sup> JANUARY 2025 @  
09:30HRS APPLICATION FOR THE VARIATION OF A PREMISES  
LICENCE**

**1. Premises:**

Mosaic Peri Peri  
51 Wokingham Road  
Reading  
RG6 1LH

**2. Applicant:**

Zing Cooperates Ltd

**3. Background:**

The premises currently benefits from premises licence LP9000503. The business is a restaurant and takeaway. The only licensable activity included on the current licence is Late Nigh Refreshment for the following hours:

Monday to Saturday      from 2300hrs until 0100hrs  
Sunday                      from 2300hrs until 0000hrs

The application has been submitted by Mr William Donne, Licensing consultant from Silver Fox Licensing Consultants. The applicant is Zing Cooperates Ltd. The application is attached as **Appendix TS-1.**

**4. Proposed licensable activities and hours:**

The application is for the variation of the premises licence for the following activities:

**Provision of Late Night Refreshment:**

Monday to Sunday      from 2300hrs until 0300hrs

**Hours the Premises is Open to the Public:**

Monday to Sunday      from 1100hrs until 0300hrs

**5. Temporary Event Notices**

In considering any application the Licensing Authority should be aware of the possible use of Temporary Event Notices to authorise licensable activities. A premises can extend the hours or scope of their operation by the use of Temporary Event Notices. Up to 15 events per year can be held under this provision at a particular premises. These events may last for up to 168 hours provided less than 500 people are accommodated and provided the total number of days used for these events does not exceed 21 per calendar year.

**6. Date of receipt of application: 03 December 2024**

**7. Date of closure of period for representations: 31 December 2024**

**8. Representations received:**

During the 28-day consultation period for the application, 3 representations were received from:

1. Mr Declan Smyth – Thames Valley Police Licensing Officer – Attached as **Appendix TS-2**
2. Mr Robert Smalley – Reading Borough Council Licensing Team – Attached as **Appendix TS-3**
3. Mrs Rebecca Moon – Reading Borough Council Environmental Protection Team – Attached as **Appendix TS-4**

#### **9. Powers of the Authority in determining an application for the variation of a premises licence**

The Licensing authority, when determining an application for the variation of a premises licence may:

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

#### **10. 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.

In determining this application, the Licensing Authority must also have regard to the representations received, the Licensing Authority's statement of licensing policy and any relevant section of the statutory guidance to licensing authorities.

#### **11. The Council's Licensing Policy Statement (2023):**

1.6 The predominantly urban nature of Reading as a town means that an appropriate balance needs to be struck between the needs of local business and the needs of local residents. This licensing policy seeks to encourage all stakeholders to engage in the licensing process so that the needs of all can be taken into account and issues dealt with in a spirit of partnership and cooperation.

##### **Licensing and Planning Integration**

2.9 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.**

### 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 it 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. Licensing Applications

#### Grant and Full Variations

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.

### 6. Licensing Conditions

#### 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.

#### Late Night Refreshment (takeaways) and Conditions

##### General Approach

6.19 Late night food outlets are a major contributor to crime and disorder and antisocial behaviour within Reading. Applicants who wish to provide hot food or drink after 2300hrs and up to 0500hrs, will need to demonstrate that their proposed operation will not exacerbate issues of crime and disorder in that locality.

6.20 Applicants for late night refreshment are expected to take cognisance of the Secretary of State's Guidance and to include appropriate and proportionate measures within their operating schedule to assist in actively promoting the licensing objectives.

6.21 The licensing authority will expect all applicants who wish to provide late night refreshment to include measures for adequate staff training; measures to ensure that no public nuisance occurs from the premises as well as additional measures to assist in crime prevention such as CCTV and door supervisors.

6.22 Public nuisance can often occur from takeaways being sited in residential areas. This could be in relation to the use of delivery vehicles and the congregating of customers outside the premises. Applicants are expected to make an assessment of their proposed locality and implement measures to avoid disturbing local residents such as the use of electric bikes and the implementation of a dispersal policy.

6.23 Where it is practical, the authority will also look to ensure that all packaging used for the provision of hot food and drink shall be made of recyclable materials or be biodegradable. This will include all fixed premises and static vans.

#### 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.

6.26 Where a restaurant wishes to provide a delivery service for their products – including alcohol – the authority will expect measures to be included within the operating schedule of how those deliveries will operate. For example, to ensure that deliveries are being made to full postal addresses and not fields; that deliveries which contain alcohol are subject to the premises age verification policy with refusals logged accordingly and that delivery bikes are not causing a public nuisance to local residents.

## 7. Licensing Hours

### General Approach

7.2 When an application receives representations, the authority may consider reducing the opening hours and times for licensable activities if it considers it appropriate for the promotion of the licensing objectives.

### 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.

## 8. Children in Licensed Premises

8.6 The Authority will expect all licence holders or premises that wish to allow children on to their premises to ensure that access is restricted where appropriate. This would include, ensuring that all children are accompanied and that they do not have access to

or sight of alcohol.

## 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.

## **12. Amended Guidance issued under section 182 of the Licensing Act 2003 (December 2023)**

### Licensing Objectives and Aims:

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. 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 assessment), 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 website;
- 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

9.12 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 area<sup>5</sup>. 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.

#### Hearings

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide



reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

#### Determining actions that are appropriate for the promotion of the licensing objectives

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

### **13. The 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.

### **14. Relevant Case law for consideration:**

(R) on the application of Hope and Glory Public House v Westminster City Council (2011) EWCA Civ31 illustrates that licensed premises, and the activities that take place in those premises, exist in a dynamic environment and should not be looked at entirely in isolation and confirms that this can include the impact that licensable activities have on a range of factors such as crime, the quality of life for residents and visitors to the area, and demand for licensed premises.

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

R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin) This case, referred to as 'the Thwaites case', is important because it emphasises the important role that Responsible Authorities have in providing information to decision makers to contextualise the issue before them. The case recognises that Responsible Authorities are experts in their fields, and that weight should be attached to their representations.

## **15. Appendices**

**Appendix TS-1: Premises Licence Application Form**

**Appendix TS-2: Representation by Mr Declan Smyth – Thames Valley Police Licensing Officer**

**Appendix TS-3: Representation by Mr Robert Smalley - Reading Borough Council Licensing Team**

**Appendix TS-4: Representation by Rebecca Moon – Reading Borough Council Environmental Protection Team**

**Application to vary a premises licence under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We Zing Cooperates Ltd

*(Insert name(s) of applicant)*

**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

<b>Premises licence number</b> LP9000503
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Mosaic's Peri Peri 51 Wokingham Road Reading RG6 1LH
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Post town	Reading	Postcode	RG61LH
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Telephone number at premises (if any)	
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Non-domestic rateable value of premises	£22,250
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**Part 2 – Applicant details**

Daytime contact telephone number	
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E-mail address (optional)	
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Current postal address if different from premises address	As above
---	----------

Post town		Postcode	
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**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐  
No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☐ No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

To extend the current terminal trading hours for the provision of Late-Night Refreshment each day Monday to Sunday from 23:00 hours until 03:00 hours the following day. There are no changes proposed to the current conditions.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

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#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

<b>Provision of regulated entertainment (Please see guidance note 3)</b>	<b>Please tick all that apply</b>
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input type="checkbox"/>
f) recorded music (if ticking yes, fill in box F)	<input type="checkbox"/>
g) performances of dance (if ticking yes, fill in box G)	<input type="checkbox"/>
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input type="checkbox"/>

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

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

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

## B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

# C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please <u>give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Sat			
Sun			



# D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

## E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

## F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

## G

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Wed					
			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sat					
Sun					

# I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	03:00	<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue	23:00	03:00			
Wed	23:00	03:00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Thur	23:00	03:00			
Fri	23:00	03:00	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sat	23:00	03:00	None		
Sun	23:00	03:00			

# J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>	
				Off the premises	<input type="checkbox"/>	
				Both	<input type="checkbox"/>	
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 6)			
Mon						
Tue						
Wed						
Thur						<b><u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)
Fri						
Sat						
Sun						

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).**

None

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b><u>State any seasonal variations</u></b> (please read guidance note 6)
Day	Start	Finish	
Mon	11:00	03:00	
Tue	11:00	03:00	
Wed	11:00	03:00	
Thur	11:00	03:00	
Fri	11:00	03:00	
Sat	11:00	03:00	
Sun	11:00	03:00	
			<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 7)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

None



Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

No further conditions identified

**b) The prevention of crime and disorder**

No further conditions identified

**c) Public safety**

No further conditions identified

**d) The prevention of public nuisance**

No further conditions identified

**e) The protection of children from harm**

No further conditions identified

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

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

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>William Donne</i>
Date	3 <sup>rd</sup> December 2024
Capacity	Licensing Agent, Silver Fox Licensing Consultants

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 15)

William Donne  
Silver Fox Licensing Consultants  
6 Canford Court  
Wilton Road  
Reading  
RG30 2SQ

Post town	Reading	Post code	RG30 2SQ
Telephone number (if any)	[REDACTED]		

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

## Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - 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;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  11. Please list here steps you will take to promote all four licensing objectives together.

12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

## LICENSING ACT 2003 PREMISES LICENCE - PART A

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

<b>Premises Licence Number</b>	<b>LP9000503</b>
--------------------------------	------------------

### **Premises Details**

<b>Trading name of Premises and Address</b>	
Mosaic's Peri Peri 51 Wokingham Road Reading RG6 1LH	
<b>Telephone Number</b>	

<b>Where the Licence is time limited the dates the Licence is valid</b>
N/A

### **Licensable Activities**

<b>Licensable Activities authorised by the Licence</b>
Late Night Refreshment - Indoor

### **Authorised Hours for Licensable Activities**

<b>The times the licence authorises the carrying out of licensable activities</b>	
<b>Hours for the Provision of Late Night Refreshment</b>	
Monday	from 2300hrs until 0100hrs
Tuesday	from 2300hrs until 0100hrs
Wednesday	from 2300hrs until 0100hrs
Thursday	from 2300hrs until 0100hrs
Friday	from 2300hrs until 0100hrs
Saturday	from 2300hrs until 0100hrs
Sunday	from 2300hrs until 0000hrs

### **Opening Hours**

<b>Hours the Premises is Open to the Public</b>	
Monday	from 1100hrs until 0100hrs
Tuesday	from 1100hrs until 0100hrs
Wednesday	from 1100hrs until 0100hrs
Thursday	from 1100hrs until 0100hrs
Friday	from 1100hrs until 0100hrs
Saturday	from 1100hrs until 0100hrs
Sunday	from 1100hrs until 0000hrs

## Alcohol

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

## Premises Licence Holder

Name, (registered) address of holder of premises licence

Name: Zing Cooperates Ltd

Address: 51 Wokingham Road, Reading , RG6 1LH

## Additional Details

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

N/A

## Designated Premises Supervisor

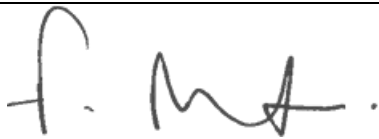
Personal Licence number and issuing authority of personal licence held by the designated premises supervisor where the premises licence authorises the supply of alcohol

N/A

This Licence shall continue in force from **26/10/2020** unless previously suspended or revoked.

Dated: 26 October 2020

Signed on behalf of the issuing licensing authority



Frances Martin

Executive Director for Economic Growth and Neighbourhood Services

## Annex 1



## **Mandatory Conditions**

### **Supply of Alcohol**

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

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

### **Film Exhibitions**

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

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

### **Door Supervisors**

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

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

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

- 1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- 2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

**Age Verification Policy (commencement 01/10/2014)**

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

**Drink Measurements (commencement date 01/10/2014)**

1. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

### **Minimum Permitted Pricing (commencement 28th May 2014)**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

4. (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### Conditions Consistent with the Operating Schedule

#### General

##### Prevention of crime and disorder

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 and an appropriate number of cameras shall be installed to cover the external areas immediately outside the premises. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or Thames Valley Police together with facilities for viewing upon request, subject to the provisions of the Data Protection Act. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.

2. Clearly legible and suitable notices shall be displayed to advise customers that CCTV is in operation at the premises.

3. An incident book/register shall be maintained to record all incidents of crime and disorder occurring at the premises. The register shall record a description of the incident, a description of any persons involved in the incident, the person recording the incident and details of whether the police were called. This book/register shall be available to an authorised officer of Reading Borough Council or Thames valley Police officer on request.

4. The Premise Licence Holder or duly nominated representative shall keep a written log of complaints reported to them by any local residents which undermine the four licensing objectives. The complainant's name, time of complaint, member of staff dealing with the complaint and the remedial action taken should be recorded. This written log shall be maintained and produced to authorised officers of Reading Borough Council and Thames Valley Police upon request.

5. The Premises Licence Holder shall ensure they and staff employed 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

6. Staff employed shall undergo training in relation to the Licensing Act 2003 regarding late night refreshment upon induction. This shall include, but not be limited to understanding the four licensing objectives. Such training sessions are to be documented and refreshed every six months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one

year and be made available to an authorised officer of Thames Valley Police and Reading Borough Council upon request.

7. 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.

8. During operating hours, the Premise Licence Holder or a nominated representative shall be available to receive and respond to nuisance related complaints. A contact number shall be readily available to residents upon request.

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

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. The licensee shall ensure that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to undue disturbance to local residents.

12. An active dispersal policy shall be devised and implemented on the premises. This dispersal policy shall include, but not be limited to, staff members being available to disperse customers from the premises and immediate vicinity and to advise customers to respect the needs of local residents and leave quietly. This dispersal policy shall be in written form and be made available for inspection by an authorised officer of Reading Borough Council or Thames Valley Police.

13. The placing of refuse into receptacles outside the premises shall only take place between the hours of 0800 hours and 1900 hours.

14. The premises and area immediately outside the premises shall be kept clear of litter whilst the premises is open for licensable activities.

### Annex 3

#### Conditions attached after a hearing by the Licensing Authority

### Annex 4

#### Plans

As attached plan received dated 04/11/2019

Division/Station : Reading Police Station Licensing Dept

From : C2107 Declan Smyth

To : Reading Borough Council

Ref : Mosaic's Peri Peri, 51 Wokingham Road, Reading, RG6 1LH Date : 24<sup>th</sup> December 2024

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 Full Variation Application to vary a premises licence submitted by William Donne (Silver Fox Licensing Consultants) in relation to Mosaic's Peri Peri, 51 Wokingham Road, Reading, RG6 1LH

**Late night refreshment (INDOORS):-**

Monday 23:00 to 03:00  
Tuesday 23:00 to 03:00  
Wednesday 23:00 to 03:00  
Thursday 23:00 to 03:00  
Friday 23:00 to 03:00  
Saturday 23:00 to 03:00  
Sunday 23:00 to 03:00

**Hours premises are open to the public:-**

Monday 11:00 to 03:00  
Tuesday 11:00 to 03:00  
Wednesday 11:00 to 03:00  
Thursday 11:00 to 03:00  
Friday 11:00 to 03:00  
Saturday 11:00 to 03:00  
Sunday 11:00 to 03:00

Prior to this application Thames Valley Police can confirm that no contact has been received from the applicant in relation to this application in order to discuss any concerns which we may have had in relation to this and to determine any information that could have been supplied relating to our advice on local issues.

Paragraph 8.44 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 taken into consideration when making an application."

Thames Valley Police believe that in its current format that this application to vary the premises licence including the proposed operating schedule and hours of operation regarding late night refreshment 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.

As you can see from this application the applicant is wishing to extend the premises hours to a level that we at Thames Valley Police deem to be high risk and is lacking in sufficient detail so as to allow us to consider if the applicant and their security provider are in a position to be proactive and preventative.

On 18th December 2024, Robert Smalley (Reading Borough Council) and I visited the premises to ensure compliance of the premises licence by staff and management and to advise on any matters that may arise during the inspection.

- The premises was in breach of 8 of the 14 premises licence conditions.
- No Fire Risk Assessment available for inspection.
- The premises had 4 x fire extinguishers (last serviced June 2024). 2 were used. Stored incorrectly, in the kitchen area behind a table and cooking equipment.
- No Fire Blanket located in the kitchen area.
- No Fire exit signage in the kitchen or in the rear storage area.

Thames Valley Police are of the opinion that the current performance and failure to adhere to the premises licence conditions highlights poor due diligence and a major lack of understanding by staff and management at the premises on how best to operate a business of this nature. Thames Valley police would expect, a premises applying for a full variation, to be a beacon of best practice. This is not the case.

Also we do not believe that the application has considered a suitable dispersal/ wind down period as the proposed time for the cessation of licensable activities and the sale of Late Night Refreshment is identical to the proposed hours the premises is open to the public i.e. 03:00 Monday to Sunday.

The Council Licensing Policy Statement states:-

### **Late Night Refreshment (takeaways) and Conditions – General Approach**

**6.19 Late night food outlets are a major contributor to crime and disorder and anti-social behaviour within Reading. Applicants who wish to provide hot food or drink after 2300hrs and up to 0500hrs, will need to demonstrate that their proposed operation will not exacerbate issues of crime and disorder in that locality.**

6.20 Applicants for late night refreshment are expected to take cognisance of the Secretary of State's Guidance and to include appropriate and proportionate measures within their operating schedule to assist in actively promoting the licensing objectives.

**6.21 The licensing authority will expect all applicants who wish to provide late night refreshment to include measures for adequate staff training; measures to ensure that no public nuisance occurs from the premises as well as additional measures to assist in crime prevention such as CCTV and door supervisors.**

6.22 Public nuisance can often occur from takeaways being sited in residential areas. This could be in relation to the use of delivery vehicles and the congregating of customers outside the premises. Applicants are expected to make an assessment of their proposed locality and implement measures to avoid disturbing local residents such as the use of electric bikes and the implementation of a dispersal policy.

6.23 Where it is practical, the authority will also look to ensure that all packaging used for the provision of hot food and drink shall be made of recyclable materials or be biodegradable. This will include all fixed premises and static vans.

**Paragraph 8.41 to 8.49 of the Secretary of States Guidance issued under Sec 182 Licensing Act 2003 states:-**

*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.*

### **Thamesvalley.police.uk website Statistics for Postcode RG6 1LH**



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.

**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 applicant has not included an additional conditions within the operating schedule. Thames Valley Police do not consider that any type or number of conditions will be appropriate to mitigate the potential undermining of the licensing objectives. The premises are failing to adhere to the conditions already attached to the premises licence.**

In summary Thames Valley Police believe strongly that no evidence has been provided within the application to provide assurances that may lead the licensing

sub-committee to rule in favour of this application to vary the hours for the licensable activity of late night refreshment.

We therefore respectfully ask the Licensing Sub-Committee to refuse this application.

<b>Name of Officer</b>	Robert Smalley						
<b>Type of Application</b>	Variation of Premises Licence – Licensing Act 2003						
<b>Name of Premises</b>	Mosaic's Peri Peri						
<b>Address</b>	51 Wokingham Road						
	Reading						
	RG6 1LH						
<b>Proposed Licensable Activities</b>	Provision of Late Night Refreshment						
<b>Finish Times</b>	<b>Mon</b>	<b>Tue</b>	<b>Wed</b>	<b>Thu</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
	0300	0300	0300	0300	0300	0300	0300

**Content of Application:**

The application was submitted by Zing Cooperates Ltd.

The premises currently holds a premises licence (No. **LP9000503** attached as **Appendix RS-1**) that authorises:

**Provision of Late Night Refreshment:**

Monday to Saturday      from 2300hrs to 0100hrs  
 Sunday                      from 2300hrs to 0000hrs

**Hours the Premises Open to the Public:**

Monday to Saturday      from 1100hrs to 0100hrs  
 Sunday                      from 1100hrs to 0000hrs

The application seeks to vary the premises licence pursuant to section 34 of the Licensing Act 2003. The proposed variations are:

**Provision of Late Night Refreshment:**

Monday to Sunday      from 2300hrs to 0300hrs

**Hours the Premises Open to the Public:**

Monday to Sunday      from 1100hrs to 0300hrs

The Applicant has not proposed any further measures to ensure the promotion of the 4 licensing objectives, believing those conditions already attached to the licence to be sufficient to operate until 0300hrs, 7 days a week.

**Licensing Officer's Comments:**

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, prevent public nuisance, to protect children from harm and to ensure public safety. All four licensing objectives are of equal importance.

The premises has planning permission to be an internet café (restaurant) with ancillary take away use and has the following permitted hours of operation: Monday to Saturday from 0800hrs to 0100hrs and Sunday from 0800hrs to 0000hrs. The premises no longer operates as an internet café and operates solely as a restaurant and takeaway.

The premises has previously applied 3 times to extend their hours beyond their current hours of 0100 and 0000, however, has not been successful thus far. These applications were refused by Reading Borough Council in January 2011, June 2011 and July 2017. Following the refusal in July 2017, the then owner appealed the decision to the Planning Inspectorate and in March 2018 they upheld Reading Borough Council's decision to refuse to increase the hours of operation beyond 0100 and 0000. All refusals were made, primarily, on prevention of nuisance related grounds.

The Planning Inspectorate, in their appeal decision notice, states:

*Noise and activity*

*The premises, located at the end of a row of commercial premises which forms a local shopping area (including retail shops, food takeaways with mostly residential properties above). The corner site lies close to residential properties on the opposite side of the road and adjacent in Grange Avenue on which the appeal site also has a frontage. Residential properties are around 10 to 20 metres from the site at their closest point and those on the first floor above the premises closer still.*

*This is a busy location on a heavily trafficked route into the City which includes a half hourly bus service throughout the night. There is significant background noise during the day, some of which I would expect to continue into the evening and night. Even so, the period to which this variation relates, in the early hours of the morning, is a time when the noise levels would be significantly lower than during the day and the environment quieter and more sensitive to noise sources. The*

*environmental health officer recommended that a noise assessment be carried out prior to any decision. The introduction of additional activity through extended opening hours, albeit on a site close to a local centre would, in all probability, give rise to significant noise disturbance from intermittent vehicle movements and from pedestrian activity. This would be particularly the case on the side street where parking restrictions mean vehicles would be parked closer to residential properties at a time when background noise levels would be at their lowest and residents would be sleeping. This, in my judgement, would lead to unacceptable levels of noise and disturbance close to residential properties which would adversely affect the living conditions of residents.*

*Whilst noting the appellant suggests that longer opening hours could provide space for people to gather indoors rather than cause potential disturbance outside smaller establishments this would not adequately mitigate the likely impact on adjacent residents. The student age profile of clientele referred to by the appellant is not relevant as there would be no practical method to limit customers or their comings and goings to the premises. Similarly longer hours would not prevent individuals from gathering at alternative establishments. My findings are based on the use of the premises by the general public within the additional hours specified.*

*The appellant advises that additional hours are not something new, and that residents should have an expectation of late night activity when living in an area where some businesses operate until 05:00. A considerable number of food establishments are located in close proximity to the appeal site some of which operate late into the night, though I note that the Council states that Appeal Decision APP/E0345/W/17/3183823 <https://www.gov.uk/planning-inspectorate> 3 there are no formal permissions for some of these uses. Reference has been made to one business close by where extended opening hours were previously dismissed at appeal and which the Council says also operates outside its authorised hours. Matters of enforcement on other sites are not germane to this appeal. In any event I have made my decision on the basis of the evidence before me.*

*For reasons given the proposal would conflict with Policy CS34 of the Reading Borough Local Development Framework Core Strategy (2015) (Core Strategy), and Policy DM4 of the Sites and Detailed Policies Document (2015). These policies, amongst other things, seek to ensure that development including hours of operation does not cause a significant detrimental impact on the living conditions of the occupants existing properties in terms of noise and disturbance.*

The Planning Inspectorate's decision notice concludes by saying:

*Conclusion*

*Notwithstanding the fact that I have found no conflict with odour policies, I conclude that condition 4 is necessary to protect local residents from unreasonable disturbance beyond the authorised opening hours. Its removal would conflict with the policies in the development plan to which I have already referred. The benefits which have been outlined by the appellant are insufficient to outweigh the harm which I have identified. So for the reasons given, and having regard to all other matters raised, the appeal is dismissed.*

The Licensing team wish to make a representation in relation to the above application submitted by Zing Cooperates Ltd for the property located at 51 Wokingham Road, Reading, RG6 1LH. We concur with our colleagues in the Planning department and the Planning Inspectorate that the extension of hours to 0300, 7 days a week will bring increased levels of noise nuisance and undermine the licensing objective of the prevention of public nuisance. It is correct to state that the Planning and Licensing functions of the Council fall under their own, separate regimes, however, where this matter before us differs from many licensing applications in which Planning permission does not correlate with the proposed licensable use of the premises, is that in most cases there has been no application made under the Planning regime for the change, or there has been a significant change in the character or activities in the locality of the premises since the previous planning permission was issued. In relation to 51 Wokingham Road, there have been numerous refusals under the Planning regime for the same nuisance related reasons as those that this representation is based on, and the locality has not differed in its offerings or proximity to residential properties since 2018 when the appeal to the Planning Inspectorate was rejected.

Section 18(6) of the Licensing Act 2003 makes clear that representations should be about the likely effect of granting a licence on the promotion of the licensing objectives. The case law of East Lindsey DC v Abu Hanif also clearly outlines that the licensing objectives require a prospective consideration of what is warranted in the public interest having regard to the twin interests of prevention and deterrence. In other words, responsible authorities do not have to wait for the licensing objectives to be undermined before considering taking action to prevent and deter that action from occurring in the first place. Further, the licensing authority cannot just simply duplicate what is in the operating schedule of an application (sections 10.4 to 10.7 of the guidance).

The applicant has not provided any information in their application in relation to the prevention of crime and disorder licensing objective. We believe that the



likely effect of increasing the hours from 0100 to 0300 will result in increased numbers of intoxicated customers attending the premises, in particular, customers travelling back from the town centre after visiting pubs/nightclubs. At 0100 hours, many people will still be in the on-licensed premises in Reading with only smaller numbers starting to leave the town. Increasing the premises hours until 0300hrs will mean the premises is now in the catchment period for those people who will be making their way down the major throughfare of Wokingham Road later at night.

### **Reading Borough Council's Licensing Team's Interactions with the premises:**

**Appendix RS-2** contains an inspection results letter sent on **22/09/2024** to the premises by Reading Borough Council licensing enforcement officer Ben Williams following a visit he made to the premises on **20/09/2024**. As the letter details, staff at the premises could not produce Part A or B of the premises licence, there was no Section 57 notice on display and staff did not know any of the 4 licensing objectives. Due to the premises not having a copy of their premises licence, as per the legal requirement, Officer Williams was forced to end the inspection and therefore it is not possible to check on the premises' level of compliance.

**Appendix RS-3** contains an inspection results letter sent to the premises licence holder on **23/12/2024** by Reading Borough Council licensing enforcement officer Robert Smalley following a visit he made to the premises on **18/12/2024**. As the letter details, the premises did now have Part A and B of their licence correctly on-site, and they had a partially completed Section 57 notice on display; missing full names of nominated staff and there was no date or signature from the premises licence holder to declare when the notice was completed. Staff did not know any of the 4 licensing objectives. The premises was in breach of 8 of the 14 conditions under Annex 2, namely, CCTV, lack of incident recording book, lack of complaints log from local residents, lack of any staff training, lack of proof of right to work checks, lack of notices asking customers to respect the needs of local resident and to leave the premises quietly, no written dispersal policy and staff confirmed that they empty refuse into the bins outside the premises at 0100hrs when they are required to only empty them as such between 0800hrs and 1900hrs. There was no fire risk assessment available on the premises at the time of the inspection. It is a legal requirement for all licensed premises to have a written fire risk assessment to promote public safety. The premises had 4 fire extinguishers, which were last serviced in June 2024, 2 of which were used and of those 2, 1 was completely empty. All fire extinguishers in the kitchen were stored incorrectly; located behind kitchen units on wheels that staff struggled to gain access to. Furthermore, there was no fire blanket in the kitchen and no fire exit signage in the kitchen or in the rear storage area.

We believe these inspections show that, despite having almost 3 months to make improvements, the premises licence holder has not done anything other than complying with the requirement to have Part A and B of the licence on-site. Although Officer William's was unable to conduct a full inspection in September, I do not consider it likely that had he been able to, that the premises would have been any more compliant than it was in December. The premises licence holder is applying to the Council to increase their hours from 0100 to 0300, which puts it into a higher risk assessment rating for crime, anti-social behaviour and public nuisance, yet is not able to comply with the conditions contained on his licence, currently. The premises licence holder did not have the foresight to ensure his business was complying with his licence conditions before making the application and we believe this, and the lack of compliance itself, is evidence that the likely effect of granting this variation application will be further undermining of the 4 licensing objectives.

Reading Borough Council Licensing consider the licensable hours sought in this application likely to increase the crime and disorder and anti-social behaviour risk factors of the premises as well as increase public nuisance and do not consider the application to contain any detail to allay our concerns.

**Due to the above reasons, we believe the likely effect of granting this application will be the undermining of the licensing objectives which is inconsistent with the Authority's duty to promote the licensing objectives and, therefore, the application should be refused.**

### **Reading Borough Council – Statement of Licensing Policy 2023**

#### **Late Night Refreshment (takeaways) and Conditions – General Approach**

6.19 Late night food outlets are a major contributor to crime and disorder and anti-social behaviour within Reading. Applicants who wish to provide hot food or drink after 2300hrs and up to 0500hrs, will need to demonstrate that their proposed operation will not exacerbate issues of crime and disorder in that locality.

6.20 Applicants for late night refreshment are expected to take cognisance of the Secretary of State's Guidance and to include appropriate and proportionate measures within their operating schedule to assist in actively promoting the licensing objectives.

6.21 The licensing authority will expect all applicants who wish to provide late night refreshment to include measures for adequate staff training; measures to ensure that no public nuisance occurs from the premises as well as additional measures to assist in crime prevention such as CCTV and door supervisors.

6.22 Public nuisance can often occur from takeaways being sited in residential areas. This could be in relation to the use of delivery vehicles and the congregating of customers outside the premises. Applicants are expected to make an assessment of their proposed locality and implement measures to avoid disturbing local residents such as the use of electric bikes and the implementation of a dispersal policy.

6.23 Where it is practical, the authority will also look to ensure that all packaging used for the provision of hot food and drink shall be made of recyclable materials or be biodegradable. This will include all fixed premises and static vans.

**Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003 (December 2023):**

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.

### **Case Law**

The Licensing Authority must consider each application on its own merits with a view to assessing the **likely effect** of granting such a licence on the promotion of the licensing objectives which is reasonably acceptable in a particular location (Paragraph 18 (6) of the Licensing Act 2003). This is confirmed in (R) on the application of Hope and Glory Public House v Westminster City Council (2011) EWCA Civ31 where Lord Justice Toulson stated:

*(Para 42) Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance.*

*Although such questions are in a sense questions of fact, they are not questions of the 'heads or tails' variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact.*

The above approach to grant applications and the prospective nature of the licensing objectives was confirmed in East Lindsey DC v Abu Hanif (2016) EWHC 1265 Admin, where Mr Justice Jay stated:

*(Para 18) The prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.*

R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin) emphasises the important role that responsible

authorities have in providing information to decision makers to contextualise the issue before them.

The purpose of the Act is to prevent problems from happening. Decisions can and should be based on well-informed common sense. The case recognises that Responsible Authorities are experts in their fields, and that weight should be attached to their representations

The Honourable Mrs Justice Black said:

*Drawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence presented will require them to adjust their own impression. This is particularly likely to be so where it is given by a Responsible Authority such as the police.*

### Summary

The premises licence holder did not approach Reading Borough Council or Thames Valley Police before submitting their application, contrary to the Secretary of State's guidance (paragraph 8.46) issued under Section 182 of the Licensing Act. The applicant has not offered any information in their application on how they will promote the licensing objectives beyond the conditions currently on the licence, despite wanting to move into a high risk factor category by trading until 0300 hours and currently failing to comply with their current licence conditions. We believe that Reading Borough Council's Planning department and the Planning Inspectorate were correct in their reasons for refusing to increase the hours on the property's planning permission, namely, to avoid an increase in public nuisance and we would ask that, although a decision under a separate regime, members of the licensing applications sub-committee give them appropriate consideration because they are shared by the Licensing team and applicable to this application.

**It is for the above reasons that we respectfully ask that the sub-committee refuses the application to vary the premises licence.**

Date Received	03/12/2024	Date Due	31/12/2024
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Date	23	12	2024
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## LICENSING ACT 2003 PREMISES LICENCE - PART A

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

<b>Premises Licence Number</b>	<b>LP9000503</b>
--------------------------------	------------------

### **Premises Details**

<b>Trading name of Premises and Address</b>	
Mosaic's Peri Peri 51 Wokingham Road Reading RG6 1LH	
<b>Telephone Number</b>	

<b>Where the Licence is time limited the dates the Licence is valid</b>
N/A

### **Licensable Activities**

<b>Licensable Activities authorised by the Licence</b>
Late Night Refreshment - Indoor

### **Authorised Hours for Licensable Activities**

<b>The times the licence authorises the carrying out of licensable activities</b>	
<b>Hours for the Provision of Late Night Refreshment</b>	
Monday	from 2300hrs until 0100hrs
Tuesday	from 2300hrs until 0100hrs
Wednesday	from 2300hrs until 0100hrs
Thursday	from 2300hrs until 0100hrs
Friday	from 2300hrs until 0100hrs
Saturday	from 2300hrs until 0100hrs
Sunday	from 2300hrs until 0000hrs

### **Opening Hours**

<b>Hours the Premises is Open to the Public</b>	
Monday	from 1100hrs until 0100hrs
Tuesday	from 1100hrs until 0100hrs
Wednesday	from 1100hrs until 0100hrs
Thursday	from 1100hrs until 0100hrs
Friday	from 1100hrs until 0100hrs
Saturday	from 1100hrs until 0100hrs
Sunday	from 1100hrs until 0000hrs

## Alcohol

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

## Premises Licence Holder

Name, (registered) address of holder of premises licence

Name: Zing Cooperates Ltd

Address: 51 Wokingham Road, Reading , RG6 1LH

## Additional Details

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

N/A

## Designated Premises Supervisor

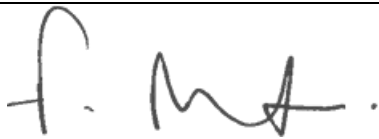
Personal Licence number and issuing authority of personal licence held by the designated premises supervisor where the premises licence authorises the supply of alcohol

N/A

This Licence shall continue in force from **26/10/2020** unless previously suspended or revoked.

Dated: 26 October 2020

Signed on behalf of the issuing licensing authority



Frances Martin

Executive Director for Economic Growth and Neighbourhood Services

## Annex 1



## **Mandatory Conditions**

### **Supply of Alcohol**

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

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

### **Film Exhibitions**

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

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

### **Door Supervisors**

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

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

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

- 1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- 2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

**Age Verification Policy (commencement 01/10/2014)**

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

**Drink Measurements (commencement date 01/10/2014)**

1. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

### **Minimum Permitted Pricing (commencement 28th May 2014)**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

4. (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### Conditions Consistent with the Operating Schedule

#### General

##### Prevention of crime and disorder

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 and an appropriate number of cameras shall be installed to cover the external areas immediately outside the premises. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or Thames Valley Police together with facilities for viewing upon request, subject to the provisions of the Data Protection Act. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.

2. Clearly legible and suitable notices shall be displayed to advise customers that CCTV is in operation at the premises.

3. An incident book/register shall be maintained to record all incidents of crime and disorder occurring at the premises. The register shall record a description of the incident, a description of any persons involved in the incident, the person recording the incident and details of whether the police were called. This book/register shall be available to an authorised officer of Reading Borough Council or Thames valley Police officer on request.

4. The Premise Licence Holder or duly nominated representative shall keep a written log of complaints reported to them by any local residents which undermine the four licensing objectives. The complainant's name, time of complaint, member of staff dealing with the complaint and the remedial action taken should be recorded. This written log shall be maintained and produced to authorised officers of Reading Borough Council and Thames Valley Police upon request.

5. The Premises Licence Holder shall ensure they and staff employed 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

6. Staff employed shall undergo training in relation to the Licensing Act 2003 regarding late night refreshment upon induction. This shall include, but not be limited to understanding the four licensing objectives. Such training sessions are to be documented and refreshed every six months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one

year and be made available to an authorised officer of Thames Valley Police and Reading Borough Council upon request.

7. 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.

8. During operating hours, the Premise Licence Holder or a nominated representative shall be available to receive and respond to nuisance related complaints. A contact number shall be readily available to residents upon request.

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

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. The licensee shall ensure that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to undue disturbance to local residents.

12. An active dispersal policy shall be devised and implemented on the premises. This dispersal policy shall include, but not be limited to, staff members being available to disperse customers from the premises and immediate vicinity and to advise customers to respect the needs of local residents and leave quietly. This dispersal policy shall be in written form and be made available for inspection by an authorised officer of Reading Borough Council or Thames Valley Police.

13. The placing of refuse into receptacles outside the premises shall only take place between the hours of 0800 hours and 1900 hours.

14. The premises and area immediately outside the premises shall be kept clear of litter whilst the premises is open for licensable activities.

### Annex 3

#### Conditions attached after a hearing by the Licensing Authority

### Annex 4

#### Plans

As attached plan received dated 04/11/2019



Emma Gee  
Acting Executive Director for Economic  
Growth & Neighbourhood Services

Civic Offices, Bridge St, Reading, RG1  
2LU

☎ 0118 937 3787

Our Ref: 057239

e-mail: Ben.Williams@Reading.gov.uk

Mosaic's Peri Peri  
51 Wokingham Road  
Reading  
RG6 1LH

Date: 22<sup>nd</sup> September 2024

Your contact is: Ben Williams, Licensing - Regulatory Services

Dear Sirs,

## Licensing Act 2003

**Premises Name:** Mosaic's Peri Peri

**Premises Address:** 51 Wokingham Road, Reading, , RG6 1LH

On **20<sup>th</sup> September 2024**, I visited your premises to ensure you are complying with the above premises licence and to advise on any matters that may arise during the inspection.

During the inspection, the officer found a number of items that require your attention as outlined below:

### Mandatory conditions

- Part A of your licence could not be produced at the time of the inspection. Part A of the licence needs to be available to authorised officers at all times during your operating hours - even when you are not on the premises. You are advised to print this off and keep it in a place that is accessible so that all staff members are able to produce it.
- Part B of your licence was not on display. It is a requirement that this document is on display in a prominent position so that your customers can see it. All pages must be displayed. Please ensure this is rectified immediately.
- No Section 57 notice could be found on the premises. This is a legal notice that states where Part A of the licence is kept and who has custody of it. Please ensure this is rectified immediately.
- You were unable to tell officers what the four licensing objectives are. All licence holders are expected to have a basic knowledge of these objectives as they are supposed to be actively promoted. You are advised to refresh yourself and your staff of these objectives and what they mean.

### Conditions agreed with licensing



- Due to Part A not being able to be located and staff having no awareness of any licence we were unable to verify the remainder of your conditions. As such we can only assume that there will be breaches.

**Whilst we consider what, if any, further action to take in respect of the findings detailed in this letter, please rectify all of the above within 28 days. Once you believe all of the above has been rectified, please contact me so that we can arrange a re-inspection.**

If you have any questions in relation to the contents of this letter then please contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ben Williams', followed by a long horizontal line extending to the right.

Ben Williams  
Licensing Enforcement Officer



Emma Gee  
Acting Executive Director for Economic  
Growth & Neighbourhood Services  
Civic Offices, Bridge St, Reading, RG1  
2LU  
☎ 0118 937 3787

┌ Mosaic's Peri Peri  
51 Wokingham Road  
Reading  
RG6 1LH

Our Ref: PR202412-968449

e-mail: Robert.Smalley@reading.gov.uk

Date: 23<sup>rd</sup> December 2024

E-mailed to: [REDACTED] &  
Bill Donne [REDACTED]  
└

Your contact is: Robert Smalley, Licensing

Dear Sirs,

## Licensing Act 2003

**Premises Name:** Mosaic's Peri Peri

**Premises Address:** 51 Wokingham Road, Reading, , RG6 1LH

On **18<sup>th</sup> December 2024**, Declan Smyth (Thames Valley Police) and I visited your premises to ensure you are complying with the above premises licence and to advise on any matters that may arise during the inspection.

During the inspection, we found a number of items that require your attention as outlined below:

### Mandatory conditions

- Although a Section 57 notice was on display, only the first names of most staff had been entered onto the notice and the notice was not signed or dated. Please complete the notice and ensure that the information displayed on it is correct.
- You were unable to tell officers what the four licensing objectives are. All licence holders are expected to have a basic knowledge of these objectives as they are supposed to be actively promoted. You are advised to refresh yourself and your staff of these objectives and what they mean.

### Conditions agreed with licensing

- Condition 1 on page 7 of your premises licence which relates to CCTV could not be evidenced as being complied with. Staff on the premises were not able to access the system and were unsure if there were more than 3 cameras in use at the premises. Mr Ayaz Khan said he believed the premises licence holder had cameras that only he could access via his mobile phone.

- Condition 3 on page 7 of your premises licence which relates to using an incident book/register was not being complied with. No book/register was available on the premises. Staff did not understand the difference between an accident reporting book and an incident book, despite officers explaining the difference.
- Condition 4 on page 7 of your premises licence which relates to keeping a log of complaints received by the premises from local residents was not being complied with. No log was available on the premises.
- Condition 6 on page 7 of your premises licence which relates to staff training was not being complied with. Staff confirmed that they had had no training in relation to the Licensing Act 2003 covering Late Night Refreshment.
- Condition 7 on page 8 of your premises licence which relates to keeping records of right to work checks was not being complied with. No records were available on the premises.
- Condition 10 on page 8 of your premises licence which relates to displaying notices asking customers to respect the needs of local residents and leave the premises quietly was not being complied with. No such notices were on display at the premises.
- Condition 12 on page 8 of your premises licence which relates to having an active dispersal policy in a written format was not being complied with. No such policy was available on the premises and nor did staff understand what a dispersal policy is.
- Condition 13 on page 8 of your premises licence which relates to when the placing of refuse into receptacles outside the premises may occur was not being complied with. Staff confirmed this took place at 0100hrs, despite the condition requiring that it take place between 0800hrs and 1900hrs.

#### **Advisories:**

- There was no fire risk assessment available on the premises. It is a legal requirement for all licensed premises to have a written fire risk assessment. It is important that this is rectified immediately.
- The premises had 4 x fire extinguishers (last serviced June 2024). 2 were used and of which 1 was completely empty. All fire extinguishers in the kitchen were stored incorrectly; being located behind kitchen units on wheels. Furthermore, there was no fire blanked in the kitchen.
- There was no fire exit signage in the kitchen or in the rear storage area.

**Whilst we consider what, if any, further action to take in respect of the findings detailed in this letter, please rectify all of the above within 28 days. Once you believe all of the above has been rectified, please contact me so that we can arrange a re-inspection.**

If you have any questions in relation to the contents of this letter then please contact me.

Yours faithfully

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Robert Smalley  
Licensing Enforcement Officer

**INTERNAL MEMORANDUM**

To: Licensing

Dept: Licensing

Cc: [REDACTED]

From: Rebecca Moon

Dept: Environmental Protection & Nuisance

Date: 16/12/2024

Urgent ☐ Response required ☐ Further action (see below) ☐

---

Subject: Application for Premises Licence variation  
Premises: Mosaic's Peri-Peri, 51 WOKINGHAM ROAD, READING, RG6 1LH

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I refer to the above application.

I have reviewed the application and consulted our records and would like to make representation against the application on the grounds of public nuisance. I am concerned about noise from the late opening of the premises causing a public nuisance.

The main areas of concern are:

- Noise and odour from the kitchen extraction system affecting surrounding residents
- Noise from inside the premises affecting adjoining residential premises
- Noise from customers and staff coming and going

Under their current planning permission, they are not allowed to open beyond 1 am Monday-Saturday and 00:00 Sundays in order to prevent a disturbance to neighbours, as shown in the extract below:

Planning Application Number:	071318
Site Address:	Perfect Pinc 51 Wokingham Road Reading RG6 1LH
Description:	Relaxation of Condition 4 of planning permission 01/00458/FUL to extend opening hours of internet cafe (currently 08.00-23.30 Monday to Saturday and 13.00-22.30 Sundays) to 08.00-01.00 Monday to Saturday and 08.00-00.00 Sundays with ancillary take-away use (as approved under 02/01162/VAR&AT)
Case Officer and Phone No:	Ben Pratley 0118 9373787
Date Received:	06 July 2007
Date Valid:	06 July 2007
Decision Level/Committee:	N/A
Decision Type:	Application Permitted

Application At: Perfect Fried Chicken 51 Wokingham Road Reading Berkshire

Application No: 07/00910/VARIAT

**CONDITIONS & REASONS**

1. The premises shall not be used for the preparation and/or sale of food or be available for internet use outside the hours of 8am to 1am (the following day) Mondays to Saturdays and 10am to midnight on Sundays and Bank Holidays. Reason: in order to protect local residents from unreasonable disturbance arising from the use, in accordance with Policy RET 5 of the Reading Borough Local Plan (1998).

In 2011 the premises applied for a change in the opening hours on their planning permission, in line with the hours proposed in this licence application, and this was REFUSED due to the likely unduly detrimental impact on amenities of neighbouring residential properties in terms of noise and disturbance.

111312

51 Wokingham Road Reading

Operation of the development permitted by 07/00910/VARIAT (being: Relaxation of Condition 4 of planning permission 01/00458/FUL to extend opening hours of internet cafe (currently 08.00-23.30 Monday to Saturday and 13.00-22.30 Sundays) to 08.00-01.00 Monday to Saturday and 08.00- 00.00 Sundays with ancillary take-away use (as approved under 02/01162/VARIAT)) without complying with Condition 1 of the 07/00910/VARIAT permission. (New condition to allow the preparation and sale of food until 3am 7 days a week) (Resubmission of 10/01901/VARIAT)

Ben Pratley 0118 9373787

26 April 2011

26 April 2011

N/A

Application Refused

Determination Made

Perfect Fried Chicken

51 Wokingham Road Reading RG6 1LH

At: 51 Wokingham Road Reading Berkshire

**CONDITIONS & REASONS**

1. The proposed extension to the opening times of this premises would be likely to have an unduly detrimental impact on the amenities of nearby residential properties in terms of noise and disturbance. As such the proposal is contrary to policy RET5 (Retail and Catering Uses in Residential Areas) of the Reading Borough Local Plan.

Due to the presence of nearby residential premises, opening to 3 am is likely to cause a public nuisance due to noise, and there is no reason that this situation would have changed since the planning department refused a similar application in 2011.

It would be difficult to mitigate noise from kitchen extraction, from inside the premises within the structure, and from customers and staff coming and going, at such a sensitive time of the night when residents are trying to sleep. The applicant has in any case not offered any proposed measures.

Please contact me if you require any further information.

Kind regards

Rebecca Moon  
Principal Environmental Health Officer