

READING BOROUGH COUNCIL — LICENSING APPLICATIONS SUB-COMMITTEE
LICENSING ACT 2003

WRITTEN SUBMISSION ON BEHALF OF THE APPLICANT

Application for a premises licence under section 17 of the Licensing Act 2003

Premises: The Biryani Lounge, 89 Wokingham Road, Reading RG6 1LH

Applicant: The Biryani Lounge Ltd (company no. 13707863)

In response to the representation of Mr and Mrs Burns of Bulmershe Road, Reading

A. Introduction and scope of the application

1. This submission is made on behalf of The Biryani Lounge Ltd (“the Applicant”) in support of its application for a premises licence for The Biryani Lounge, 89 Wokingham Road, Reading RG6 1LH, and in response to the representation submitted by Mr and Mrs Burns of Bulmershe Road (“the Objectors”). The Applicant is grateful to the Objectors for engaging with the process and hopes that this submission, and in particular the conditions now agreed, will substantially allay their concerns.
2. The scope of the application is deliberately narrow. It seeks authorisation for one licensable activity only: the provision of late night refreshment (the supply of hot food and hot drink) between 23:00 and 04:00 daily. The premises is a mid-sized, family-oriented Indian restaurant of approximately 35 covers, operating primarily as a sit-down dining establishment.
3. It is important to record what the application does *not* seek. There is no application for the sale or supply of alcohol — the premises is, by design, a non-alcoholic dining venue — and no application for regulated entertainment of any kind. The premises will not attract, and is not designed for, the drinking-led late-night economy with which anti-social behaviour is typically associated.

B. The legal framework

4. The Sub-Committee must carry out its functions with a view to promoting the four licensing objectives: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. Where relevant representations are made, the authority must take such steps, if any, as it considers appropriate for the promotion of the licensing objectives (s.18(3) Licensing Act 2003).
5. The Home Office Guidance issued under s.182 of the Act makes clear that determinations must be evidence-based and directed at the individual premises and the particular application before the authority. Speculation about what might occur, or concerns about the area in general which are not linked to the premises, cannot of themselves justify refusal. The Guidance is also explicit (para. 14.19) that “need” — the commercial demand for another outlet of a particular type — is a matter for the market and, where appropriate, the planning regime; it is not a matter for the licensing authority.

C. Engagement with the responsible authorities

6. Following the submission of the application, the Applicant has engaged constructively with Thames Valley Police and the Council's Licensing & Enforcement Officer. As a result, the Applicant has agreed a comprehensive set of 36 additional conditions proposed by those responsible authorities ("the Agreed Conditions", attached), covering CCTV, door supervision and body-worn video, incident recording, staffing, noise, waste, dispersal, delivery-driver management and safeguarding. These are offered in addition to the substantial operating schedule volunteered in the application itself.
7. The responsible authorities — including Thames Valley Police, which the s.182 Guidance recognises as the licensing authority's main source of advice on crime and disorder, and the Council's own officers with expertise in environmental protection and nuisance — have not pursued objections to the application on the basis of the Agreed Conditions. The Sub-Committee is entitled to attach considerable weight to that position.

D. Response to the grounds of objection

The Applicant responds to each of the five grounds raised by the Objectors in turn.

Ground 1 — "Recent anti-social behaviour in the area"

8. The representation does not identify any anti-social behaviour attributable to these premises, nor could it: the premises has not yet traded during the hours applied for. Generalised concerns about behaviour in the area, unconnected to the premises, are not a proper basis for refusal.
9. In any event, the Agreed Conditions directly address this concern: full internal and external CCTV with 31-day retention and trained staff able to download footage on request (Condition 1); a written, daily risk assessment of the need for SIA door supervisors (Condition 3); body-worn video and high-visibility identification for any door supervisors deployed (Conditions 4–5); an incident register recording all crimes, ejections, complaints and disorder (Condition 6); a policy of refusing service to persons who are drunk or disorderly (Condition 7); a minimum of three staff, including a manager or supervisor, on duty at all times between 23:00 and 04:00 (Condition 24); and maintained internal and external lighting (Condition 9).
10. Far from adding to anti-social behaviour, a well-lit, well-staffed, CCTV-monitored premises with trained staff provides natural surveillance and capable guardianship in the late-night period, and its footage and incident records are a resource available to Thames Valley Police.

Ground 2 — "There are already too many takeaway food businesses in this area"

11. This is, in substance, an objection on the ground of need or over-provision. Paragraph 14.19 of the s.182 Guidance states in terms that need is not a matter for the licensing authority; it is a commercial matter and, where relevant, one for the planning regime. No cumulative impact assessment under s.5A of the Act has been cited as applying to these premises. This ground therefore cannot attract weight in the determination of the application.

Ground 3 — "Rubbish they generate is never cleared promptly, bins not emptied"

12. The premises is a new operation and has no history of waste mismanagement; the Objectors' experience of other businesses cannot fairly be laid at the Applicant's door. The Agreed Conditions nonetheless impose a strict waste regime: the external area must be kept clear of litter and swept at least twice during late-night operating hours and again at close of business (Condition 21); a minimum of four litter bins must be provided in the customer area (Condition 22), with waste bins at or near the exits for takeaway customers (Condition 14); waste may be placed out no earlier than 30 minutes before scheduled collection, and no waste or bottles may be moved or deposited outside between 23:00 and 07:00 (Condition 16); and refuse is to be stored in lidded bins in a designated storage area pending collection (operating schedule, para. 3.6).
13. The Applicant will in any event be subject to the commercial waste duty of care under s.34 of the Environmental Protection Act 1990, enforceable independently of the licence.

Ground 4 — “Late night traffic will cause nuisance for neighbours”

14. The premises is a 35-cover restaurant on Wokingham Road, an established commercial parade on a main arterial route already served by late-opening businesses and passing traffic; the marginal traffic effect of a small restaurant is modest. The concern is nonetheless met by conditions: a written entry, closure and dispersal policy, actively operated (Condition 18); staff monitoring of the exterior and quiet dispersal of customers (Conditions 19–20); prominent notices requiring customers to leave quietly and respect residents (Condition 12); windows and doors closed after 23:00 (Condition 28); a prohibition on noise or vibration giving rise to nuisance (Condition 11); and a prohibition on supplier deliveries between 23:00 and 07:00 (Condition 15).

Ground 5 — “Too many Uber Eats delivery drivers; continuous coming and going will create much noise”

15. The Applicant has agreed conditions specifically directed at delivery-platform activity — conditions which do not bind the other takeaways already operating in the area, and which will therefore make the Applicant the most tightly regulated operator on the parade in this respect. Delivery and collection drivers are prohibited from leaving engines running while waiting, congregating in groups outside, playing music from vehicles, or sounding horns (Condition 31); signage to that effect must be displayed (Condition 32); and drivers and collection customers are to be managed inside the premises wherever possible to prevent external congregation (Condition 30).
16. Further, the Applicant must publicise a telephone number for residents to raise concerns directly (Condition 26) and must maintain a complaints log reviewed at least monthly by management, with action taken on recurring issues (Condition 27). Mr and Mrs Burns will therefore have a direct and immediate route to the operator, in addition to their statutory remedies.

E. Summary table

Ground of objection	Principal safeguards (agreed conditions and operating schedule)
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1. Anti-social behaviour	Comprehensive CCTV of all internal and external areas with 31-day retention (Condition 1); daily written door supervisor risk assessment (3); body-worn video for any door supervisors (4); incident register (6); refusal-of-service policy (7); minimum of three staff on duty 23:00–04:00 including a manager (24); internal and external lighting (9).
2. Number of takeaways in the area	Commercial need/demand is not a relevant consideration under the Licensing Act 2003 (Home Office s.182 Guidance, para. 14.19). No cumulative impact assessment has been cited in the representation.
3. Rubbish and bins	Frontage swept at least twice during late-night hours and at close (21); minimum four litter bins in the customer area (22); waste bins at exits for off-sales (14); waste placed out no earlier than 30 minutes before collection, and no waste moved or deposited outside between 23:00 and 07:00 (16); refuse stored in lidded bins in a designated storage area (schedule 3.6).
4. Late-night traffic and noise	Written dispersal policy, actively operated (18); staff to monitor outside and require quiet dispersal (19–20); no congregating or loitering after service (20); notices asking customers to leave quietly (12); windows and doors closed after 23:00 (28); no noise or vibration amounting to nuisance (11); no supplier deliveries between 23:00 and 07:00 (15).
5. Delivery-driver (Uber Eats etc.) activity	Drivers prohibited from idling engines, congregating, playing music or sounding horns (31); signage to that effect (32); collection customers and drivers managed inside the premises (30); publicised residents' contact number (26); complaints log reviewed monthly (27).

F. The safety net

17. Every condition attached to the licence is enforceable: breach is a criminal offence under s.136 of the Act, punishable by an unlimited fine, and the premises licence is at all times subject to review under s.51 at the instance of any responsible authority or any resident, including the Objectors. The licensing regime therefore provides a continuing safeguard should any of the concerns raised in fact materialise — which the Applicant is confident they will not.

G. Conclusion

18. The application is for a single licensable activity at a small, non-alcoholic, family restaurant, supported by an extensive operating schedule and 36 conditions agreed with Thames Valley Police and the Council's Licensing & Enforcement Officer. Each of the matters raised by the Objectors is either outside the proper scope of the licensing regime or squarely and proportionately addressed by enforceable conditions.
19. The Sub-Committee is respectfully invited to grant the premises licence as applied for, subject to the operating schedule and the Agreed Conditions.

Sai Krishna Pacha

Director, The Biryani Lounge Ltd

8 September 2026

Attachment: The Biryani Lounge — TVP & RBC Proposed Conditions (conditions 1–36, as agreed).