REPORT TO LICENSING PANEL SUB COMMITTEE

CONSIDERATION OF TEMPORARY EVENT NOTICES UNDER PART 5 OF THE LICENSING ACT 2003

LISENSING PANEL SUB COMMITTEE: Thursday 28th September 2017

OFFICER REPORTING: Steve Smith, Licensing Officer

A) THE APPLICATION

THE APPLICANT:

Mr Mehmet KUTLUBAY

THE PREMISES: Istanbul Kebab House, 67 Victoria Street, Windsor SL4 1EH.

Temporary Event Notices Application

Relevant licensable activities:

1. sale by retail of alcohol

2. provision of late night refreshment

04 October 2017 01.40 (am) to 03.40 (am)

A copy of the Temporary Events Notice Application is attached at Appendix A

The Premise subject for the use of the TEN has a Premises Licence number PL107021 in existence. A copy of the current Premises Licence is attached at *Appendix B*.

In general terms, Temporary Event Notices are for one or more licensable activities on a temporary basis. These are dealt with in Part 5 of the Licensing Act 2003. Temporary events cannot exceed 168 hours or 7 days and are designed for "light touch" licensing for events such as garden parties, fetes, fairs etc. The maximum number of persons attending is 499 and only 15 Temporary Event Notices can be given for a premises in the same year. There must be a minimum of 24 hours between each event.

B) THE OBJECTION NOTICE

In accordance with the 2003 Act and associated regulations a copy of the objection notices have been served on the Licensing Authority, other 'Relevant Persons' and the Premises User.

a) The full Objection Notice including photographes served by Debie Pearmain Thames Valley Police Licensing Officer is attached at *Appendix C*

b) Supporting Thames Valley Police Documents is attached at *Appendix's D,E,F,G* This has been served on the grounds of The Prevention of Crime and Disorder and the Prevention of Public Nuisance and can be summarised as follows:

That Victoria Street is currently experiencing a lot of problems and the Inspector for the Windsor area, has received numerous complaints, from local residents.

The complaints consist of noise from the customers, anti-social behaviour, rubbish left on the street, people urinating on the street, taxis parking outside the kebab shop which at busy times, causes chaos along this road. There is always the potential risk of a fight occurring, as most of the customers are intoxicated at this time.

Thames Valley Police accept that the door staff at the premises are co-operative and support the police.

C) NATIONAL GUIDANCE

- 7.2 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the "premises user") gives notice to the licensing authority of the event (a "temporary event notice" or "TEN").
- 7.3 The TEN must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act. The form requires the user to describe key aspects of the proposed event, including the general nature of the premises and the event, the licensable activities intended to be carried on at the proposed event, including whether they will include any relevant entertainment as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (i.e. displays of nudity designed to sexually stimulate any member of the audience including, but not limited to, lap dancing and pole dancing).
- 7.4 Unless it is sent electronically, it must be sent to the relevant licensing authority, to the police and "local authority exercising environmental health functions" ("EHA") at least ten working days before the event. A premises user may also give a limited number of "late TENs" to the licensing authority less than 10 working days before the event to which they relate, although certain restrictions apply (see paragraphs 7.12-7.14).

 "Working day" under the 2003 Act means any day other than a Saturday, Sunday, Christmas Day, Good Friday or Bank Holiday. For limited purposes in relation to a TEN, the 2003 Act defines a "day" as a period of 24 hours beginning at midnight.

- 7.5 If a TEN is sent electronically via GOV.UK or the licensing authority's own facility, the licensing authority must notify the police and EHA as soon as possible and no later than the first working day after the TEN is given.
- 7.6 The police or EHA ("relevant persons" for the purposes of TENs) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. A relevant person may also intervene by agreeing a modification of the proposed arrangements directly with the TENs user (see paragraph 7.36). If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded (see paragraphs 7.15-7.22).
- 7.7 A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

Standard and late temporary event notices

7.8 There are two types of TEN: a standard TEN and a late TEN. These are subject to different processes: a standard notice is given no later than ten working days before the event to which it relates; and a late notice is given not before nine and not later than five working days before the event.

Standard temporary event notices

- 7.9 "Ten working days" (and other periods of days which apply to other requirements in relation to TENs) exclude the day the notice is received and the first day of the event.
- 7.10 The police and EHA have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives.
- 7.11 Although ten clear working days is the minimum possible notice that may be given, licensing authorities should publicise their preferences in terms of advance notice and encourage premises users to provide the earliest possible notice of events planned by them. Licensing authorities should also consider publicising a preferred maximum time in advance of an event by when TENs should ideally be given to them.

Late temporary event notices

7.12 Late TENs are intended to assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice. However, late TENs may, of course, be given in any circumstances providing the limits specified at paragraph 7.15 are not exceeded.

- 7.13 Late TENs can be given up to five working days but no earlier than nine working days before the event is due to take place and, unless given electronically to the licensing authority, must also be sent by the premises user to the police and EHA. A late TEN given less than five days before the event to which it relates will be returned as void and the activities to which it relates will not be authorised.
- 7.14 A key difference between standard and late TENs is the process following an objection notice from the police or EHA. Where an objection notice is received in relation to a standard TEN the licensing authority must hold a hearing to consider the objection, unless all parties agree that a hearing is unnecessary. If the police, EHA or both give an objection to a late TEN, the notice will not be valid and the event will not go ahead as there is no scope for a hearing or the application of any existing conditions.

Limitations

- 7.15 A number of limitations are imposed on the use of TENs by the 2003 Act:
- the number of times a premises user may give a TEN is 50 times in a calendar year for a personal licence holder and five times in a calendar year for other people;
- the number of times a premises user may give a late TEN is limited to 10 times in a calendar year for a personal licence holder and twice for other people. Late TENs count towards the total number of permitted TENs (i.e. the limit of five TENs a year for non-personal licence holders and 50 TENs for personal licence holders). A notice that is given less than ten working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year, will be returned as void and the activities described in it will not be authorised.
- the number of times a TEN may be given for any particular premises is 12 times in a calendar year (the Deregulation Act 2015 has increased this number to 15 with effect from 1 January 2016);
- the maximum duration of an event authorised by a TEN is 168 hours (seven days);
- the maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year;
- the maximum number of people attending at any one time is 499; and
- the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user is 24 hours.
- 7.16 Any associate, relative or business partner of the premises user is considered to be the same premises user in relation to these restrictions. The 2003 Act defines an associate, in relation to the premises user, as being:
- the spouse or civil partner of that person;

- a child, parent, grandchild, grandparent, brother or sister of that person.
- an agent or employee of that person.
- the spouse or civil partner of a person listed in either of the two preceding bullet points.
- 7.17 A person living with another person as their husband or wife, is treated for these purposes as their spouse. 'Civil partner' has its meaning in the Civil

Partnership Act 2004.

- 7.18 A TEN that is given may be subsequently withdrawn by the TEN user by giving the licensing authority a notice to that effect no later than 24 hours before the beginning of the event period specified in the TEN. Otherwise, the TEN will be included within the limits of TENs allowed in a given calendar year, even if the event does not go ahead.
- 7.19 Once these limits have been reached, the licensing authority should issue a counter notice (permitted limits) if any more are given. Proposed activities that exceed these limits will require a premises licence or club premises certificate.
- 7.20 TENs may be given in respect of premises which already have a premises licence or club premises certificate to cover licensable activities not permitted by the existing authorisation.
- 7.21 In determining whether the maximum total duration of the periods covered by TENs at any individual premises has exceeded 21 days, an event beginning before midnight and continuing into the next day would count as two days towards the 21-day limitation.
- 7.22 There is nothing in the 2003 Act to prevent notification of multiple events at the same time, provided the first event is at least ten working days away (or five working days away in the case of a late TEN). For example, an individual personal licence holder wishing to exhibit and sell beer at a series of farmers' markets may wish to give several notices simultaneously. However, this would only be possible where the limits are not exceeded in the case of each notice. Where the events are due to take place in different licensing authority (and police) areas, the respective licensing authorities and relevant persons would each need to be notified accordingly.

D) WHAT MEMBERS CAN DO

There are various options available to the Licensing Sub Committee which are as follows:

- a) Standard TEN
- If the Relevant Persons' objections are not considered to merit issuing a Counter-Notice or the imposition of licensing conditions, the TEN will be deemed as in order and the event will proceed.
- Written notice must be given to the Premises User and all Relevant Persons to that effect.
- The Relevant Person serving the Objection Notice may appeal against the decision to the Magistrates Court with 21 days commencing on the day the Licensing Authority notified them of the decision.
- An appeal may not be brought later than 5 working days before the first day of the event period specified.
- b) Standard TEN Counter Notice Served.
- Having regard to the Objection Notices and to any relevant evidence and representations at the hearing, the Licensing Sub Committee must issue a Counter Notice if it considers it appropriate for the promotion of a licensing objective.
- A copy of the Counter Notice must be served on the Premises User and all Relevant Persons.
- The Premises User may appeal against the decision to the Magistrates Court with 21 days commencing on the day the Licensing Authority served the Counter Notice.
- An appeal may not be brought later than 5 working days before the first day of the event period specified.
- c) Standard TEN imposing existing licence conditions thought appropriate and Counter Notice NOT Served.

The Licensing Authority may impose one or more of the existing licence conditions on a Standard TEN, where:

- A Relevant Person has given an Objection Notice in respect of the Standard TEN:
- The Objection Notice has not been withdrawn;
- The Licensing Authority (following a hearing) has not given a Counter Notice;
- The conditions are already imposed on a Premises Licence or Club Premises Certificate in respect of part or all of the same premises that the TEN applies to:
- The Licensing Authority considers it appropriate to impose those conditions on the Standard TEN for the promotion of the Licensing Objectives; and
- The conditions would not be inconsistent with carrying out the Licensable Activities under the TEN.

Where the Licensing Authority has imposed conditions on the Standard TEN in accordance with the above criteria, it MUST:

- · Give the Premises User a formal Notice of the decision
- The Notice must be accompanied by a separate 'Statement of Conditions' which sets out the conditions imposed on the Standard TEN, and

- Serve a copy of the Notice and the Statement of Conditions on all Relevant Persons.
- The Notice and Statement of Conditions must be given no later than 24 hours before the beginning of the event.
- The Premises User may appeal against the decision to the Magistrates Court with 21 days commencing on the day the Licensing Authority served the Counter Notice.
- An appeal may not be brought later than 5 working days before the first day of the event period specified.

E) ATTACHMENTS

A copy of the Temporary Events Notice is attached at Appendix A

A copy of the current Premises Licence is attached at Appendix B.

A copy of the Objection Notice served by Thames Valley Police Licensing Officer including photographs is attached at *Appendix C*

Copies of supporting Thames Valley Police documents is attached at *Appendix's D.E.F,G*

F) RELEVANT GUIDANCE AND POLICIES

The Licensing Sub Committee must have regard to:

- The Licensing Act 2003 (as amended by the Police Reform and Social and Responsibility Act 2011)
- Section 182 Guidance (revised April 2017) issued by the Secretary of State
- RBWM Licensing Policy

NB: Conditions cannot be imposed on a TEN where the 'Premises' does not already have the benefit of a Premises Licence or Club Premises Certificate. In such circumstances the Licensing Authority may only deem the TEN in order or issue a 'Counter Notice'. There is no power to devise 'bespoke' conditions for the event that are not already attached to a Premises Licence or Club Premises Certificate.

There is a power for the objecting Relevant Persons to agree modifications to the Standard TEN with the Premises User, in return for withdrawing their objections, this must be done before the hearing is held.



Licensing: Temporary Event Form Reference: LTE279941

Temporary Event Form

Please Note: If you are in receipt of an invoice from the licensing team, please DO NOT complete this online form. You need to pay your invoice on our payment

href="https://onlinepayments.rbwm.gov.uk/live/webpayments/mi_webpayselect.asp">payment system using your INVOICE NUMBER and the category of RBWM INVOICE from the drop down list. Please do not use the licensing category.

Before completing this notice, please confirm that you have read the Guidance Notes by copying and pasting the following link into your browser. http://www3.rbwm.gov.uk/downloads/file/304/guidance_n

You should keep a copy of the completed notice for your records.

The Licensing authority will give you written acknowledgement of the receipt of the notice.

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

1. The personal details of premises user (please read note 1)

1. Title*

First Name* MEHMET
Last Name* KUTLUBAY

2. Previous names (please enter details of any previous Not Applicable

names or maiden names)*

3. Your Date of Birth* 02 Nov 1973

4. Your place of birth* ISLAHIYE, TURKEY

5. National Insurance Number* TW 72 62 66 C

6. Your current address (we will use this address to correspond with you unless you complete the separate correspon

Property Name/Number* 67

Street/Road* VICTORIA STREET

Town* WINDSOR

County

Post Code* SL4 1EH

7. Other contact details

Daytime telephone number* 01277 631811

Evening telephone number

Mobile number Fax number

Email address* office@dadds.co.uk

8. Alternative address for correspondence (if you complete the details below, we will use this address to correspond

Property Name/Number DADDS LLP LICENSING SOLICITORS
Street/Road CRESCENT HOUSE, 51 HIGH STREET

Town BILLERICAY
County ESSEX
Post Code CM12 9AX

9. Alternative contact details (if applicable)

Daytime telephone number 01277 631811

Evening telephone number

Mobile number

Email address office@dadds.co.uk

2. The Premises (please read note	2)
Property Name/Number* Street/Road* Town* County	d to carry on the licensable activities, or if it has no address ISTANBUL KEBAB HOUSE 67 VICTORIA STREET WINDSOR
Post Code*	SL4 1EH
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or number below.*	: Yes
Premises licence number Club premises certificate number	PL107000
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (please read note 3)*	WHOLE PREMISES e
Please describe the nature of the premises below. (please read note 4)* $$	eTAKE AWAY FOOD SHOP
Please describe the nature of the event below. (please read note 5)*	MIDWEEK EXTENSION OF NORMAL HOURS. THE PREMISES LICENCE HOLDER AGREES TO ABIDE BY ALL CONDITIONS OF THE PREMISES LICENCE PL107000 FOR THE DURATION OF THE TEN. THE SALE BY RETAIL OF ALCOHOL WILL BE FOR HOME DELIVERY ONLY - AS PER THE CURRENT PREMISES LICENCE.
3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please read note 6)	 ✓ The sale by retail of alcohol ☐ The supply of alcohol by or on behalf of a club to, or or to the order of, a member of the club ☐ The provision of regulated entertainment ✓ The provision of late night refreshment
Are you giving a late temporary event notice? (please read note 7)*	No
Please state the dates on which you intend to use these premises for licensable activities (please read note 8)*	04 Oct 2017
	you propose to carry on licensable activities (please
read note 9) Start time* End time*	01:40:00 03:40:00
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (please read note 10)*	50
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please read note 11)*	On the premises only ✓ Off the premises only Both
	Not Applicable

APPENDIX A

4. Personal licence holders (please read note 13)

Do you currently hold a valid personal licence?*

Yes

If Yes, please provide the details of your personal licence below.

Issuing licensing authority*

READING BOROUGH COUNCIL

Licence number*

LP7000338

Date of issue*

10 Oct 2005

Date of expiry*

10 Oct 2017

Any further relevant details

5. Previous temporary event notices you have given (please read note 14)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving the temporary event notice?*

Have you already given a temporary event notice for the No same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?*

6. Associates and business colleagues (please read note 15)

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

No

Has any associate of yours already given a temporary event notice for the same premises in which the event period; a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? *

No

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

No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this event?*

No

7. Checklist (please read note 16)

Please be advised that on submission of this notice a copy will be automatically sent through to:

- Royal Borough of Windsor and Maidenhead (RBWM) Licensing Team
- A copy will be sent to the Chief Officer of Police for RBWM
- A copy will be sent to the local authority exercising Environmental; Health functions for RBWM
- If the premises are situated in one or more licensing authority areas, you will need to send this notice to each additional licensing authority. eg. Chief officer of police, environmental health functions.

8. Condition (please read note 17)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (please read note 18)

The information contained in this form is correct to the best of my knowledge and belief. (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.*

Date submitted

Name of person completing this form*

Please state if the licensable activities will include the provision of relevent entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 12)

19 Sep 2017 DADDS LLP - APPLICANT'S SOLICITOR THERE WILL BE NO ACTIVITY OF THIS NATURE

Premises Licence

PL107021

LOCAL AUTHORITY

The Royal Borough of Windsor & Maidenhead

Town Hall St Ives Road Maidenhead SL6 1RF

tel: 01628 683840 web: www.rbwm.gov.uk



Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Istanbul Kebab House

67 Victoria Street, Windsor, SL4 1EH.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES	THE CARRYING OUT OF LICENSABLE	ACTIVITIES	
Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors)			
,	Monday to Wednesday	11:00pm	1:40am
	Thursday	11:00pm	3:40am
	Friday and Saturday	11:00pm	4:30am
	Sunday	11:00pm	3:40am
	Non Standard Timings:		
	On the Sunday before each Bank H late night refreshment shall be exter		ve and New Year's Eve, the terminal hour fo
M. The sale by retail of alcohol for c	onsumption OFF the premises only		
,	Monday to Sunday For home delivery only	11:00am	1:00am

THE OPENING HOURS OF THE PREMISES			
Description	Time From	Time To	
Monday to Wednesday	11:00am	1:40am	
Thursday	11:00am	3:40am	
Friday and Saturday	11:00am	4:30am	
Sunday	11:00am	3:40am	

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only



Premises Licence

PL107021

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Mehmet Kutlubay office@dadds.co.uk

67 Victoria Street, Windsor, SL4 1EH. Telephone 01753 622022

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mehmet KUTLUBAY

67 Victoria Street, Windsor, SL4 1EH. Telephone 01753 622022

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. LP7000338

Issued by Reading



Premises Licence

PL107021

ANNEXES

ANNEX 1 - Mandatory Conditions

- No supply of alcohol may be made under the premises licence:
 - i. at a time when there is no designated premises supervisor in respect of the premises licence, or
 - ii. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to 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.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 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 purpose of the condition set out in paragraph 1 =
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6)
 - (b) "permitted price" is the price found by applying the formula -

P = D + (DxV)

where -

- i) P is the permitted price.
- ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged in relation to the alcohol as if the duty were charged on the date for 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 if the sale or supply of the alcohol.
- (c) "relevant person" means, in relation to the premises in respect of which there is in force a premises licence
 - i) the holder of the premises licence.
 - ii) the designated premises supervisor.
 - 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(7).

Premises Licence

PL107021

ANNEXES continued ..

- 3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this 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.
- (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 charge to the rate of duty or value added tax.
 - (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.
- Any individual employed to carryout a security activity must be licensed by the Security Industry Authority (SIA).

ANNEX 2 - Conditions consistent with the Operating Schedule

General

See Annex 3

Prevention of Crime and Disorder

See Annex 3

Public Safety

See Annex 3

Prevention of Public Nuisance

See Annex 3

Protection of Children from Harm

See Annex 3

Annex 3 - Conditions attached after a Hearing by the Licensing Authority

General

Prevention of Crime and Disorder

- 1. The licence holder or his representative to be a member of the local Pubwatch scheme.
- 2. Installation and operation of a CCTV system, in line with guidance provided by Thames Valley Police.
- Two cameras inside the premises.
- Two outside facing cameras in opposite directions along Victoria Street.
- 5. All tapes to be kept for a minimum of 30 days and provided to the police if required.
- 6. Clear and legible notices to be displayed informing customers that CCTV is in operation.
- 7. Installation and maintenance of a panic alarm system connected directly to the Police.
- 8. The licensee will report all incidences of a criminal nature that may occur on the premises to the Police.
- 9. At least two members of staff to be present on the premises whenever authorised licensable activity takes place.
- All seasonal variations on the premises licence to have a minimum of Two (2) SIA door staff to be on the premises from Midnight until Close on each specific date.
- Two (2) Security Industry Authority (SIA) licensed door supervisor wearing high visibility jackets to be present on or in the immediate vicinity of the premises on Friday and Saturday from midnight until closing.
- 12. Retail Radio to be used by staff members.
- 13. The premises licence holder (hereinafter The Licensee) shall ensure that at all times when the premises are open for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
- 14. Except for the delivery service, no alcoholic drinks shall be sold or supplied for consumption off the premises.
- The licensee shall ensure that all material staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. New delivery staff will be trained before commencing their duties. All established and material staff would be subject to periodic refresher training (not normally

PL107021/39644

Premises Licence

PL107021

ANNEXES continued ...

less than six monthly intervals). Records will be kept of all training, which will include the English required for the delivery service.

- 16. Orders for delivery service are only to be taken over the telephone.
- 17. Alcohol can only be delivered with a food order.
- 18. The sale and supply of alcohol shall be ancillary to food
- 19. The sale and supply of alcohol shall be made to a person occupying a dwelling house.
- 20. A sign is to be displayed on the premises that no alcohol is sold on the premises.
- 21. No alcohol is to be displayed on the premises.
- 22. Only beer and lager up to 6.5% and only non-fortified wines to be sold.

Public Safety

- 23. Appropriate fire safety procedures are in place and shall be maintained including fire extinguishers (foam, H20 and C02), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting.
- 24. All appliances are inspected annually.
- 25. All emergency exits shall be kept free from obstruction at all times.

Prevention of Public Nuisance

- 26. All customers are asked to leave quietly.
- 27. Clear legible notices will be displayed to remind customers to respect neighbours and leave quietly.
- 28. No queuing to be allowed on the public highway.
- 29. The applicant to provide a litter bin and to ensure all waste and litter is collected from the area outside the premises on Victoria Street.
- 30. Ventilation and extract systems are designed and maintained so as to prevent noxious smells causing a nuisance to nearby properties.
- Trade waste agreement to be maintained at all times and all refuse generated by the premises will be dealt with appropriately and efficiently.

Protection of Children from Harm

- A suitably worded public notice of sufficient size and clarity must be written on all menus of the business where alcohol is to be offered for sale, advising customers that they may be asked to produce evidence of their age and card details.
- 33. A refusal book will be kept at the premises.
- 34. The delivery driver will check details of the person ordering and receiving to ensure that they are both over 18 and the owner of the credit card.

ANNEX 4 - Plans

See attached plans

Craig Miller

Community Protection and Enforcement Services Lead

Premises Licence Summary

PL107021

LOCAL AUTHORITY

The Royal Borough of Windsor & Maidenhead

Town Hall St Ives Road Maidenhead SL6 1RF

tel: 01628 683840 web: www.rbwm.gov.uk Royal Borough of Windsor & Maidenhead

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Istanbul Kebab House

67 Victoria Street, Windsor, SL4 1EH.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES T	HE CARRYING OUT OF LICENSABLE	ACTIVITIES	
Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors)			
,	Monday to Wednesday	11:00pm	1:40am
	Thursday	11:00pm	3:40am
	Friday and Saturday	11:00pm	4:30am
	Sunday	11:00pm	3:40am
	Non Standard Timings:		
	On the Sunday before each Bank Holate night refreshment shall be exter		ve and New Year's Eve, the terminal hour for
M. The sale by retail of alcohol for cor	nsumption OFF the premises only		
<u></u>	Monday to Sunday For home delivery only	11:00am	1:00am

HE OPENING HOURS OF THE PREMISES		CHAPTER STATE OF THE	
De	escription	Time From	Time To
M	londay to Wednesday	11:00am	1:40am
	hursday	11:00am	3:40am
Fi	riday and Saturday	11:00am	4:30am
	unday	11:00am	3:40am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only



Premises Licence Summary

PL107021

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Mehmet Kutlubay

67 Victoria Street, Windsor, SL4 1EH.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mehmet KUTLUBAY

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Craig Miller

Community Protection and Enforcement Services Lead



APPENDIX C

THAMES VALLEY POLICE

Division/Station: East Berkshire Police Area

From: Debie Pearmain To: Sarah Conquest

Police Licensing Officer Licensing Officer, RBWM

Ref: Date: 20th September 2017 Tel.No. 01865 854022

Subject :

TENS application for Istanbul Kebab Shop, Victoria Street, Windsor, Berkshire, SL4 1EH

I wish to inform you that Thames Valley Police object to the application for a Temporary Events Notice, for Wednesday 4th October 2017. The application is for the provision of Late Night Refreshment from 01.40am until 03.40am.

Thames Valley Police object to the application to trade for 2 extra hours until 03.40am on a Thursday morning. We feel that granting this TENS, could potentially undermine the Crime and Disorder Licensing Objective and the Public Nuisance Licensing Objective.

Victoria Street is currently experiencing a lot of problems and the Inspector for the Windsor area, has received numerous complaints, from local residents. The complaints consist of noise from the customers, anti-social behaviour, rubbish left on the street, people urinating on the street, taxis parking outside the kebab shop which at busy times, causes chaos along this road.

This area and in particular where the Kebab shop is located is currently being investigated by the Problem Solving Team at Windsor and a Problem Profile has been created. This will include joint agency work with the Local Authority, to try to resolve the above issues in this area for local residents.

There is always the potential risk of a fight occurring, as most of the customers are intoxicated at this time. We accept that the door staff at the premises are co-operative and support the police, but to extend the hours until 03.40am on a weekday would affect the quality of lives for local residents and would in our view undermine the Public Nuisance Licensing Objective.

Inspector Warbrick is liaising with the Local residents and will be attending the hearing to update members of the issues.

I have attached the URN's since March 2017 linked to the premises. These are dated 04/03/17 - 21/05/17 - 15/07/17 and 26/08/17.

We have disclosed the following photographs taken from the early hours of Saturday 16th and Sunday 17th September 2017, which is a snap shot of what occurs on a regular basis. Based on the ongoing issues and concerns from the local residents, Thames Valley Police object to the extension applied for.













APPENDIX D

URN 144 Stn SX Vdu SX13/SX13

Tme 02:30 Dte 04/03/17 Op C4485

Reported by R

RADIO

Brief Incident Details

PASSING ATTN TO SIG PLEASE

1 MALE OUTSIDE GETTING A BIG GYPPY WITH DOOR STAFF AND GROUP LOOKING AGGITATED

Location of Incident

Feature ISTANBUL KEBAB HOUSE, 67

Street VICTORIA STREET

Area WINDSOR, BERKSHIRE

R,BERKSHIRE Postcode SL4 1EH
OSGR 496559176561 Location Ref 23/3/32/134 Beat LA61

Caller Status POLICE

Title Name LQ10 - PC MASSEY

House Street

Area

Ex. Dir. Tel. No

Further Incident Details

Time and Date of Incident 0231 04/03/17

Classification MISCELLANEOUS DISORDER/DISTURBANCE/DISPUTE

Graded Response BY ARRANGEMENT

URN 144 Stn SX Vdu SX13/SX13 Tme 0230 Dte 04/03/17 Op C4485 Locn ISTANBUL KEBAB HOUSE, 67, VICTORIA STREET, WINDSOR, BERKSHIRE

Beat LA61 OSGR 496559176561 ABO LA31 Response BY ARRANGEMENT Type MISCELLANEOUS DISORDER/DISTURBANCE/DISPUTE 04/03/17 0231 Detail PASSING ATTN TO SIG PLEASE

1 MALE OUTSIDE GETTING A BIG GYPPY WITH DOOR STAFF AND GROUP LOOKING -More Caller LQ10 - PC MASSEY Tel

Op Time Date Text C4485 0231 04/03 AGGITATED

Page 1 of 4

Resource Dispatch Processing abandoned

0232 04/03 CQ14 Redeployed from Incident 1814 03/03/17

CQ14 Dispatched

LC86 Redeployed from Incident 1814 03/03/17 LC86 Redeployed from Incident 1814 03/03/17

LC86 Dispatched (LC82 Crewed With)

CQ14 Arrived at Incident

Resources Dealing with this Incident Enquiry

0233 04/03 CQ12 Redeployed from Incident 1814 03/03/17

CQ12 Dispatched

APPENDIX D

URN 144 Stn SX Vdu SX13/SX13 Tme 0230 Dte 04/03/17 Op C4485 Locn ISTANBUL KEBAB HOUSE, 67, VICTORIA STREET, WINDSOR, BERKSHIRE

Beat LA61 OSGR 496559176561 ABO LA31 Response BY ARRANGEMENT
Type MISCELLANEOUS DISORDER/DISTURBANCE/DISPUTE 04/03/17 0231
Detail PASSING ATTN TO SIG PLEASE

1 MALE OUTSIDE GETTING A BIG GYPPY WITH DOOR STAFF AND GROUP LOOKING -More
Caller LQ10 - PC MASSEY Tel

Op Time Date Text Page 2 of 4
C4485 0233 04/03 CQ12 Arrived at Incident
0236 04/03 WELFARE CHECK ON OFFICERS - AIO
CQ12 - ALL FINE
0239 04/03 CQ12 - ALL CALM
0240 04/03 CQ12 Left Incident

7855 Not at an Incident - Cannot Leave
326 Not at an Incident - Cannot Leave
7855 Not at an Incident - Cannot Leave
326 Not at an Incident - Cannot Leave
Resource Leave Incident PROCESSING ABANDONED
Resources Dealing with this Incident Enquiry

URN 144 Stn SX Vdu SX13/SX13 Tme 0230 Dte 04/03/17 Op C4485 Locn ISTANBUL KEBAB HOUSE, 67, VICTORIA STREET, WINDSOR, BERKSHIRE

Beat LA61 OSGR 496559176561 ABO LA31 Response BY ARRANGEMENT
Type MISCELLANEOUS DISORDER/DISTURBANCE/DISPUTE 04/03/17 0231
Detail PASSING ATTN TO SIG PLEASE
1 MALE OUTSIDE GETTING A BIG GYPPY WITH DOOR STAFF AND GROUP LOOKING -More
Caller LQ10 - PC MASSEY Tel

Op Time Date Text Page 3 of 4
C4485 0240 04/03 LC86 Arrived at Incident (LC82 Crewed With)
LC86 Left Incident (LC82 Crewed With)
Incident Deferral Enquiry
Invalid pluscode entry
Incident Deferral Enquiry
CQ14 Left Incident
Defer to SX13 Date 04/03/17 Time 0310
LQ10 WILL MONITOR FROM LV

Syscon 0310 04/03 Defer Time Reached C4485 0313 04/03 Incident Deferral Accepted by terminal SX13 NOTED.

APPENDIX D

URN 144 Stn SX Vdu SX13/SX13 Tme 0230 Dte 04/03/17 Op C4485 Locn ISTANBUL KEBAB HOUSE, 67, VICTORIA STREET, WINDSOR, BERKSHIRE

Beat LA61 OSGR 496559176561 ABO LA31 Response BY ARRANGEMENT
Type MISCELLANEOUS DISORDER/DISTURBANCE/DISPUTE 04/03/17 0231
Detail PASSING ATTN TO SIG PLEASE

1 MALE OUTSIDE GETTING A BIG GYPPY WITH DOOR STAFF AND GROUP LOOKING -More
Caller LQ10 - PC MASSEY Tel

Op Time Date Text
C4485 0313 04/03 NO FURTHER
0314 04/03 Incident Closed By

Page 4 of 4

0314 04/03 Incident Closed By Terminal SX13 Incident End (Result / Close)

APPENDIX E

URN 274 Stn SX Vdu SX14/SX14

Tme 04:51 Dte 26/08/17 Op C3641

Title

Reported by E

EMERGENCY

Brief Incident Details

ALTERCATION

Location of Incident

Feature ISTANBUL KEBAB HOUSE, 67

Street VICTORIA STREET

Postcode SL4 1EH Area WINDSOR, BERKSHIRE

LA61 OSGR 496559176561 Location Ref 23/3/32/134 Beat

Caller Status

Name LQ15 7962 BRIXEY CONSTABLE

House Street

Area

Ex. Dir. Tel. No

Further Incident Details

Time and Date of Incident 0451 26/08/17

Classification MISCELLANEOUS ALTERCATION IN PROGRESS

Graded Response IMMEDIATE

URN 274 Stn SX Vdu SX14/SX14 Tme 0451 Dte 26/08/17 Op C3641 Locn ISTANBUL KEBAB HOUSE, 67, VICTORIA STREET, WINDSOR, BERKSHIRE

Beat LA61 OSGR 496559176561 ABO LA31 Response IMMEDIATE
Type MISCELLANEOUS ALTERCATION IN PROGRESS 26/08/17 0451
Detail ALTERCATION

Caller LQ15 7962 BRIXEY CONSTABLE

Tel

C3641	0451	Date 26/08	LQ15 Arrived at Incident	Page 1	of 1	
C7505	0451	26/08	Location Amended from UNKNOWN LOCATION			
C3641	0451	46/08	ALTERCATION GROUP NOW DISPERSING			
C7565	0451	26/08	Incident Brief Details Amended from : [EMERGENCY INCIDENT CREATED]			
			LQ15 Left Incident			
C3641	0451	26/08	Changed Class From EMERGENCY			
			Change Incident Classification			
C7565	0451	26/08	Incident Closed By Terminal SX13 Incident End (Result / Close)			

APPENDIX F

URN 310 Stn SX Vdu SX13/SX13

Tme 03:58 Dte 15/07/17 Op C2130

Reported by E

EMERGENCY

Brief Incident Details

GROUP OF LADS SQUARING UP TO EACH OTHER

Location of Incident

Feature ISTANBUL KEBAB HOUSE, 67

Street VICTORIA STREET

Area WINDSOR, BERKSHIRE Postcode SL4 1EH
Beat LA61 OSGR 496559176561 Location Ref 23/3/32/134

Caller Status OTHER AGENCY Name LV Title

House Street

Area

Tel. No Ex. Dir. N

Further Incident Details

Time and Date of Incident 0358 15/07/17

Classification MISCELLANEOUS SUS CIRCS/INC/PERSON/VEHICLE

Graded Response IMMEDIATE

URN 310 Stn SX Vdu SX13/SX13 Tme 0358 Dte 15/07/17 Op C2130 Locn ISTANBUL KEBAB HOUSE, 67, VICTORIA STREET, WINDSOR, BERKSHIRE

Beat LA61 OSGR 496559176561 ABO LA31 Response IMMEDIATE
Type MISCELLANEOUS SUS CIRCS/INC/PERSON/VEHICLE 15/07/17 0358
Detail GROUP OF LADS SQUARING UP TO EACH OTHER

Caller LV Tel

Op Time Date Text Page 1 of 2 C2130 0358 15/07 ISTABNBUL KABAB GROUP OF LADS SQUARING UP TO EACH UP TO EACH OTHER.

LQS1 Dispatched

0359 15/07 Incident Has No Location

0402 15/07 Location Amended from UNKNOWN LOCATION LQS1 Arrived at Incident

0404 15/07 Incident Brief Details Amended from : [EMERGENCY INCIDENT CREATED]

0405 15/07 Changed Class From EMERGENCY Change Incident Classification Caller Details Amended - NO PREVIOUS DETAILS

APPENDIX F

URN 310 Stn SX Vdu SX13/SX13 Tme 0358 Dte 15/07/17 Op C2130 Locn ISTANBUL KEBAB HOUSE, 67, VICTORIA STREET, WINDSOR, BERKSHIRE

Beat LA61 OSGR 496559176561 ABO LA31 Response IMMEDIATE

Type MISCELLANEOUS SUS CIRCS/INC/PERSON/VEHICLE 15/07/17 0358

Detail GROUP OF LADS SQUARING UP TO EACH OTHER

Caller LV Tel

Op Time Date Text Page 2 of 2 C2130 0411 15/07 LQS1 - AIO NOW LQS1 Left Incident

Incident Closed By Terminal SX13
Incident End (Result / Close)

INCIDENT CLOSE

URN 310 Stn SX Vdu SX13/SX13 Tme 0358 Dte 15/07/17 Op C2130 Locn ISTANBUL KEBAB HOUSE, 67, VICTORIA STREET, WINDSOR, BERKSHIRE

Beat LA61 OSGR 496559176561 ABO LA31 Response IMMEDIATE
Type MISCELLANEOUS SUS CIRCS/INC/PERSON/VEHICLE 15/07/17 0358
Detail GROUP OF LADS SQUARING UP TO EACH OTHER

Caller LV

Tel

Result ENQUIRY COMPLETED Arrests 0 Briefing N
Final Inc 3. PUBLIC SAFETY / WELFARE SUS CIRCUMSTANCE/INSEC PREM/VEH
Type NO QUALIFIER

Free Text for Briefing

Officer 4561 Name SMYTH SERGEANT Call Back Required Press Release

APPEUDIX G

URN 267 Stn SX Vdu SX14/SX14

Tme 04:03 Dte 21/05/17 Op C6839

Reported by E EMERGENCY
Brief Incident Details
LV - FIGHT OUTSIDE SIG

Location of Incident

Feature ISTANBUL KEBAB HOUSE, 67

Street VICTORIA STREET

Area WINDSOR, BERKSHIRE Postcode SL4 1EH

Beat LA61 OSGR 496559176561 Location Ref 23/3/32/134

Caller Status POLICE

Name LV CCTV Title

House Street

Area

Tel. No Ex. Dir. N Further Incident Details

Time and Date of Incident 0403 21/05/17

Classification MISCELLANEOUS DISORDER/DISTURBANCE/DISPUTE

Graded Response IMMEDIATE

URN 267 Stn SX Vdu SX14/SX14 Tme 0403 Dte 21/05/17 Op C6839 Locn ISTANBUL KEBAB HOUSE, 67, VICTORIA STREET, WINDSOR, BERKSHIRE

Beat LA61 OSGR 496559176561 ABO LA31 Response IMMEDIATE
Type MISCELLANEOUS DISORDER/DISTURBANCE/DISPUTE 21/05/17 0403
Detail LV - FIGHT OUTSIDE SIG

Caller LV CCTV

Tel

Op Time Date Text Page 1 of 4
C6839 0403 21/05 Caller Details Amended - NO PREVIOUS DETAILS
Location Amended from UNKNOWN LOCATION
Incident Transferred to Radio Operators
Changed Class From EMERGENCY
Change Incident Classification
LQ13 Dispatched
LQ16 Dispatched

C5127 0404 21/05 Incident Transfer Accepted by terminal SX15 C6839 0404 21/05 Incident Brief Details Amended from :

[EMERGENCY INCIDENT CREATED]
C5127 0411 21/05 Incident Transferred on Log Off to SX14

APPENDIX G

Tel

URN 267 Stn SX Vdu SX14/SX14 Tme 0403 Dte 21/05/17 Op C6839 Locn ISTANBUL KEBAB HOUSE, 67, VICTORIA STREET, WINDSOR, BERKSHIRE

Beat LA61 OSGR 496559176561 ABO LA31 Response IMMEDIATE

Type MISCELLANEOUS DISORDER/DISTURBANCE/DISPUTE 21/05/17 0403

Detail LV - FIGHT OUTSIDE SIG

Caller LV CCTV

Op Time Date Text Page 2 of 4
C6839 0411 21/05 Incident Transfer Accepted by terminal SX14
0415 21/05 Resource at Scene Overdue accepted by SX14
0428 21/05 Resource at Scene Overdue accepted by SX14
0441 21/05 Resource at Scene Overdue accepted by SX14
0455 21/05 Resource at Scene Overdue accepted by SX14

0507 21/05 Resource at Scene Overdue accepted by SX14

APPENDIX G

URN 267 Stn SX Vdu SX14/SX14 Tme 0403 Dte 21/05/17 Op C6839 Locn ISTANBUL KEBAB HOUSE, 67, VICTORIA STREET, WINDSOR, BERKSHIRE

Beat LA61 OSGR 496559176561 ABO LA31 Response IMMEDIATE

Type MISCELLANEOUS DISORDER/DISTURBANCE/DISPUTE 21/05/17 0403

Detail LV - FIGHT OUTSIDE SIG

Caller LV CCTV Tel

Op Time Date Text Page 4 of 4 C6839 0548 21/05 Incident End (Result / Close)

APPENIDIX G

URN 267 Stn SX Vdu SX14/SX14 Tme 0403 Dte 21/05/17 Op C6839 Locn ISTANBUL KEBAB HOUSE, 67, VICTORIA STREET, WINDSOR, BERKSHIRE

Beat LA61 OSGR 496559176561 ABO LA31 Response IMMEDIATE

Type MISCELLANEOUS DISORDER/DISTURBANCE/DISPUTE 21/05/17 0403

Detail LV - FIGHT OUTSIDE SIG

Caller LV CCTV

Tel

Op Time Date Text Page 3 of 4 C6839 0534 21/05 Resource at Scene Overdue accepted by SX14

7961 0546 21/05 THIS CAN CLOSED NO OFFENCES DISCLOSED
C6839 0548 21/05 Resource at Scene Overdue accepted by SX14
Incident Deferral Enquiry
5306 Not at an Incident - Cannot Leave
Arrive at Incident - Processing Abandoned
Incident Close/Result Failed (Still Dispatched)

LQ13 Cancelled LQ16 Cancelled Incident Closed By Terminal SX14