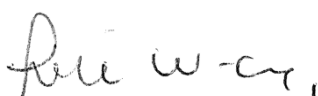


Date of issue: Friday 18<sup>th</sup> September 2020

<b>MEETING:</b>	<b>LICENSING SUB-COMMITTEE</b> (Councillors Davis (Chair), D Parmar and Strutton)
<b>DATE AND TIME:</b>	MONDAY, 28TH SEPTEMBER, 2020 AT 10.30 AM
<b>VENUE:</b>	VIRTUAL MEETING
<b>DEMOCRATIC SERVICES OFFICER: (for all enquiries)</b>	SHABANA KAUSER 07821 811 259

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



**JOSIE WRAGG**  
Chief Executive

AGENDA

PART I

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
	Apologies for absence.		
	<u>CONSTITUTIONAL MATTERS</u>		
1.	Declarations of Interest	-	-
	<i>All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 4 paragraph 4.6 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.</i>		
2.	Guidance on Predetermination/ Predisposition - To Note	1 - 2	-

**AGENDA**  
**ITEM**

**REPORT TITLE**

**PAGE**

**WARD**

- |    |   |       |   |
|----|---|-------|---|
| 3. | Minutes of the Last Meeting held on 12th March 2020 | 3 - 4 | - |
|----|---|-------|---|

**LICENSING ACT 2003 ISSUES**

*This 'Licensing Act 2003' Sub-Committee is convening under the Licensing Act 2003 to hear and decide matters arising under that Act and under the Gambling Act 2005. Such matters may include the sale by retail of alcohol; the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club; the provision of regulated entertainment; and the provision of late night refreshment.*

- |    |   |        |         |
|----|---|--------|---------|
| 4. | Application for Premises Licence - Akaya Lounge, 307-309 High Street, Slough, SL1 1BD | 5 - 74 | Central |
|----|---|--------|---------|

**Press and Public**

This meeting will be held remotely in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. Part I of this meeting will be live streamed as required by the regulations. The press and public can access the meeting from the following link (by selecting the meeting you wish to view):

<http://www.slough.gov.uk/moderngov/mgCalendarMonthView.aspx?GL=1&bcr=1>

Please note that the meeting may be recorded. By participating in the meeting by audio and/or video you are giving consent to being recorded and acknowledge that the recording will be in the public domain.

The press and public will not be able to view any matters considered during Part II of the agenda.



## **PREDETERMINATION/PREDISPOSITION - GUIDANCE**

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially so in “quasi judicial” decisions in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

### Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

### Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased’. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

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**Licensing Sub-Committee – Meeting held on Thursday, 12th March, 2020.**

**Present:-** Councillors S Parmar (Chair), Chaudhry and Strutton

**Officers Present:-** Mrs Kauser (Democratic Services), Mr Lucas (Legal Services) and Mr Sims (Licensing)

**PART 1**

**18. Declarations of Interest**

None were received.

**19. Guidance on Predetermination/ Predisposition - To Note**

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

**20. Minutes of the Last Meeting held on 9th January 2020**

**Resolved** – That the minutes of the meeting held on 9<sup>th</sup> January 2020 be approved as a correct record.

**21. Exclusion of the Press and Public**

**Resolved** – That the press and public be excluded from the remainder of the meeting as the item to be considered contained exempt information relating to individuals as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended)

**22. Private Hire Driver Conduct Hearing (Appellant Reference 04-19)**

The Senior Democratic Services Officer informed Members that the Appellant had requested an adjournment; submitting that his legal representative was currently in hospital.

The Sub-Committee decided that in order to ensure that the Appellant had the opportunity of a fair hearing with representation, the Private Hire Driver Conduct hearing be adjourned on this occasion. In doing so, the Sub-Committee placed on record that documentary evidence be submitted at the re-scheduled hearing confirming the Appellant's request for an adjournment.

**Resolved** – That the Private Hire Driver Conduct hearing 04-19 be adjourned.

**23. Dual Private Hire/Hackney Carriage Driver Licence and Private Hire Driver Vehicle Licence Application Hearing (Appellant Reference 05-19)**

The Chair welcomed all parties to the meeting, noting that an independent translator was present to assist Appellant 05-19 during the hearing. The

## **Licensing Sub-Committee - 12.03.20**

procedure for the hearing was outlined and the Appellant confirmed that he had received a copy of the paperwork.

The Licensing Manager stated that in January 2019 applications for a dual private hire and hackney carriage driver licence and private hire driver vehicle licence were submitted by the Appellant. Upon examination of the forms, it was suspected that the same handwriting had been used to complete the declaration required by an operator. The forms were forensically tested, which concluded that there was a strong possibility that the same handwriting had been used. In addition, the Licensing Manager had contacted the operator whom it was alleged had completed the form and this individual confirmed that he had ceased operating as an operator in 2017 and that he had not signed the application forms.

Members asked a number of questions and the Licensing Manager confirmed that applicants were responsible for ensuring that application forms were properly completed.

The relevant policy and legislative framework was outlined and Members attention was specifically drawn to the fact that they were considering the matter on a balance of probabilities and not on a criminal burden of proof.

The Appellant submitted three letters to the Sub-Committee – two character references and one outlining his explanation of events. He explained that he had taken the relevant paperwork to the premises where the operator traded from and that it was returned to him completed. He was not aware that that particular operator had ceased trading. The Appellant stated that he had worked as a driver for a number of years.

The Licensing Manager asked whether the Appellant had worked with a single operator during his employment as a private hire driver. The Appellant stated that he had been employed with a couple of companies during this time. The Licensing Manager highlighted that the Appellant should therefore have been familiar with the process of getting the application forms properly completed by the operator.

Following a short summary by the Licensing Manager and Appellant, all parties were asked to leave the meeting.

Members considered each application - dual driver's licence and vehicle licence - on its own merits.

### **Resolved -**

- a) That Appellant 05-19 not be granted a private hire vehicle licence.
- b) That Appellant 05-19 not be granted a dual private hire and hackney carriage driver licence.

Chair

(Note: The Meeting opened at 10.30 am and closed at 12.20 pm)

<b>LICENSING SUB-COMMITTEE – 28 SEPTEMBER 2020</b>
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**LICENSING ACT 2003**

Application for:	Premises Licence Application
Premises:	Akaya Lounge, 307-309 High Street, Slough, SL1 1BD
Applicant:	Mohammed Ali
Reason for Referral:	Representations made by Responsible Authorities.

**1. CURRENT POSITION**

1.1 An application for a premises licence grant has been made by;

Mohammed Ali; for  
Akaya Lounge, 307-309 High Street, Slough, SL1 1BD:

1.2 A copy of the premises licence application and premise plan is attached at **Appendix A & B**. The licensable activities and times applied for are;

**Films** - Indoors and Outdoors

**Live music** - Indoors and Outdoors

**Recorded music** - Indoors and Outdoors

**Performances of dance** - Indoors and Outdoors

**Anything of a similar description** - Indoors and Outdoors

Monday to Thursday: 12:00 – 01:00 hours

Friday to Saturday: 12:00 - 03:00 hours

Sunday 12:00 – 23:00 hours

**Late night refreshment** - Indoors and Outdoors

Monday to Thursday: 12:00 – 01:00 hours

Friday to Saturday: 12:00 - 03:00 hours

**2. BACKGROUND INFORMATION**

2.1 There is currently no premises licence in place for 307-309 High Street, Slough, SL1 1BD:

**3. REPRESENTATIONS RECEIVED**

3.1 Three formal representations to the application have been received by the following responsible authorities:

- Thames Valley Police (TVP)
- Planning
- The Neighbourhood Enforcement Team (NET)

3.2 Any person may make representations in relation to applications for the grant of a premises licence. Representations must relate to one or more of the licensing objectives and cannot be frivolous or vexatious.

3.3 The representations detail concerns under the Licensing Objective as follows:

- **The Prevention of Public Nuisance**

In summary:

- Information has been received from Thames Valley Police (TVP) that the premises was breaching The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 and were carrying on licensable activities without an authorisation (i.e. a premises licence or temporary event notice). Police Officers attended the premise on 31<sup>st</sup> May 2020 during the period of time when lockdown restrictions were in force. A statement from a Police officer is attached at **Appendix C**.
- Thames Valley Police have requested conditions and a reduction in licensed hours on a **Friday and Saturday to 01:00 hours**. The full representation is attached at **Appendix D**.
- The applicant has agreed to all the conditions requested by the Police and agreed to the reduction in hours on a Friday and Saturday to 01:00 hours. Email confirming their agreement is attached at **Appendix E**
- The premise is currently subject to a planning condition which restricts trading to **11:00 hours until 23:00 hours, Monday - Sundays**. The Planning representation form is attached at **Appendix F**.
- A copy of the Planning decision letter regarding a planning application is attached at **Appendix G**.
- The Planning Department have confirmed that there were 2 other planning applications submitted to the Local Planning Authority to extend their opening times, however, these applications were withdrawn by the applicant.
- The premise has been subject to a noise abatement notice which was served on the 24<sup>th</sup> December 2019. The Neighbourhood Enforcement Team (NET) have submitted a detailed representation. A copy of the NET representation form is attached at **Appendix H** and a copy of the Neighbourhood Enforcement representation is attached at **Appendix I**, which outlines the numerous noise complaints that have been received from local residents about the premises since 16<sup>th</sup> December 2019.
- Due to the continued noise complaints from residents, the NET team made an application to Slough Magistrates Court on the 7<sup>th</sup> February 2020 to enter the premises and to seize all noise making equipment. The warrant was granted and the speakers were removed.



- To date, no appeal has been made against the noise abatement notice and the requirements of the notice still apply. A copy of the notice is attached at **Appendix J**.
- Royal Berkshire Fire and Rescue Service (RBFRS) have responded with no representations and the response is attached at **Appendix K**.

#### **4. RELEVANT GUIDANCE**

- 4.1 The sub-committee must have regard to the amended Secretary of States guidance issued in April 2018 under Section 182 of the Licensing Act 2003 and in particular Chapters 9 (Determining applications) and 10 (Conditions attached to Premises Licences). Particular regard should be had to paragraphs 9.31 – 9.41 (Hearings) and 9.42 – 9.44 (Determining actions that are appropriate for the promotion of the licensing objectives).
- 4.2 With regards to Relevant, Frivolous or Vexatious Representations the relevant sections of the Section 182 Guidance state the following:

*9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.*

*9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.*

*9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.*

*9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate*

*complaints procedure. A person may also challenge the authority's decision by way of judicial review.*

*9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.*

*9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.*

*9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them*

4.3 The sub-committee must also have regard to the Council's Statement of Licensing Policy 2014-2019.

## **5. DETERMINATION – OPTIONS AVAILABLE TO THE SUB-COMMITTEE**

5.1 Following the hearing, having had regard to the representations made by all parties, the sub-committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

1. Grant the application as it stands in which case it would be issued subject to the relevant mandatory conditions and conditions consistent with the applicant's operating schedule.
2. Grant the application subject to the mandatory conditions and conditions consistent with the applicant's operating schedule, but modified to the extent the committee consider appropriate for the promotion of the licensing objectives. (Conditions are modified if any of them is altered or omitted or any new condition is added. Conditions must be reasonable, proportionate and appropriate in order to meet one or more of the licensing objectives).
3. Refuse the application.

## **APPENDICES**

Appendix 'A' – Copy of application (premises licence grant)

Appendix 'B' – Copy of premises plan

Appendix 'C' – Copy of PC Charley Hook statement

Appendix 'D' – Thames Valley Police representation

Appendix 'E' – Copy of applicant email accepting TVP conditions

Appendix 'F' – Planning representation

Appendix 'G' – Copy of Planning letter detailing restrictions on trading hours (page 2, point 6)

Appendix 'H' – Neighbourhood Enforcement representation form

Appendix 'I' – Neighbourhood Enforcement representation

Appendix 'J' – Copy of 'Abatement Notice in respect of Statutory Nuisance'

Appendix 'K' – RBFRS – No representation.

### **Background papers**

- The Licensing Act 2003
- Guidance issued under Section 182 of the Licensing Act 2003 (April 2018)
- Regulations (cited as the Licensing Act 2003 ([Various]) Orders 2005
- Slough Borough Council Statement of Licensing Policy – January 2019-2024

### **Contact Officer**

Rachael Rumney  
Senior Licensing Officer  
Regulatory Services  
01753 875664

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## Application for a premises licence to be granted 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 Mohammed Ali

*(Insert name(s) of applicant)*

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

#### Part 1 – Premises details

307 – 309 High Street, Slough, SL1 1BD			
<b>Post town</b>	SLOUGH	<b>Postcode</b>	SL1 1BD
Telephone number at premises (if any)		01753 369123	
Non-domestic rateable value of premises		£38,250	

#### Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** **Please tick as appropriate**

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
- i as a limited company/limited liability partnership  please complete section (B)
- ii as a partnership (other than limited liability)  please complete section (B)
- iii as an unincorporated association or  please complete section (B)
- iv other (for example a statutory corporation)  please complete section (B)

- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b> ALI			<b>First names</b> MOHAMMED		
<b>Date of birth</b>		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
<b>Nationality</b> BRITISH					
Current residential address if different from premises address					
Post town	Coulsdon			Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
<b>Nationality</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

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

Name
Address

Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
0	2	03 20 20

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Restaurant and Shisha Lounge. The front part of the building will operate as an unlicensed restaurant. The back section operates as a Shisha smoking lounge which complies to the 50/50 enclosure and smoking regulations.

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)



- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

**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**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Wed					
Thur			<b><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></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	12:00	01:00	<u>Please give further details here</u> (please read guidance note 4) Playing live sporting events in front restaurant area and back Shisha smoking area. Sounds will be amplified to pre agreed levels with council.		
Tue	12:00	01:00			
Wed	12:00	01:00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)  N/A		
Thur	12:00	01:00			
Fri	12:00	03:00	<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 6)		
Sat	12:00	03:00	N/A		
Sun	12:00	23:00			

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			<b><u>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</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><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></b> (please read guidance note 6)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	12:00	01:00	<b>Please give further details here</b> (please read guidance note 4) Playing live music with DJ in front restaurant area and back Shisha smoking area. Sounds will be amplified to pre agreed levels with council.		
Tue	12:00	01:00			
Wed	12:00	01:00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)  N/A		
Thur	12:00	01:00			
Fri	12:00	03:00	<b>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</b> (please read guidance note 6)  N/A		
Sat	12:00	03:00			
Sun	12:00	23:00			

**F**

Recorded music Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	12:00	01:00	<b>Please give further details here</b> (please read guidance note 4) Playing recorded music in front restaurant area and back Shisha smoking area. Sounds will be amplified to pre agreed levels with council.		
Tue	12:00	01:00			
Wed	12:00	01:00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)  N/A		
Thur	12:00	01:00			
Fri	12:00	03:00	<b>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</b> (please read guidance note 6)  N/A		
Sat	12:00	03:00			
Sun	12:00	23:00			

**G**

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12:00	01:00	<b>Please give further details here</b> (please read guidance note 4) Live belly dancer in back Shisha smoking area. Sounds will be amplified to pre agreed levels with council. No under 18's will be permitted entry. ID's will be checked upon entry to the premises.	Both	<input checked="" type="checkbox"/>
Tue	12:00	01:00			
Wed	12:00	01:00	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)  N/A	Both	<input checked="" type="checkbox"/>
Thur	12:00	01:00			
Fri	12:00	03:00	<b>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</b> (please read guidance note 6)  N/A	Both	<input checked="" type="checkbox"/>
Sat	12:00	03:00			
Sun	12:00	23:00			



H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			<b>Please give a description of the type of entertainment you will be providing.</b>  Live belly dancer		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon	12:00	01:00		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue	12:00	01:00	<b><u>Please give further details here</u></b> (please read guidance note 4) Live belly dancer or similar ad hoc entertainment in the back Shisha smoking area. Sounds will be amplified to pre agreed levels with council. No under 18's will be permitted entry. ID's will be checked upon entry to the premises.		
Wed	12:00	01:00			
Thur	12:00	01:00	<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 5)		
Fri	12:00	03:00	N/A		
Sat	12:00	03:00	<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 6)		
Sun	12:00	23:00	N/A		

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	23:00	01:00	<b><u>Please give further details here</u></b> (please read guidance note 4) Serving of hot food and drinks after 23:00 till the prescribed times. Including cooked grilled food, tea, coffee, desserts.		
Tue	23:00	01:00			
Wed	23:00	01:00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)  N/A		
Thur	23:00	01:00			
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 6)		
Sat	23:00	03:00	N/A		
Sun	12:00	23:00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<b>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</b> (please read guidance note 6)		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b>
<b>Date of birth</b>
<b>Address</b>

Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

**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 9).

We will have live belly dancing on some evenings, mainly weekends. Under 18 rules apply, no under 18 allowed entry. ID will be checked for all guests.

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)  N/A
Day	Start	Finish	<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> (please read guidance note 6)  N/A
Mon	12:00	01:00	
Tue	12:00	01:00	
Wed	12:00	01:00	
Thur	12:00	01:00	
Fri	12:00	03:00	

Sat	12:00	03:00	
Sun	12:00	23:00	

## M

Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e)** (please read guidance note 10)

Establish processes, systems, training and policies to adhere to all four licensing objectives. Seek appropriate professional advice and implement all necessary recommendations.

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

- Check ALL customer ID on entry, scan into ID scanner.
- Full state of the art CCTV installed complying to retention laws. CCTV system to be maintained regularly and always on, recording and working throughout trading and 24x7.
- CCTV signage displayed.
- Qualified door security personnel employed during any regulated activities after 8pm during busy times (Friday & Sat evenings and special events).
- Incident log kept onsite.

**c) Public safety**

- Ensure all staff receive appropriate training about emergency and general safety precautions and procedures.
- Free drinking water to customers.
- All fire, gas, electrical systems tested and certified. Emergency exit routes clearly labelled and staff trained appropriately.
- First aid equipment available onsite and trained personnel available.

**d) The prevention of public nuisance**

- Music NOT to exceed a pre agreed limit via the use of sound limiters.
- Prominent, legible notices requesting people to leave the premises and the area quietly displayed at all exists.

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

- An agreed proof of age policy to be enforced.
- No one under the age of 18 years will be admitted into the premises whilst entertainment of an adult nature is taking place.
- Restrictions on children to remain within the restaurant area.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

**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.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	
Date	29/07/20
Capacity	Director

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

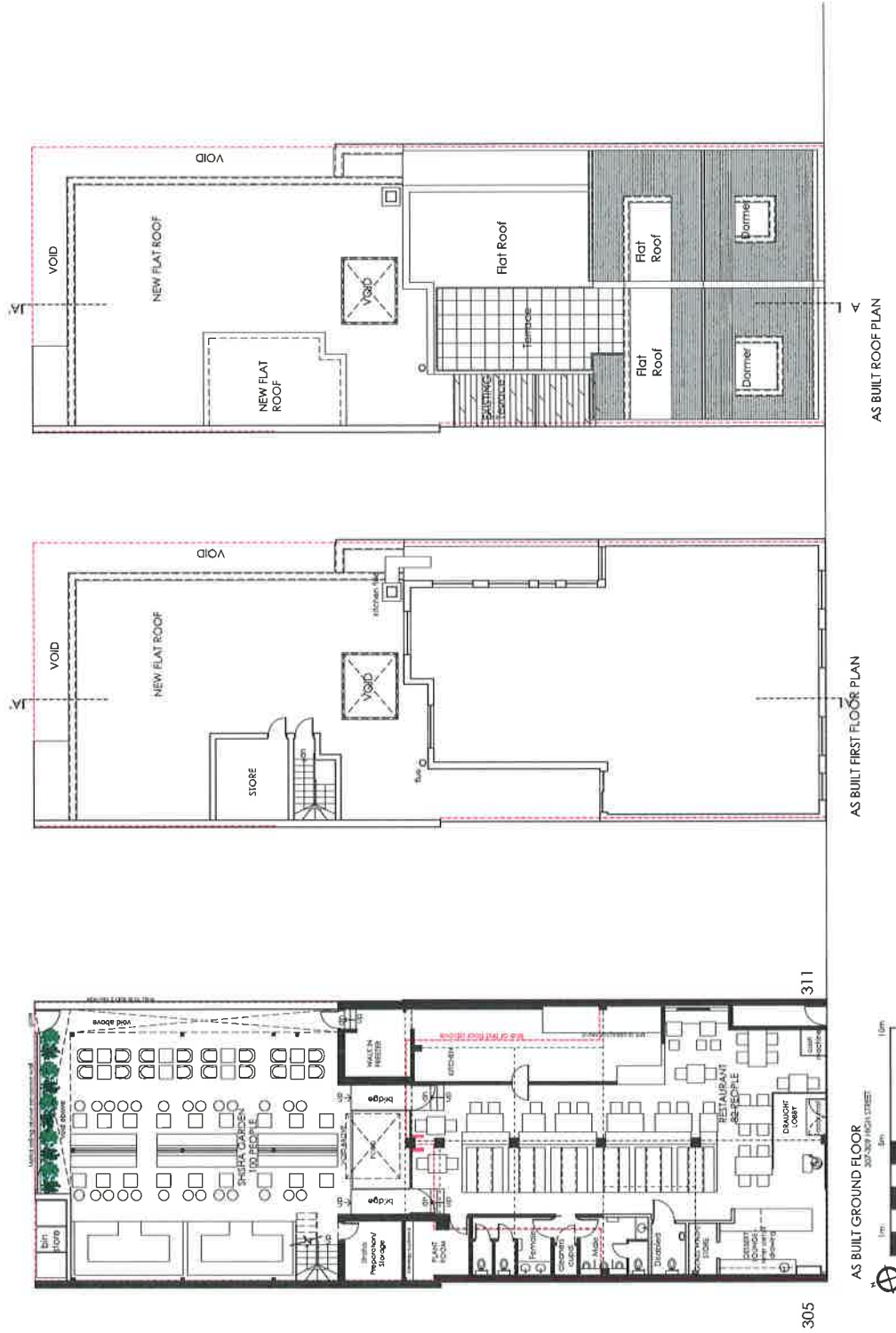
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			

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



# AS BUILT FLOOR PLANS



PROJECT	DWG NO.	SCALE	DETAIL	DATE	PROJECT NO.
307-309 HIGH STREET, SLOUGH S11 1BD	06	1:100 @ A1	AS BUILT FLOOR PLANS	14.01.2020	18.01
AS BUILT BUILDING	SENT TO PLANNING DEPT. SLOUGH				
<b>PR Architecture Ltd.</b> Chartered Architect 120, Pinner Road, Uxbridge, MA1 4JD. Tel: 0298 957 2844					

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## OFFICIAL

MG11

## WITNESS STATEMENT

(Criminal Procedure Rules 2015 R16.2, Criminal Justice Act 1967 S9, Magistrates' Courts Act 1980 S5B)

URN

Statement of	Charley HOOK		
Age if under 18	(if over 18 insert 'over 18')	Occupation	Police Constable P1663 HOOK
This statement (consisting of 2 page(s)) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.			
Signature			Date 14/07/2020
Signature of parent / guardian / appropriate adult		Relationship of parent / guardian / appropriate adult	

This statement is in relation to my attendance at Akaya Lounge, Slough High Street, Slough on 31/05/2020 at around 01:00 hrs.

On the above date I was on duty crewed with PC SOHI, we were asked to attend the Akaya Lounge on Slough High Street due to a noise complaint. This came as a surprise to me as we were during the COVID19 lockdown which meant that the premises should be closed.

We attended the locations front entrance which is situated on the Slough High Street, we could see in to the property and I could make out numerous people in the rear, however the front door was locked. Due to this we went to the rear which is accessed via a side access road. We then knocked on the rear gate and informed the occupants that we were police, at this point the music which was playing stopped and I could hear people moving around. I could see through a gap in the gate and noticed around 8-10 people running towards the front doors and out of my view. I was then allowed in by a male. It was clear a party was taking place, there were 10 people left within the property, they had a portable speaker playing music and a small table set up as a bar with open bottles of alcohol. There were various half full/empty plastic cups containing what I suspect was alcohol around the property. The people that remained were seated in the seated area smoking shisha, and eating birthday cake.

I asked various times if there were any staff and was told there was not. There was one male who had let us in who told us specifically that he did not work there, it was not until we pointed out that he was wearing an "Akaya Lounge" jumper that he confirmed that he did in fact work there. He also confirmed that it was a private party and that he had been serving people with drinks.

He was asked if he could produce a licence to serve alcohol/play music and he stated that they didn't have one.

He then called the manager Umar KAYANI who attended the location. KAYANI was adamant that he had done nothing wrong as it was a "private party", despite the fact that I explained that the property should not be open due to the COVID legislation. I asked whether he had a licence and he too stated that he did not.

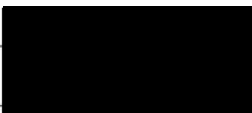
I have Body Worn Footage which is exhibited as CTH/01.

Signature:

Signature Witnessed by:

Continuation of Statement of

Signature:



Signature Witnessed by:

## THAMES VALLEY POLICE

Division/Station : HQ Licensing

From : Debie Pearmain  
Police Licensing OfficerTo: Rachael Rumney  
Senior Licensing Officer

Subject :

Ref :

Date : 17/08/2020

Tel.No.

New Premises Licence application – 307-309 High Street, Slough, Berkshire

In relation to the above application Thames Valley Police **object** to the timings of all licensable activities on a Friday and Saturday until 3am .

We suggest the time of 1am on a Friday and Saturday. We also **object** to Live music in the outside area that is the Shisha area. We are already aware of noise complaints from this premises when the premises should not have been open, during the COVID lock-down period.

Police Officers attended the premises during the early hours of the 31<sup>st</sup> May 2020, where a number of people were in the property, music was being played on portable speakers, people were smoking shisha and drinking alcohol.

We also request the following conditions be placed on the premises licence alongside those already offered, to assist in the promotion of the four licensing objectives:

Digital CCTV monitoring system to be installed and maintained to Thames Valley Police standard. Recording to be kept securely for 31 days and made available to Thames Valley Police employees and Authorised Persons as defined by Sections 13 & 69 Licensing Act 2003 upon request.

DPS or nominated person to be trained on how to work the CCTV system to the standard where the nominated person can download any potential evidence required by Thames Valley Police employees and Authorised persons as defined by Sections 13 & 69 Licensing Act 2003.

Nominated person is responsible in supplying the necessary media (discs, data stick) containing any downloaded content. Refusals Register to be on the premises and kept up to date and made available upon the request of Police, Trading Standards Officers and authorised persons as defined by Sections 13 & 69 Licensing Act 2003.

If the CCTV equipment fails, the Police and the Licensing Authority will be informed immediately by telephone and immediate steps will be taken to put the equipment back into working order.

2 x SIA Doorstaff to be employed on a Friday and Saturday evening from 8pm until close. Door staff to be wearing high visibility jackets.

SIA Door Staff Register to be kept for 1 year. Register to have details of staff working and booking on and off times. This Register must be made available to Thames Valley Police employees and Authorised Persons as defined by Sections 13 & 69 Licensing Act 2003 upon request.

SIA Door staff to be employed at any other time as deemed necessary by Thames Valley Police for the Prevention of Crime and Disorder and Public Safety Licensing objectives.

If the applicant agrees to the above conditions there will be no police objections.

Regards

Debie Pearmain  
Police Licensing Officer

**Rumney Rachael**

---

**From:** Mabz Ali <[redacted]>  
**Sent:** 17 August 2020 17:07  
**To:** Rumney Rachael  
**Subject:** Re: Thames Valley Police Objection and requested conditions

Yes thanks fine

Thank you

Sent from my iPhone

On 17 Aug 2020, at 15:22, Rumney Rachael <[Rachael.Rumney@slough.gov.uk](mailto:Rachael.Rumney@slough.gov.uk)> wrote:

Hi,

Can you also confirm if that includes the reduction in licensable hours from 3am to 1am on a Friday and Saturday?

Kind regards

Rachael Rumney  
Senior Licensing Officer – Regulatory Services  
Slough Borough Council

[www.slough.gov.uk](http://www.slough.gov.uk)

My current working hours are Monday, Thursday & Friday, 9am -5pm

<image001.png>

**The licensing service is still running however we are following the Governments advice and trying to reduce unnecessary social contact. With that in mind, we are working reduced hours in the office.**

---

**From:** Mabz Ali <[redacted]>  
**Sent:** 17 August 2020 15:13  
**To:** Rumney Rachael  
**Subject:** Re: Thames Valley Police Objection and requested conditions

Hi Rachel

I agree and will make sure all the points are covered

Thank you very much

Sent from my iPhone

On 17 Aug 2020, at 11:19, Rumney Rachael <[Rachael.Rumney@slough.gov.uk](mailto:Rachael.Rumney@slough.gov.uk)> wrote:

Dear Mr Ali,

I am writing to advise that Thames Valley Police have made a formal objection to the premises licence application and have submitted the attached.

You need to carefully read and consider the requested conditions. They have also requested a reduction in hours. If you are in agreement with the requests then you will need to confirm that to me in writing (an email will suffice).

If you are not in full agreement then the application will be referred to the Licensing Sub-Committee for decision.

Please contact me if you require any further assistance.

Kind regards

Rachael Rumney  
Senior Licensing Officer

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'Disclaimer: You should be aware that all e-mails received and sent by this Organisation are subject to the Freedom of Information Act 2000 and therefore may be disclosed to a third party. (The information contained in this message or any of its attachments may be privileged and confidential and intended for the exclusive use of the addressee). The views expressed may not be official policy but the personal views of the originator. If you are not the addressee any disclosure, reproduction, distribution, other dissemination or use of this communication is strictly prohibited. If you received this message in error please return it to the originator and confirm that you have deleted all copies of it. All messages sent by this organisation are checked for viruses using the latest antivirus products. This does not guarantee a virus has not been transmitted. Please therefore ensure that you take your own precautions for the detection and eradication of viruses.'

<Thames Valley Police - conditions requested 17.08.20.docx>

<[\\SBC27790\c\\$\Users\ naveedakhan\Desktop\MyCouncil is closed\\_email signature.png](#)>

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## APPENDIX F

### Responsible Authority Representation Form

Thames Valley Police, Royal Berkshire Fire and Rescue Service, Health and Safety Executive, Local Safeguarding Children Board, Slough Borough Council [SBC] Commercial Services (Health and Safety and Trading Standards), Planning and Development Control Services [SBC], Public Health Services [SBC].

#### APPLICATION DETAILS

<b>Name of Premises</b>	Akaya Lounge
<b>Address of Premises &amp; Tel: No.</b>	307-309, High Street, Slough, Berkshire, SL1 1BD
<b>Applicant Details</b> (Name, address, Tel: No.) if different from above	Mohammed Ali, Akaya Lounge
<b>Company Name</b> (if different from Applicant)	
<b>Application type</b> (state fully)	Application to vary a premises licence under the Licensing Act 2003
<b>Date Application received</b>	10-Aug-2020

# REPRESENTATION SUBMISSION

Please tick

<b>There are no representations to the granting of this licence</b>	<input type="checkbox"/>
---	--------------------------

<p><b>If you are making representations to the application identify which of the four licensing objectives your representation relates to:</b></p> <p>Please detail your representation and the reason together with your supporting evidence, as appropriate. <i>(If replying by hard copy, please attach separate sheet(s) if necessary).</i></p>		
Prevention of Crime and Disorder	Please tick <input type="checkbox"/>	
Public Safety	<input type="checkbox"/>	
Prevention of Public Nuisance	<input type="checkbox"/>	1. The use hereby permitted shall not be open to members of the public / customers outside the hours of 11:00 hours to 23:00 hours on Mondays to Sundays.
Protection of Children from Harm	<input type="checkbox"/>	

**Please provide advice to the Licensing Sub-Committee on how you believe they should consider the representation.**

If appropriate, recommend conditions that could be added to the Licence to remedy your representation or other suggestions you would like the Licensing Sub-Committee to take into account.

If replying by hard copy, please attach separate sheet(s), if necessary.

Please refer to the Responsible Authority Guidance Note.

Name of Officer completing Representation	
Job Title	
Name of Responsible Authority	Slough Borough Council
E-mail address:	<a href="mailto:planning1@slough.gov.uk">planning1@slough.gov.uk</a>
Tel: No.	01753 875810

**N.B.** If you do make a representation you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.

Signed: Planning Manager

Dated: 14 September 2020

Please return this form along with any additional sheets, if replying by hard copy to:

The Licensing Team  
Public Protection Services  
Landmark Place  
High Street  
Slough  
SL1 1JL   **Or** E-mail to [Licensing@Slough.gov.uk](mailto:Licensing@Slough.gov.uk)

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Mr. Pravin Raheja,  
 PR Architecture

Town and Country Planning Act 1990 (as amended)  
Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO)  
(as amended)

IN pursuance of their powers under the above-mentioned Acts and Orders, the Council of the Borough of Slough as the Local Planning Authority, **HEREBY GRANTS PLANNING PERMISSION**, in accordance with your application, **P/00794/008**, dated 29 January 2018 and the accompanying plans and particulars, for:

**Proposal: Demolition of part of existing single storey rear projection and erection of a single storey rear extension/canopy to facilitate the creation of a restaurant with Shisha Lounge. Insertion of rooflights in existing single storey roof and alterations to the existing shop frontage. Erection of a flue.**

**Location: 307-309, HIGH STREET, SLOUGH, BERKSHIRE, SL1 1BD**

**Dated this 24 May 2018**

**SUBJECT TO THE FOLLOWING CONDITION(S):**

1. The development hereby permitted shall be commenced within three years from the date of this permission.

**REASON:** To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority:

- (a) Location Plan 1:1250, Received 01/02/2018;
- (b) Drawing No. 01, dated 29/01/2018, Received 01/02/2018;
- (c) Drawing No. 02, dated 31/01/2018, Received 01/02/2018;
- (d) Drawing No. 03C, dated 12/04/2018, Received 12/04/2018.

**REASON:** To ensure that the site is developed in accordance with the submitted application and

to ensure that the proposed development does not prejudice the amenity of the area and to comply with the Policies in the Development Plan.

3. Prior to the commencement of development details of the proposed ventilation and filtration equipment to suppress and disperse fumes and odours created from cooking operations on the premises shall be submitted to and approved in writing by the LPA. The equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use, retained thereafter, and operated so as to prevent a nuisance being caused by reason of smell.

**REASON:** To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties.

4. Prior to the commencement of development a scheme for limiting the transmission of noise between the commercial and residential units of accommodation within the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such thereafter.

**REASON:** To protect the occupants of the existing residential units from noise disturbance.

5. No development shall commence until details of measures for the disposal of fats, oils and grease, installation details for a fat trap(s), the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel (inline with best practice guidance) hereby granted permission have been submitted to and approved by the Local Planning Authority and these approved details shall be implemented on site prior to first occupation of the development and shall be maintained in perpetuity.

**REASON:** To protect the occupiers of the adjoining dwellings and businesses from nuisance effects in the interests of local amenity and accordance with Core Policy 8 of the Local Development Framework Core Strategy 2006-2026 and the National Planning Policy Framework.

6. The use hereby permitted shall not be open to members of the public / customers outside the hours of 11:00 hours to 23:00 hours on Mondays to Sundays.

**REASON:** To ensure that the use of the premises does not prejudice the quiet enjoyment by neighbouring occupiers of their dwellings by reason of noise or general disturbance in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

7. No vehicles for delivery purposes may arrive, depart, be loaded or unloaded within the general site except between the hours of 09:00 and 18:00 Mondays to Saturdays and at no time on Sundays or Bank Holidays. All loading and unloading of delivery vehicles shall take place at the rear of the premises and there shall be no means of vehicular access or loading/unloading of goods at the front of the premises.

**REASON:** To protect the amenity of residents within the vicinity of the site in accordance with Policy Core 8 of the Core Strategy and to ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway in accordance with Policy T2 of The Local Plan for Slough 2004.



8. The refuse storage identified in plan 03C, dated 12/04/2018, received 12/04/2018 shall be provided prior to first occupation of the development and retained at all times in the future for this purpose.

REASON: In the interests of visual amenity of the site in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

9. No public/customer entrance or exit shall be provided via the doors to the rear of the premises, unless otherwise agreed in writing by the Local Planning Authority. The public/customers shall only enter and exit the premises using the entrance fronting High Street.

REASON: In the interests of designing out opportunities for crime and providing the public/customers with a safe means of accessing the premises in accordance with Core Policies 8 and 12 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

10. Prior to the commencement of development details of any sound amplification including noise limiting devices, and the level they would be set at, and the hours between which they would operate, and a system for sound insulation and acoustic ventilation shall be submitted to, and approved in writing by, the Local Planning Authority. The equipment, devices, sound insulation system and acoustic ventilation shall be installed and operated in accordance with the approved details and retained as such thereafter.

REASON: In the interests of the amenity of future, and adjoining, occupiers of land and buildings.

11. No demolition or construction work shall be audible beyond the site boundary outside the hours of 08:00hrs and 17:00hrs Monday to Friday; 08:00hrs and 13:00 hrs Saturday and not at all on Sundays and Public Holidays.

REASON: To protect the amenity of residents within the vicinity of the site in accordance with the objectives of Policy EN26 of The Adopted Local Plan for Slough 2004.

12. During the construction phase of the development hereby permitted, there shall be no deliveries to the site outside the hours of 08:00 hours to 18:00 hours Mondays – Fridays, 08:00 hours – 13:00 hours on Saturdays and at no time on Sundays and Bank/Public Holidays.

REASON: To protect the amenity of residents within the vicinity of the site in accordance with the objectives of Policy EN26 of The Adopted Local Plan for Slough 2004.

**INFORMATIVE(S):**

1. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.
2. Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties

suffering blocked drains, sewage flooding and pollution to local watercourses.

3. The current approval does not confer advertisement consent for the modification, erection or display of advertising signage, which may be subject to a separate advertisement application.
4. For the information of the applicant CCTV should be fitted inside the premises covering: the counter serving area for food; and inside the front door recording people as they enter. There should be a camera covering immediately outside the premises.  
The Home Office have produced an Operation Requirements Manual which would assist with planning the CCTV system and this can be found at  
[http://tna.europarchive.org/20100413151426/http://scienceandresearch.homeoffice.gov.uk/hosdb/publications/cctv-publications/28\\_09\\_CCTV\\_OR\\_Manual2835.pdf?view=Binary](http://tna.europarchive.org/20100413151426/http://scienceandresearch.homeoffice.gov.uk/hosdb/publications/cctv-publications/28_09_CCTV_OR_Manual2835.pdf?view=Binary)
5. The applicant is reminded that at all times, without the prior permission of the freeholder there can be no encroachment onto the adjoining property.

#### Informatives

The applicant is hereby informed that commencing development without first having complied with any pre-commencement conditions as set out in this decision notice may mean that the decision notice will expire and render the development to be unlawful.

This notice DOES NOT convey any consent that you may require for Building Regulations. If you are unsure whether you need Building Regulations approval and before you start any work please contact Building Control Services independently on (01753) 875810 to check whether they require an application.

Your attention is drawn to the attached notes.

This approval does not convey any approval or consent under the Building Regulations or any enactment other than the Town and Country Planning Act 1990.

DEC1fxaci

Martin Armstrong  
On behalf of  
Service Lead for Planning & Transport

24/5/18.

*Rights of Applicants Aggrieved by Decision of Local Planning Authority*

1. If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice. (Appeals must be made on a form which is obtainable from The Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes)). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council of the Borough in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him/her. The circumstances in which such compensation is payable are set out in Section 157 of the Town and Country Planning Act 1990.

App No	P/00794/008	Applicant	Mr. Mabz Ali
		Agent	Mr. Pravin Raheja, PR Architecture
Received	1st February 2018		
Officer	Hannah Weston		
Level	Delegated	App Type	Full Planning
Ward	Upton		

Proposal	Demolition of part of existing single storey rear projection and erection of a single storey rear extension/canopy to facilitate the creation of a restaurant with Shisha Lounge. Insertion of rooflights in existing single storey roof and alterations to the existing shop frontage. Erection of a flue.
Location	307-309, High Street, Slough, Berkshire, SL1 1BD

Recommendation:	<b>Approval</b>	O.D. Dec Date:	
		Authorised by:	
Eight Week Date:	<b>29-Mar-2018</b>		
13 Week Date for Major Apps (Stats)			
21 Day Consultation Date		<b>23 February 2018</b>	
Reason for Delay:	<b>EOT 25/05/2018</b>		
Enforcement:			

## CONDITIONS:

1. The development hereby permitted shall be commenced within three years from the date of this permission.

**REASON:** To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority:

- (a) Location Plan 1:1250, Received 01/02/2018;
- (b) Drawing No. 01, dated 29/01/2018, Received 01/02/2018;
- (c) Drawing No. 02, dated 31/01/2018, Received 01/02/2018;
- (d) Drawing No. 03C, dated 12/04/2018, Received 12/04/2018.

**REASON:** To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area and to comply with the Policies in the Development Plan.

3. Prior to the commencement of development details of the proposed ventilation and filtration equipment to suppress and disperse fumes and odours created from cooking operations on the premises shall be submitted to and approved in writing by the LPA. The equipment shall be installed and in full working order to the satisfaction of the Local

Planning Authority prior to the commencement of use, retained thereafter, and operated so as to prevent a nuisance being caused by reason of smell.

**REASON:** To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties.

4. Prior to the commencement of development a scheme for limiting the transmission of noise between the commercial and residential units of accommodation within the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such thereafter.

**REASON:** To protect the occupants of the existing residential units from noise disturbance.

5. No development shall commence until details of measures for the disposal of fats, oils and grease, installation details for a fat trap(s), the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel (inline with best practice guidance) hereby granted permission have been submitted to and approved by the Local Planning Authority and these approved details shall be implemented on site prior to first occupation of the development and shall be maintained in perpetuity.

**REASON:** To protect the occupiers of the adjoining dwellings and businesses from nuisance effects in the interests of local amenity and accordance with Core Policy 8 of the Local Development Framework Core Strategy 2006-2026 and the National Planning Policy Framework.

6. The use hereby permitted shall not be open to members of the public / customers outside the hours of 11:00 hours to 23:00 hours on Mondays to Sundays.

**REASON:** To ensure that the use of the premises does not prejudice the quiet enjoyment by neighbouring occupiers of their dwellings by reason of noise or general disturbance in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

7. No vehicles for delivery purposes may arrive, depart, be loaded or unloaded within the general site except between the hours of 09:00 and 18:00 Mondays to Saturdays and at no time on Sundays or Bank Holidays. All loading and unloading of delivery vehicles shall take place at the rear of the premises and there shall be no means of vehicular access or loading/unloading of goods at the front of the premises.

**REASON:** To protect the amenity of residents within the vicinity of the site in accordance with Policy Core 8 of the Core Strategy and to ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway in accordance with Policy T2 of The Local Plan for Slough 2004.

8. The refuse storage identified in plan 03C, dated 12/04/2018, received 12/04/2018 shall be provided prior to first occupation of the development and retained at all times in the future for this purpose.

**REASON:** In the interests of visual amenity of the site in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

9. No public/customer entrance or exit shall be provided via the doors to the rear of the premises, unless otherwise agreed in writing by the Local Planning Authority. The

public/customers shall only enter and exit the premises using the entrance fronting High Street.

REASON: In the interests of designing out opportunities for crime and providing the public/customers with a safe means of accessing the premises in accordance with Core Policies 8 and 12 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

10. Prior to the commencement of development details of any sound amplification including noise limiting devices, and the level they would be set at, and the hours between which they would operate, and a system for sound insulation and acoustic ventilation shall be submitted to, and approved in writing by, the Local Planning Authority. The equipment, devices, sound insulation system and acoustic ventilation shall be installed and operated in accordance with the approved details and retained as such thereafter.

REASON: In the interests of the amenity of future, and adjoining, occupiers of land and buildings.

11. No demolition or construction work shall be audible beyond the site boundary outside the hours of 08:00hrs and 17:00hrs Monday to Friday; 08:00hrs and 13:00 hrs Saturday and not at all on Sundays and Public Holidays.

REASON: To protect the amenity of residents within the vicinity of the site in accordance with the objectives of Policy EN26 of The Adopted Local Plan for Slough 2004.

12. During the construction phase of the development hereby permitted, there shall be no deliveries to the site outside the hours of 08:00 hours to 18:00 hours Mondays – Fridays, 08:00 hours – 13:00 hours on Saturdays and at no time on Sundays and Bank/Public Holidays.

REASON: To protect the amenity of residents within the vicinity of the site in accordance with the objectives of Policy EN26 of The Adopted Local Plan for Slough 2004.

#### INFORMATIVE(S):

1. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.
2. Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.
3. The current approval does not confer advertisement consent for the modification, erection or display of advertising signage, which may be subject to a separate advertisement application.
4. For the information of the applicant CCTV should be fitted inside the premises covering: the counter serving area for food; and inside the front door recording people as they enter. There should be a camera covering immediately outside the premises. The Home Office have produced an Operation Requirements Manual which would assist with planning the CCTV system and this can be found at [http://tna.europarchive.org/20100413151426/http://scienceandresearch.homeoffice.gov.uk/hosdb/publications/cctv-publications/28\\_09\\_CCTV\\_OR\\_Manual2835.pdf?view=Binary](http://tna.europarchive.org/20100413151426/http://scienceandresearch.homeoffice.gov.uk/hosdb/publications/cctv-publications/28_09_CCTV_OR_Manual2835.pdf?view=Binary)

5. The applicant is reminded that at all times, without the prior permission of the freeholder there can be no encroachment onto the adjoining property.

<p>Neighbours Consulted:</p>	<p>305a, High Street, Slough, SL1 1BD, 305b, High Street, Slough, SL1 1BD, 311a, High Street, Slough, SL1 1BD, 292a, High Street, Slough, SL1 1NB, Fujitsu Ltd, 292-298, High Street, Slough, SL1 1NB, Contract Options, 294, High Street, Slough, SL1 1NB, 313, High Street, Slough, SL1 1BD, Slough T E, 100, Wellington Street, Slough, SL1 1YW, Thai Orchid, 292, High Street, Slough, SL1 1NB, Top Cut Hair Salon, 305, High Street, Slough, SL1 1BD, 311, High Street, Slough, SL1 1BD, Anthony Cant Ltd, 290, High Street, Slough, SL1 1NB, Flat 2, 307-309, High Street, Slough, SL1 1BD, Flat 1, 307-309, High Street, Slough, SL1 1BD, Flat 3, 307-309, High Street, Slough, SL1 1BD, 100, Wellington Street, Slough, SL1 1YW</p> <p><b>No responses received.</b></p>
<p>Consultees:</p>	<p>Environmental Protection St. Martins Place 51, Bath Road Slough Berkshire SL1 3UF</p> <p><b>The application does not address the use of appropriate noise mitigation being used to address the potential noise issues caused between the commercial part of the premises and the domestic.</b></p> <p><b>Transmission of noise (including vibration) via extraction flue - I suggest the following planning condition is attached to any planning permission granted: All air conditioning or other ventilation plant shall be designed to ensure that external noise generated by the plant or equipment shall not at any time exceed the ambient sound level as measured at the site boundary and at any adjoining or nearby premises when the equipment is not in operation. This shall be implemented prior to first occupation of the development and retained at all times in the future. Reason: To minimise the impact of the noise generated by the equipment on the amenities of the local residents in accordance with Policy EN26 of The Local Plan for Slough 2004.</b></p> <p><b>Odour - I suggest the following planning condition is attached to any planning permission granted: The ventilation and fume extraction equipment shall be installed prior to commencement of the use and retained in a working condition at all times in the future. Reason: To prevent air pollution of the protect the amenities of the local residents in accordance with Policy EN29 of The Local Plan for Slough 2004.</b></p> <p><b>On-site refuse storage is not secure. In this commercial and residential area where ongoing problems exist with fly tipping waste and waste contamination details, to prevent unauthorised access to the waste facilities must be provided. I suggest the following planning condition is attached to any planning permission granted: On-site refuse storage - No development shall take place until details of the security of on-site refuse storage for</b></p>

	<p>waste material awaiting disposal (including details of any screening, siting, design and external materials) have been submitted to and approved in writing by the Local Planning Authority. The approved stores shall be completed prior to first occupation of the development and retained at all times in the future for this purpose. Reason: In the interests of visual amenity of the site in accordance with Policy EN1 of The adopted Local Plan for Slough 2004.</p> <p>Hours of demolition and construction. Condition - No demolition or construction work shall be audible beyond the site boundary outside the hours of 08:00hrs and 17:00hrs Monday to Friday; 08:00hrs and 13:00 hrs Saturday and not at all on Sundays and Public Holidays. Reason: To protect the amenity of residents within the vicinity of the site in accordance with the objectives of Policy EN26 of The Adopted Local Plan for Slough 2004.</p> <p>During the construction phase of the development hereby permitted, there shall be no deliveries to the site outside the hours of 08:00 hours to 18:00 hours Mondays – Fridays, 08:00 hours – 13:00 hours on Saturdays and at no time on Sundays and Bank/Public Holidays. To protect the amenity of residents within the vicinity of the site in accordance with the objectives of Policy EN26 of The Adopted Local Plan for Slough 2004.</p> <p>Mr. Viv Vallance Transport and Highways Development, Resources, Housing and Regeneration St. Martins Place 51, Bath Road Slough Berkshire SL1 3UF</p> <p><b>No response.</b></p>
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**Site History:**

P/00794/007 - Change of use of ground floor from A1 Retail to A3 Restaurant and erection of a flue to the rear – Approved with Conditions; Informatives 29/12/2017

P/00794/006 – Change of use of first floor office (B1A) to taxi office (sui generis) including erection of aerial on rear elevation with associated parking to rear (relocation of existing taxi office from 321 High Street) – Approved with conditions; informatives 10/10/2011.

P/00794/005 – Retention of a first floor residential use (retrospective) – Withdrawn 07/06/2010.

P/00794/004 – Change of use from dry cleaners to private car hire office (retrospective) – Approved with conditions 28/04/2003.

P/00794/003 – Change of use of second floor flat to office use – Approved with conditions 13/05/1985.

P/00794/002 – Erection of an illuminated double sided box sign – Approved with conditions 29/06/1966.

P/00794/000 – Internal rearrangement to locate established office and staff rooms on first floor and residential accommodation on the second floor – Approved with conditions 12/04/1966.



## **Planning Considerations:**

### Proposal:

Demolition of part of existing single storey rear projection and erection of a single storey rear extension/canopy to facilitate the creation of a restaurant with Shisha Lounge. Insertion of rooflights in existing single storey roof and alterations to the existing shop frontage. Erection of a flue.

### Site and surroundings

The application site is located on the northern side of the High Street, with Slough Town Centre. The application site is located within a Secondary Frontage shopping area.

The application site as current consists of a retail unit at ground floor with flats above. This section of the High Street is characterised by retail and restaurant units at ground floor with residential units above.

### Development Plan Policies:

The proposed development is considered having regard for the National Planning Policy Framework, Core Policies 6, 8 and 12 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document, December 2008, and Policies EN1, S12 and T2 of the Adopted Local Plan for Slough 2004.

### Composite Local Plan – Slough Local Development Plan and the NPPF - PAS Self Assessment Checklist

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Local Planning Authority has published a self assessment of the Consistency of the Slough Local Development Plan with the National Planning Policy Framework using the PAS NPPF Checklist.

The detailed Self Assessment undertaken identifies that the above policies are generally in conformity with the National Planning Policy Framework. The policies that form the Slough Local Development Plan are to be applied in conjunction with a statement of intent with regard to the presumption in favour of sustainable development.

It was agreed at Planning Committee in October 2012 that it was not necessary to carry out a full scale review of Slough's Development Plan at present, and that instead the parts of the current adopted Development Plan or Slough should all be republished in a single 'Composite Development Plan' for Slough. The Planning Committee endorsed the use of this Composite Local Plan for Slough in July 2013.

### Principle

Planning permission was granted on the 29<sup>th</sup> December 2017 for the change of use of the existing retail unit to a restaurant. As such the principle of the conversion of the shop to a restaurant has been accepted. The application now proposes to add a shisha lounge to the

application site through a rear extension. Whilst not an A3 use, the intended mixed use of restaurant with shisha lounge would be considered under policy S12 of the Local Plan.

Policy S12 relates to the change of use of A1 (shop) to A3 (restaurant). This policy outlines:

'Proposals for a change of use from retail to uses within the food and drink Use Class A3 will be permitted in either the primary or secondary shopping frontages subject to all of the following criteria being met:

- a) The proposal should provide a shop front design synonymous with a shopping location;
- b) If in the primary frontage, the proposal will not result in three or more similar uses being located next to each other;
- c) The proposal can demonstrate that levels of pedestrian flow will not be adversely affected;
- d) The proposal seeks to trade at hours complementary to a retail location;
- e) All proposals should provide appropriate servicing from the rear of the property utilising existing service roads. Where full rear servicing does not currently exist, the proposal will only be permitted if it is clear that servicing would not lead to traffic congestion and obstruction to parking and access;
- f) Proposals must not result in any adverse environmental effects.'

The application site is located within a secondary shopping frontage.

The application proposes to replace the existing shop front, with the main alteration being the movement of the entrance doors to the western side of the entrance. The proposed alterations to the shop front will not significantly alter the character and appearance of the shop front from the street scene. As such it is considered that the proposal would provide a shop front synonymous with a shopping location, in line with part a) of policy S12.

The application site is located within a secondary shopping frontage and as such part b) of policy S12 is not relevant.

The application site is located within the High Street of Slough, where there are wide pavements and good public transport links. No external tables are proposed. As such it is not considered that the proposed restaurant would impact upon pedestrian flow, in line with part c) of policy S12.

The application proposes to trade between the hours of 11am and 11pm Monday to Sunday. The application site is located in the town centre, and there are examples of other restaurants and takeaways within the vicinity. Approved opening hours in nearby restaurants fall up to 11pm and 12pm. Due to the proximity of a number of residential units, it is considered that opening hours up to 11pm is acceptable for this retail location. This falls in accordance with part d) of policy S12.

The application site and adjoining parade of shops are currently serviced via a rear service yard to the north. This is considered adequate for the proposed restaurant, in line with part e) of policy S12.

With the proposal amounting to a change of use, with a small extension, it is considered that there will not be adverse environmental effects as a result of this proposal, in line with part f) of policy S12.

Shisha smoking stems from the Arabian society, it involves using hookah pipes to smoke flavoured tobacco via a filtration system. Although shisha smoking is an essential part of the Arabian social culture, it has for several years become an accepted and growing social activity for general public throughout the UK.

There is concern about the health implications of smoking, in this case shisha smoking. This was tested in a case in Birmingham following refusal to grant planning for the conversion of a shop to a coffee shop and shisha bar on the grounds that tobacco is harmful. The shisha bar was allowed on appeal as the appeal inspector concluded that use of tobacco was controlled under other legislation and the planning system should not duplicate such powers.

In consequence it is considered that the proposal complies with all parts of policy S12 of the Local Plan, and in line with this, it is considered that the principle of converting the A1 shop to an A3 restaurant with associated Shisha Lounge would be acceptable in this location.

*Design and Impact on Street Scene:*

Policy EN1 of the Local Plan outlines that development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of scale, height, massing, layout, siting, building form and design, architectural style, materials, access points, visual impact, relationship to nearby properties, relationship to mature trees, and relationship to water course. Poor designs which are not in keeping with their surroundings and schemes that overdevelop the site will not be permitted.

Core Strategy Policy 8 states that all development in the borough shall be sustainable, of a high quality design, improve the quality of the environment and address the impact of climate change. Core Policy 8 outlines:

'All development will:

- a) Be of a high quality design that is practical, attractive, safe, accessible and adaptable;
- b) Respect its location and surroundings;
- c) Provide appropriate public space, amenity space and landscaping as an integral part of the design; and
- d) Be in accordance with the Spatial Strategy in terms of its height, scale, massing and architectural style.'

These policies are consistent with the National Planning Policy Framework (2012) which requires high quality design as referred to in paragraphs 17, 56, 58, 60, 61 and 64.

The application proposes to extend the existing building at single storey level the depth of the site. This would result in a 3 metre high wall extending up to the edge of the service road to the rear (north). The proposed extension would be largely open on the northern elevation, but enclosed on the eastern and western elevations. The majority of the extension would be covered with a flat roof, with small voids on the eastern side and to the centre of the northern side.

In design terms, the service road to the north is characterised by single storey flat roofed extensions projecting up to the edge of the road. As such it is considered that the extension of this building at single storey level up to the edge of the service road would not appear out of character or detrimental to the street scene and as such would be acceptable in design terms. The northern elevation of the development would consist of a 1 metre high brick wall with 1 metre railings above, ensuring that patrons can see out onto the service road (to the benefit of improving crime safety) whilst ensuring that there is not an easy access out of the Shisha Lounge for patrons from the northern elevation.

The application proposes to replace the existing shop front, with the main alteration being the movement of the entrance doors to the western side of the entrance. The proposed alterations to the shop front will not significantly alter the character and appearance of the shop front from the street scene.

It is also proposed to insert three rooflights within the existing flat roof extensions to this building. These rooflights would fall within the kitchen and corridors. It is considered that the insertion of three rooflights would be acceptable in design terms.

It is considered that the proposed alterations would be acceptable in design terms.

Impact on Residential Amenities of Neighbouring Occupiers:

The application site is located within close proximity of a number of residential units. The application site is also within close proximity of a number of other restaurants and is located within the town centre within a secondary shopping frontage.

With this application site being located within the town centre, within a secondary shopping area, it is considered that a restaurant with shisha lounge would be reasonable to expect within close proximity of residential units. In order to protect neighbouring amenity, restrictions should be made to the opening hours of the proposed restaurant and shisha lounge, particularly with the proposed shisha lounge being partly open.

The application proposes to trade between the hours of 11am and 11pm Monday to Sunday. The application site is located in the town centre, and there are examples of other restaurants and takeaways within the vicinity. Approved opening hours in nearby restaurants fall up to 11pm and 12pm. Due to the proximity of a number of residential units, it is considered that opening hours up to 11pm would be acceptable. With the Shisha Lounge being partly open, it is also considered important to restrict music volumes from the development. Details on sound amplification for the site will be required through condition.

Environmental Protection requested conditions requiring the ventilation and fume extraction equipment to be installed prior to commencement, restricting demolition and construction times, and restricting construction delivery times. These are considered appropriate to attach.

Environmental Protection recommended a condition outlining that 'All air conditioning or other ventilation plant shall be designed to ensure that external noise generated by the plant or equipment shall not at any time exceed the ambient sound level as measured at the site boundary and at any adjoining or nearby premises when the equipment is not in operation. This shall be implemented prior to first occupation of the development and retained at all times in the future. Reason: To minimise the impact of the noise generated by the equipment on the amenities of the local residents in accordance with Policy EN26 of The Local Plan for Slough 2004.' The application site is located within the Town Centre where background noise varies, and as such the above condition would not be hard to enforce. In order to protect neighbouring properties from the potential for noise, it is proposed to attach a condition requiring details on the limitation methods for the transition of noise between the proposed unit and residential properties.

Environmental Protection also requested a condition requesting details of a bin store for the site. The submitted plans clearly show a proposed bin store for the development and as such this condition is not considered necessary.

Car Parking:

The application site is located within the town centre of Slough and is easily accessible by public transport. In addition the site is within close walking distance of Hatfield Road car park, and there are parking bays outside the application site. The Council's Highways department have been consulted on the application and have advised that no parking is required and the proposal is acceptable in highway terms.

Due to the close proximity of car parking and public transport, it is considered that the proposal would not require any parking facilities.

Process:

It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.

**Recommendation:**

The proposal is considered to be consistent with guidance given in the National Planning Policy Framework, Core Policies 6, 8 and 12 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document, December 2008, and Policies EN1, S12 and T2 of the Adopted Local Plan for Slough 2004. It is therefore recommended that planning permission be **granted**.

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## Responsible Authority Representation Form

Thames Valley Police, Royal Berkshire Fire and Rescue Service, Health and Safety Executive, Area Child Protection Committee, Slough Borough Council [SBC] Commercial Services (Health and Safety and Trading Standards), Planning and Development Control Services [SBC], Public Health Services [SBC].

### APPLICATION DETAILS

<b>Name of Premises</b>	Akaya Lounge
<b>Address of Premises &amp; Tel: No.</b>	307-309 High Street, Slough, SL1 1BD
<b>Applicant Details</b> (Name, address, Tel: No.) if different from above	Mohammed Ali
<b>Company Name</b> (if different from Applicant)	
<b>Application type</b> (state fully)	Premises Licence
<b>Date Application received</b>	10 <sup>th</sup> August 2020

REPRESENTATION SUBMISSION

Please tick

<p><b>There are no representations to the granting of this licence</b></p>	<p><input type="checkbox"/></p>
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<p><b>If you are making representations to the application identify which of the four licensing objectives your representation relates to:</b></p> <p>Please detail your representation and the reason together with your supporting evidence, as appropriate. <i>(If replying by hard copy, please attach separate sheet(s) if necessary).</i></p>		
<p>Prevention of Crime and Disorder</p>	<p>Please tick <input type="checkbox"/></p>	
<p>Public Safety</p>	<p><input type="checkbox"/></p>	
<p>Prevention of Public Nuisance</p>	<p><input checked="" type="checkbox"/></p>	<p>Nuisance caused from the playing loud amplified music and people in the rear yard of the premises which is partially open to air and affords no sound attenuation between the premises and nearby residential properties. Please see attached information.</p>
<p>Protection of Children from Harm</p>	<p><input type="checkbox"/></p>	



**Please provide advice to the Licensing Sub-Committee on how you believe they should consider the representation.**

If appropriate, recommend conditions that could be added to the Licence to remedy your representation or other suggestions you would like the Licensing Sub-Committee to take into account.

If replying by hard copy, please attach separate sheet(s), if necessary.

Please refer to the Responsible Authority Guidance Note.

Recommended conditions:  
Please see attached information.

Name of Officer completing Representation	Natalie Worley
Job Title	Neighbourhood Housing and Enforcement Officer
Name of Responsible Authority	Slough Borough Council
E-mail address: Tel: No.	

**N.B.** If you do make a representation you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.

Signed: ... .. Dated: .....27<sup>th</sup> August 2020.....

Please return this form along with any additional sheets, if replying by hard copy to:

The Licensing Team  
Observatory House  
25 Windsor Road  
Slough  
SL1 2EL  
E-mail: [licensing@slough.gov.uk](mailto:licensing@slough.gov.uk)

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**Akaya Lounge, 307-309 High Street, Slough, SL1 1BD**

**Licensing representation of Neighbourhood Services**

**Objection – Public Nuisance**

The information detailed to prevent a public nuisance is not sufficient and not likely to ensure a public nuisance does not occur.

The Neighbourhood Enforcement Team have been receiving complaints about loud music continuing on into the early hours of the morning causing a nuisance to several nearby residential properties.

The first complaint about loud music from Akaya was received on the 16<sup>th</sup> December 2019. The complaint was made by a nearby resident and they reported being disturbed by loud music over the previous two weeks. A Community Warden initially spoke to the complaint on the 23<sup>rd</sup> December 2019. The complainant reported that they initially tried to speak to the premises supervisor about the volume of the music but he alleged the supervisor told him that as it was before 12am they were allowed to do what they liked.

Further complaints were received from other nearby residents on the 20<sup>th</sup> and 24<sup>th</sup> December 2019. In total the Council received complaints from 4 separate households all reporting the music was very loud and continuing late into the night.

On the 23<sup>rd</sup> December 2019 the on call out of hour's officer, Mrs Sarah Stefano, received complaints about loud music and flashing bright lights from Akaya Lounge. The out of hours officer is only contacted if the ASB hotline receives two or more complaints about noise from separate households and operates outside of the hours 9am-5pm, Mon-Fri. On this occasion two calls were to the ASB hotline from two separate residents in the vicinity of Akaya Lounge. The officer obtained a contact number from the Council premises database which was for a Mr Abdul Qaher who was detailed as the sole trader in relation to the premises when registering for food safety reasons. The officer called Mr Qaher at 00:07 hours on the 24<sup>th</sup> December 2019, explained complaints had been received and requested that the volume was reduced.

The officer visited the complainants shortly after to assess the noise. The first complainant had left their property to take their child to a relative so that they could sleep. The second complainant allowed the officer into their property so that they could make an assessment under section 79 of the Environmental Protection Act 1990 as to whether the noise constituted a nuisance. The music was of such a volume it was assessed as being a statutory nuisance. The officer found that not only was the music a nuisance but that crowds of people had also congregated outside of the premises adding to the disturbance. The Police were also in attendance. As such a noise abatement notice was served on Mr Qaher on the 24<sup>th</sup> December 2019. The notice required that no music should be played in the partially open area to the rear of the premises and that all other music played within the premises should not be audible outside of the premises after at 11pm.

During normal working hours on the 24<sup>th</sup> December 2019 an officer, Ms Fakhra Zaman, visited Akaya Lounge to further discuss the service of the abatement notice. She spoke with a gentleman who told her he was the chef/manager of Steakout, a nearby restaurant, but who appeared to her to be in

charge of Akaya at the time of her visit. He advised the officer that he was at Akaya Lounge the previous night and that it was a large event. He was aware that a nearby resident had been to the premises to complain about the loud music. He was not aware that they should have submitted a temporary event notice to the Council in relation to the event as it would be continuing beyond the 23:00 hours and the premises does not serve alcohol and as such to play recorded amplified music they would either need to have notified the Council or if they were playing recorded amplified music on a regular basis they would need to apply for a premises licence as they are not licenced to sell alcohol.

A further Noise Abatement Notice was issued on 30<sup>th</sup> December 2019 to Sultan Palace Lounge Limited as we became aware that they may also be responsible for the statutory noise nuisance as this company was registered at the premises address 307-309 High Street, Slough. An appeal was made against this notice and the basis of the appeal was that this company was not related to Akaya Lounge. We were informed by Mr Ali that the company related to Akaya Lounge is Sultan Restaurant and Lounge Limited. As such a further notice was served on this company as being responsible for the running of the premises and the resulting nuisance on the 31<sup>st</sup> January 2020.

On the 30<sup>th</sup> January 2020 Neighbourhood Services were consulted on an application made to our Planning Department requesting a variation to their operating hours. The permitted operating hours for this premise is 11:00 hours to 23:00 hours, Monday to Sunday. The application was to vary the operating hours to same hours detailed in this licence application. In addition to causing a public nuisance they have been opening outside of their permitted hours. The request to extend the opening hours to 01:00 hours Sunday to Thursday and 03:00 hours Friday to Saturday was objected to given the recent disturbance caused and lack of communication from any persons in control of the premises.

Mr Abdul Qaher contacted the Council on the 31<sup>st</sup> December 2019 to advise us that he was not in charge of the Akaya Lounge, despite not giving Mrs Stefano any indication that this was not the case when she spoke to him on the 24<sup>th</sup> December 2019. We also received a telephone call from a Mr Clarke Smith who informed us he was the director of the restaurant group that Akaya Lounge was part of. He was given details of the requirements of the abatement notice and reasons for its service over the phone.

On the 18<sup>th</sup> January 2020 the duty out of hour's officer, Mrs Diane Lewis, was contacted again as a nearby resident had reported being disturbed by loud music. When Mrs Lewis spoke to the complainant at 23:36 hours she was advised that the music had been turned off but that they were still being disturbed by the noise from people singing and shouting in the external part of the premises. Mrs Lewis visited the complainant's property at 00:10 hours on the 19<sup>th</sup> January 2020. She was able to clearly hear the noise when outside of the complainant's property and was still able to hear the noise from the people in the external part of Akaya Lounge when inside the complainant's bedroom with the windows closed. 10 minutes after Mrs Lewis's arrival at the premises people started to leave.

On the 25<sup>th</sup> February 2020 a resident submitted an online ASB report as they were again being disturbed by loud music being played in the external seating area at the Akaya Lounge. This report was made at 23:15 hours.

On Saturday the 1<sup>st</sup> February 2020 the out of hours officer, Mr Michael Needs, was contacted again as a resident had reported being disturbed by loud music from Akaya Lounge. Mr Needs visited the complainant at 23:59 hours and could clearly hear the loud music and customers voices coming from

Akaya Lounge when stood in their lounge with the windows closed. The music was still playing when Mr Needs left the property at 00:14 hours on the 2<sup>nd</sup> February 2020.

Having witnessed a breach of the noise abatement notice on two separate occasions and continuing to receive complaints about the noise an application was made at Slough Magistrates Court on the 7<sup>th</sup> February 2020 to enter the premises, Akaya Lounge, and seize all noise making equipment. The warrant was granted and an operation was carried out the same afternoon where all of the speakers were removed from the outside seating area of the premises and all but two of the speakers were removed from internal restaurant area.

Following the seizure of the speakers Mrs Stefano was contacted by a Mr Mabs Ali who identified himself as being in charge of the premises Akaya Lounge. Mrs Stefano and myself met with Mr Ali to discuss the noise issue on the 28<sup>th</sup> February 2020. During a discussion on the 28<sup>th</sup> February 2020 the applicant told us that he was persuaded to hold this event though he knew he wasn't ready and didn't have the capacity but he could not turn down the business.

Mr Ali told us that he had not made any enquiries as to whether he would need a premises licence. When we advised him our licencing team had sent him information about how to find out if he required a licence and how to apply for one he told us that he had not been opening the post. Mr Ali told us he was aware that he was opening the premises outside of the hours permitted on the planning conditions. He said he felt that as he had made an application to vary the times but had not received an answer then he could keep the premises open in line with the times he wanted to vary it to. We reminded Mr Ali that a noise abatement notice had been served and not appealed therefore even if he had planning permission for the interior and exterior parts of the premise to be open until 3am he would not be able to have any music playing in the exterior part of the premises at all and no music should be audible beyond the premises boundary after 11pm. Mr Ali left us with the indication that he would be appealing the noise abatement notice. To date no appeal has been submitted and the requirements of the notice still apply.

We have been made aware of another breach of the noise abatement notice. A complaint was made to the Police about loud music coming from the Akaya Lounge on the 31<sup>st</sup> May 2020. The statement from the attending police officer details that he could hear loud music as they approached the premises at 01:00 hours which was turned off as they knocked on the back door.

Due to the continuing breaches of the abatement notice and the significant disturbance caused to nearby residents when the Akaya Lounge has been open beyond 23:00 hours I am objecting to this application for a premises licence.

Should a premises licence be granted I would like to suggest that conditions be added to assist the licence holder in ensuring a public nuisance does not arise in the future and to ensure that they comply with the requirements of the noise abatement notice. My recommend conditions are:

1. At least two prominent signs will be displayed in the partially enclosed external area to the rear of the premises reminding customers to respect the fact that there are residents living nearby.
2. A complaints log will be maintained by the DPS ('the log'). The log will be used to record any complaints made by residents in relation to the operation of the premises. The log will record the date, time and nature of the complaint, along with the name of the person making the record and any action taken in relation to that complaint. A dedicated telephone number will be made available to residents during trading hours.
3. At the commencement of live or recorded music played within the premises, the DPS or designated manager will undertake noise checks at the boundary of the nearest noise sensitive

properties surrounding the premises to ensure that the music levels will not amount to a public nuisance. Levels will be turned down if they are deemed to be likely to cause a public nuisance and further checks undertaken until the levels are deemed to be appropriate for compliance with this condition. A record of the checks will be maintained at the premises and shall be available for inspection by licensing and other responsible authority officers.

4. The partially enclosed external area to the rear of the premises is not to be used for the playing of live music, recorded music and any associated live entertainment.
5. The external areas shall be managed as far as practicable to ensure that customers do not behave in a manner that is likely to cause a public nuisance. For the avoidance of doubt, this condition does not seek to prevent customers from engaging socially as would be expected at premises, but requires a degree of management of customers should their behaviour become overly loud or deemed to be offensive. If customer's behaviour is not able to be managed and is causing a nuisance then the Police will be called for assistance.
6. The partially enclosed external area will be closed to customers from 23:00 hours.
7. All customers to enter and exit the premises via the main front door facing the High Street.
8. Doors and windows will not be permitted to be opened during live or recorded music (excluding incidental background music) except for access and egress. Signs will be displayed on any doors used for public access and egress reminding customers to close the door after use. Regular checks will be made during regulated entertainment to ensure as far as practicable that this condition is being complied with.
9. No music shall be audible beyond the premises boundary after 23:00 hours.
10. Install a noise limiter and agree with the local authority the Db level it should be set at for the playing of music in the internal area of the premises before 23:00 hours. If the premise is not suitably sound insulated to prevent this level of noise from being audible beyond the premises boundary you will be required to lower or turn off the music after 23:00 hours to ensure that condition 7 is adhered to.

As there is nothing between the external area and the nearest noise sensitive premises to provide any sound insulation any volume of music is likely to be audible and cause a nuisance. I have enclosed a plan and highlighted in yellow the nearest noise sensitive premises, 4 blocks of flats, Crown House, Neo Apartments, Skyline Apartments and Regional House. However, we have not received any complaints from any of these properties about noise from Akaya Lounge. Complaints about noise from the premises have been in relation to the external area at the rear. Crown House and Neo Apartments have a clear line of sight to the rear of Akaya Lounge whereas the Skyline Apartments and Regional House do not and have the premises building itself between them and the rear external area. I have highlighted the internal portion of the premises in blue and the external in red. The entire external area is used as an extension of the premises.

There are residential properties directly above 307-309 High Street which are part of the same building and under the same ownership. As part of the original planning application, which was approved, to change the use from A1 (retail) to A3 (restaurant) acoustic report was submitted. This report advised that changes would be needed to the party floor to prevent noise transmission to the residential property above. The report also suggested the use of a noise limiter. But this was in relation to the noise source being solely the internal space of the premises, did not take into account the use of the external area, assumed that the music requirement of the premises would be as ambient background music in a restaurant setting and as such suggested a Db limit of 77Db. For the types of events that the premises have been hosting, more a nightclub atmosphere with very loud

music and flashing lights, this is likely to be of a lower Db level than they would like and this acoustic report would now not be applicable to the premises.

Natalie Worley, Neighbourhood Housing and Enforcement Officer

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**ENVIRONMENTAL PROTECTION ACT 1990, Section 80**

Notice ref: SST/017085

To: Sultan Restaurant and Lounge Limited  
 of 307 High Street, Slough, Berkshire, SL1 1BD

## **ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE**

**TAKE NOTICE** that under the provisions of the Environmental Protection Act 1990 the **Slough Borough Council** ("the Council"), being satisfied of the likely recurrence of a statutory nuisance under section 79(1)(g) of that Act at the premises known as:

**Akaya Lounge, 307-309 High Street, Slough, Berkshire, SL1 1BD**

within the district of the said Council arising from the playing of loud music, shouting and swearing

**HEREBY REQUIRE YOU**, as the person responsible for the said nuisance immediately from the service of this notice, to abate the same and also **HEREBY PROHIBIT** the recurrence of the same and for that purpose require you to:

**Cease use of the partially enclosed area at the rear of the premises for the playing of music**  
**Ensure noise from the premises is not audible outside the boundary of the premises after 11pm**

**THIS** is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

**IF** without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale\*\*, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

**DATED** Friday 31<sup>st</sup> January 2020

(Signed) .....

Mrs Sarah Stefano  
 Enforcement Team Leader  
 (The officer appointed for this purpose)

(Address to which all communications should be sent)

**Slough Borough Council, Observatory House, 25 Windsor Road, Slough, Berkshire, SL1 2EL**

**N.B. The person served with this notice may appeal against the notice to a magistrates' court within twenty-one days beginning with the date of service of the notice. See notes on the reverse of this form.**

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:

**APPEALS UNDER SECTION 80 (3) of the ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")**

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

(2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case -

- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
- (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
- (c) that the authority has refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
- (e) where the nuisance to which the notice relates -
  - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
  - (ii) is a nuisance falling within section 79(1)(b), of the 1990 Act and the smoke is emitted from a chimney, or
  - (iii) is a nuisance falling within section 79(1)(g) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes,that the best practicable means were used to prevent, or to counteract the effect of, the nuisance;
- (f) that, in the case of a nuisance under section 79(1)(g) or (g) of the 1990 Act (noise emitted from the premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
  - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act", (control of noise on construction sites and from certain premises), or
  - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
  - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
- (g) that, in the case of a nuisance under section 79(1)(g) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
- (h) that the abatement notice should have been served on some person instead of the appellant, being -
  - (i) the person responsible for the nuisance, or
  - (ii) the person responsible for the vehicle, machinery or equipment, or
  - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
  - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being -
  - (i) in the case where the appellant is the owner of the premises, the occupier of the premises; or
  - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,and that it would have been equitable for it to have been so served;
- (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
  - (i) a person also responsible for the nuisance, or
  - (ii) a person who is also owner of the premises, or
  - (iii) a person who is also an occupier of the premises or,
  - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which this regulation applies he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may -

- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
- (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -

- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person,

(7) In exercising its powers under paragraph (6) above, the court -

- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

**SUSPENSION OF NOTICE**

3. (1) Where -

- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
- (b) either -
  - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
  - (ii) in the case of a nuisance under section 79(1)(g) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
- (c) either paragraph (2) does not apply, or if it does apply but the requirements of paragraph (3) have not been met,

the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where -

- (a) the nuisance to which the abatement notice relates -
  - (i) is injurious to health, or
  - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice -

- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
- (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

Maidenhead Fire Safety Office, The Fire Station, Bridge Road, Maidenhead  
SL6 8PG

Direct Line 07920785906 | Switchboard 0118 945 2888 | Fax 0118 959 0510  
Email [sheihks@rbfrs.co.uk](mailto:sheihks@rbfrs.co.uk) | [www.rbfrs.co.uk](http://www.rbfrs.co.uk)

Follow us on Twitter @rbfrsofficial



Slough Borough Council  
Slough Licensing  
[Rachael.Rumney@slough.gov.uk](mailto:Rachael.Rumney@slough.gov.uk)

Your Ref:  
Our Ref: SS/281781  
Ask for: Mr S Sheikh  
Date: 11 August 2020

**LICENSING ACT 2003  
REGULATORY REFORM (FIRE SAFETY) ORDER 2005.  
AKAYA LOUNGE, 307-309 HIGH STREET, SLOUGH, SL1 1BD.**

Dear Sir,

The Fire Authority has considered your application dated 29 July 2020 and does not propose to make a representation. This should not be interpreted as meaning that the fire precautions in the premises are satisfactory. The primary piece of legislation for achieving satisfactory standards of fire safety in licensed premises is the Regulatory Reform (Fire Safety) Order 2005. This legislation requires the Responsible Person to undertake a suitable and sufficient fire risk assessment to identify the general fire precautions which need to be taken to protect relevant persons.

**The Department for Communities and Local Government (CLG) has developed a set of guides which explain what you must do in order to comply with fire safety law, help you carry out a fire risk assessment and identify the general fire precautions which you should have in place. The guides are available via the following link:-**

<http://www.communities.gov.uk/fire/firesafety/firesafetylaw>

Failure to comply with the Order, irrespective of any requirements which may be imposed by the Licensing Authority in connection with your application, may result in enforcement action being taken by this Authority under the Regulatory Reform (Fire Safety) Order 2005. Your premises will be included in our risk based inspection programme and audited for compliance in due course.

This letter is without prejudice to the powers of the Licensing Authority and to any requirements or recommendations which may be made by enforcing Authorities under other legislation.

Yours faithfully,

S Sheikh  
Authorised Fire Safety Inspecting Officer  
And on behalf of the Royal Berkshire Fire and Rescue Authority

Copy:  
Licensing  
My Council  
Landmark Place  
High Street  
Slough  
SL1 1JL  
Email: [licensing@slough.gov.uk](mailto:licensing@slough.gov.uk)