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8 January 2016

To: Councillors Woodward (Chair),
Livingston and Vickers.

Your contact is: Amy Bryan - Committee Services

NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 1 - WEDNESDAY 20 JANUARY 2016

A meeting of Licensing Applications Sub-Committee 1 will be held on Wednesday 20 January 2016 at 5.00pm in Committee Room 4B, Civic Offices, Bridge Street, Reading.

The agenda for the meeting is set out below.

WARDS AFFECTED PAGE NO

- | | | | |
|----|---|-------|---|
| 1. | DECLARATIONS OF INTEREST | | |
| | (a) Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration; | | |
| | (b) Councillors to declare whether they wish to speak on the grounds they: | | |
| | (i) Have submitted a relevant representation as an interested party; or | | |
| | (ii) Will be speaking on behalf of an interested party. | | |
| 2. | MINUTES OF THE MEETINGS OF LICENSING APPLICATIONS SUB-COMMITTEE 1 HELD ON 8 DECEMBER 2015 | | 1 |
| | To confirm the Minutes of the meetings of Licensing Applications Sub-Committee 1 held on 8 December 2015 as a correct record. | | |
| 3. | APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - FIVE STAR WINES, CAVERSHAM ROAD, READING | ABBAY | 6 |
| | To consider an application for the review of a Premises Licence in respect of Five Star Wines, 133 Caversham Road, Reading. | | |

Present: Councillors Woodward (Chair), Livingston and Vickers.

19. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 1 held on 27 October, 3 November and 10 November 2015 were confirmed as correct records and signed by the Chair.

20. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - TREEHOUSE, FRIAR STREET, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by Thames Valley Police for the review of a Premises Licence in respect of The Treehouse, 108 Friar Street, Reading, RG1 1EP.

The report stated that a review of the Premises Licence had been requested by Thames Valley Police under the licensing objectives of prevention of crime and disorder, public safety, protection of children from harm and public nuisance.

The review application sought a revocation of the licence in relation to The Treehouse because of the unacceptable number of incidents of crime and disorder that had occurred at the premises since it had opened to the public earlier in 2015. These incidents were a considerable concern regarding public safety, the protection of children from harm and prevention of crime and disorder which supported the evidence submitted by Thames Valley Police that the objectives had been undermined by both the nature of the venue and the Designated Premise Supervisor and Premises Licence Holder.

The report explained that serious incidents had included a series of violent disorders and concerns over high drug usage in the venue by patrons as well as potentially by staff. More recently Thames Valley Police had received information that suggested that the Premise License Holders regularly overruled the Designated Premises Supervisor and door supervisors by instructing them to allow in friends and associates of the owners to the 'VIP/Karaoke' rooms on the first floor. The report stated that some of these people regularly appeared under the age of 18, and having disallowed staff from checking their identification, they could then have access once inside to all areas and the possibility to purchase alcohol.

The report also stated that Thames Valley Police believed that the problems being faced at this venue had been exacerbated by the poor management of the Designated Premises Supervisor and Premises Licence Holder (owner), along with the continued employment of promoters that encouraged irresponsible drinking and a crowd demographic that had a potential for drug usage and violence, and whom had been anecdotally described as a 'Cocaine and Caviar' audience.

The report stated that the combination of the issues outlined in the report and a number of licence condition breaches unearthed during performance meetings over the previous few months had led Thames Valley Police to take this final serious step to review the licence.

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A copy of the review application was attached to the report at Appendix I. This gave further details of the grounds for the application. A representation in regard to the review application had been received from Reading Borough Council Licensing Team and was attached to the report at Appendix II. A plan showing the location of the premises (in black) and surrounding streets was attached to the report at Appendix III.

The report stated that shortly after the Review papers were served, the Council had received applications to transfer the Premises Licence and for a change of Designated Premises Supervisor. The current Premises Licence Holder was Treehouse Bar Limited (previously Mrs Nan Zhang) and that the Designated Premises Supervisor was Mr Simon Bayfield (previously Mr James Spencer).

The existing Premises Licence, a copy of which was attached to the report at Appendix IV, permitted the following:

Licensable Activities authorised by the Licence

Performance of Plays - indoor
Exhibition of Films - Indoor
Indoor Sporting Events
Performance of Live Music - Indoor
Playing of Recorded Music - Indoor
Performance of Dance - Indoor
Anything similar to Live Music, Recorded Music and Performance of Dance - Indoor
Late Night Refreshment - Indoor & Outdoor
Sale of Alcohol by Retail - On & Off the Premises

Hours for Licensable Activities (except Late Night Refreshment)

Monday to Sunday 1100 hours until 0300 hours

Hours for the Provision of Late Night Refreshment

Monday to Sunday 2300 hours until 0300 hours

For all Licensable Activities

Christmas Eve and Sundays preceding Bank Holiday Mondays until 0300 hours the following day.

British Summer time deemed not to have started until the commencement of the following days trading session.

New Year's Eve - from the start of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Hours the Premises is Open to the Public

Monday to Sunday 1100 hours until 0400 hours

British Summer time deemed not to have started until the commencement of the following days trading session.

New Year's Eve - from the start of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Opening hours from 0600 hours during the Wednesday through to the following Monday during the Reading Festival held in August each year.

The previous Premises Licence had been circulated prior to the meeting. This allowed the same licensable activities and permitted hours, but showed Mrs Nan Zhang as the Premises Licence Holder and Mr James Spencer as the Designated Premises Supervisor.

The report stated that in considering the application, the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives, as follows:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The report stated further that, in determining the application, the Sub-Committee could take the following steps:

- Take no further action;
- Issue formal warnings to the premises supervisor and/or premises licence holder;
- Modify the conditions of the licence (including, but not limited to hours of operation of licensable activities);
- Exclude a licensable activity from the scope of the licence;
- Remove the Designated Premises Licence Supervisor;
- Suspend the licence for a period not exceeding three months;
- Revoke the licence.

(Where the Sub-Committee took a step mentioned in the third and fourth bullet points above it may provide that the modification or exclusion was to have effect for a period not exceeding three months or permanently.)

The report set out paragraph 9.12 of Secretary of State's Guidance, Section 182 of the Licensing Act 2003 (March 2015), which stated that in their role as a responsible authority, the police were an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police had a key role in managing the night-time economy and should have good working relationships with those operating in their local area.

The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but might also be able to make relevant representations with regard to the other licensing objectives if they had evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority had evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remained incumbent on the police to ensure that their representations could withstand the scrutiny to which they would be subject at a hearing.

The report also set out paragraph 9.13 of the Secretary of State's Guidance which stated that Licensing authorities were included in the list of responsible authorities. A similar framework existed in the Gambling Act 2005. The 2003 Act did not require responsible authorities to make representations about applications for the grant of premises licences

or to take any other steps in respect of different licensing processes. It was, therefore, for the licensing authority to determine when it considered it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under Section 4 of the 2003 Act.

In addition the report included paragraph 10.5 of the Council's Licensing Policy Statement, Review of Premises Licence, which stated that any premises subject to a premises licence or club premises certificate might have that licence or certificate reviewed by the Licensing Authority on application by a responsible authority or interested parties. The Licensing Act 2003 provided strict guidelines as to the timescale and procedures to be adhered to and the Authority would deal with every review application on that basis.

The following documents had been circulated after the report had been published:

- Statement of Mrs N Zhang (previous Premises Licence Holder);
- Statement of Mr S Bayfield (new Designated Premises Supervisor);
- Mr S Bayfield's Curriculum Vitae;
- Treehouse Drugs Awareness document;
- Treehouse Licensing and Challenge 25 document;
- Assignment Instructions for Security at Treehouse;
- Copy of cover letter for Treehouse Assignment Instructions;
- Copy of letter from Trinal Genius Limited with regard to CCTV.

Ms Nancy Zhang, previous Premise Licence Holder and shareholder of the current Premise Licence Holder, Treehouse Limited and Mr Yongsong Zhao, Director of Treehouse Limited, were present at the meeting and addressed the Sub-Committee, and were represented by Mr Graeme Cushion, Poppleston Allen Licensing Solicitors, who addressed the Sub-Committee on behalf of the Premises Licence Holder.

Mr Stephen Nyazika, from Gateway Security and Mr Simon Bayfield, Designated Premises Supervisor, were present at the meeting and addressed the Sub-Committee

Inspector Keith Stacey, DI Rob Murray, Sergeant Rob Pitman, PC Simon Wheeler and Mr Mike King, Thames Valley Police, were present at the meeting and addressed the Sub-Committee. Richard French, Reading Borough Council's Licensing Team, was present at the meeting and addressed the Sub-Committee on the application.

Resolved -

That, having reviewed the Premises Licence in respect of Treehouse, Friar Street, Reading and having had regard to the four licensing objectives and the oral and written representations made, the Secretary of State's guidance (in particular paragraphs 9.12, 9.13, 11.1, 11.17, 11.18, 11.20 and 11.28) and paragraph 10.5 of the Council's Statement of Licensing Policy, the Sub-Committee concluded that it was appropriate and proportionate to revoke the Premises Licence for the following reasons:

- (i) The numerous breaches of conditions;

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- (ii) The undermining of the Licensing Objectives, despite visits by Thames Valley Police and Reading Borough Council's Licensing Team on 3 June and 31 July 2015 and subsequent letters of advice;
- (iii) The fact that the previous Premises Licence Holder and family were still in financial control of the business, as admitted in the statement of Mrs N Zhang, and the unwillingness of the same to exercise appropriate responsibility in the operation of the premises;
- (iv) The fact that although Mrs N Zhang had stated that soon after the opening of the premises it was clear that the then Designated Premises Supervisor was 'out of his depth', he was only dismissed in October 2015. Similarly Mrs Zhang took as long a period to remove the security firm 4D after she had identified problems, which was longer than the one month's notice required;
- (v) The presence on the premises of an underage boy;
- (vi) The continued use of the same irresponsible promoters;
- (vii) The fact that members of the public had sustained injuries from a broken bottle whilst within the venue;
- (viii) Evidence of class A drug taking within the premises and the resistance to the use of passive drug dogs on the premises;
- (ix) Evidence of numerous violent incidents on or immediately outside the premises and incidents close by but linked to the premises, as demonstrated in the CCTV footage of incidents of 26 July and 4 October 2015, as shown at the Sub-Committee hearing.

(The meeting started at 5.00pm and finished at 8.25pm)

LICENSING ACT 2003 HEARING - WEDNESDAY 20TH JANUARY 2016 @1700HRS

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

1. Premises:

Five Star Wines
133 Caversham Road
Reading
RG1 8AS

2. Applicants Requesting Review:

The Chief Inspector of Weights and Measures (RBC Trading Standards)

3. Grounds for Review

Reading Borough Council Trading Standards submitted an application for the review of a premises licence for the premises known as Five Star Wines on 24th November 2015.

The application outlines that a Mr Rajiv Roy - who is the named premises licence holder and designated premises supervisor - sold nearly 30 units of alcohol to a person aged 15 years and 1 month during a test purchase operation carried out on 27th August 2015. This was in despite of the premises licence holder allegedly undertaking a Challenge 25 age verification at the premises and the fact that all licensee's in the vicinity of the Reading Festival site were written to by the Community Alcohol Partnership Officer on 17th August 2015 advising that they would be test purchased during the Festival period.

The application further outlines that a further two incidents of alcohol being sold to underage persons occurred on 28th August 2015. The first incident involved a gentleman called Mr Sidhu who was employed by Mr Roy to work at the premises during the Festival period. The female who was sold alcohol by Mr Sidhu was also under the age of 18. Mr Sidhu had previously been caught and fined during the 2009 Reading Festival.

The third incident of alcohol being sold to a person under the age of 18 years also occurred on 28th August 2015 and involved a member of staff called Mr Rai who sold alcoholic shots to underage persons.

All three persons who committed the above offences were issued with and accepted fixed penalty notices.

The premises was operating under a temporary event notice at the time of all three sales.

The offences summarised above constitute three breaches of Section 146 of the Licensing Act 2003, three breaches of Section 147 of the Licensing Act 2003 and a breach of Section 147A of the Licensing Act. Section 147A deals with the 'persistent sale of alcohol' and is invoked when 2 sales to underage persons are carried out within a period of 3 months from the same premises. In this instance, 3 sales to underage persons were carried out in a period of 24 hours.

The application for review is recommending the revocation of the premises licence due to this persistent selling of alcohol to children in order to promote the licensing objectives of protection of children from harm and the prevention of crime and disorder.

4. Date of receipt of application: 24th November 2015

A copy of the review application received is attached as **Appendix I**

5. Date of closure of period for representations: 22nd December 2015

6. Representations received:

During the 28 day consultation period, a further representation in support of the application was received from Thames Valley Police. This is attached at **Appendix II**.

A plan showing the location of the premises (in black) and surrounding streets is attached as **Appendix III**.

7. Background

The premises is located in a parade of shops down Caversham Road and is surrounded by residential dwellings.

The Premises Licence Holder is stated as: Mr Rajiv Roy

The Designated Premises Supervisor is stated as: Mr Rajiv Roy

The premises currently has the benefit of a premises licence for the activities and hours detailed below: **A copy of the current licence is attached at Appendix IV**

Hours for the Sale by Retail of Alcohol

Monday	from 0800hrs until 2300hrs
Tuesday	from 0800hrs until 2300hrs
Wednesday	from 0800hrs until 2300hrs
Thursday	from 0800hrs until 2300hrs
Friday	from 0800hrs until 2300hrs
Saturday	from 0800hrs until 2300hrs
Sunday	from 1000hrs until 2230hrs

Good Friday from 0800hrs until 2230hrs

Christmas Day from 1200hrs until 1500hrs and 1900hrs until 2230hrs

8. Licensing Objectives and Reading Borough Council's Licensing Policy Statement

In determining this application the Licensing Authority has a duty to carry out its functions with a view to promoting the four licensing objectives, which are as follows:-

- the prevention of crime and disorder;
- public safety
- the prevention of public nuisance

- the protection of children from harm

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

9. Power of Licensing Authority on the determination of a Review

In determining the application the sub-committee can take such of the steps as it considers appropriate and proportionate for the promotion of the licensing objectives, which are:

1. take no further action
2. to issue formal warnings to the premises supervisor and/or premises licence holder
3. modify the conditions of the licence (including, but not limited to hours of operation of licensable activities)
4. exclude a licensable activity from the scope of the licence
5. remove the designated premises licence supervisor
6. suspend the licence for a period not exceeding three months
7. revoke the licence.

Where the sub-committee takes a step mentioned in 3 or 4 it may provide that the modification or exclusion is to have effect for a period not exceeding three months or permanently.

Amended Guidance issued under section 182 of the Licensing Act 2003 March 2015

Representations from the Police

9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area.

The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Review of a premises licence following persistent sales of alcohol to children

11.30 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales

of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

The review process

11.1. The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

11.2. At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

Relevant Sections of the Licensing Act 2003

Section 147A Persistently selling alcohol to children

(1) A person is guilty of an offence if—

on 2 or more different occasions within a period of 3 consecutive months alcohol is unlawfully sold on the same premises to an individual aged under 18;

(b) at the time of each sale the premises were either licensed premises or premises authorised to be used for a permitted temporary activity by virtue of Part 5; and

(c) that person was a responsible person in relation to the premises at each such time.

(2) For the purposes of this section alcohol sold to an individual aged under 18 is unlawfully sold to him if—

(a) the person making the sale believed the individual to be aged under 18; or

(b) that person did not have reasonable grounds for believing the individual to be aged 18 or over.

(3) For the purposes of subsection (2) a person has reasonable grounds for believing an individual to be aged 18 or over only if—

(a) he asked the individual for evidence of his age and that individual produced evidence that would have convinced a reasonable person; or

(b) nobody could reasonably have suspected from the individual's appearance that he was aged under 18.

(4) A person is, in relation to premises and a time, a responsible person for the purposes of subsection (1) if,

at that time, he is—

- (a) the person or one of the persons holding a premises licence in respect of the premises; or
- (b) the person or one of the persons who is the premises user in respect of a temporary event notice by reference to which the premises are authorised to be used for a permitted temporary activity by virtue of Part 5.

(5) The individual to whom the sales mentioned in subsection (1) are made may, but need not be, the same in each case.

(6) The same sale may not be counted in respect of different offences for the purpose—

- (a) of enabling the same person to be convicted of more than one offence under this section; or
- (b) of enabling the same person to be convicted of both an offence under this section and an offence under section 146 or 147.

(7) In determining whether an offence under this section has been committed, the following shall be admissible as evidence that there has been an unlawful sale of alcohol to an individual aged under 18 on any premises on any occasion—

(a) the conviction of a person for an offence under section 146 in respect of a sale to that individual on those premises on that occasion;

(b) the giving to a person of a caution (within the meaning of Part 5 of the Police Act 1997) in respect of such an offence; or

(c) the payment by a person of a fixed penalty under Part 1 of the Criminal Justice and Police Act 2001 in respect of such a sale.

Section 146 - Sale of Alcohol to Children

(1) A person commits an offence if he sells alcohol to an individual aged under 18.

(2) A club commits an offence if alcohol is supplied by it or on its behalf—

- (a) to, or to the order of, a member of the club who is aged under 18, or
- (b) to the order of a member of the club, to an individual who is aged under 18.

(3) A person commits an offence if he supplies alcohol on behalf of a club—

- (a) to, or to the order of, a member of the club who is aged under 18, or
- (b) to the order of a member of the club, to an individual who is aged under 18.

(4) Where a person is charged with an offence under this section by reason of his own conduct it is a defence that—

- (a) he believed that the individual was aged 18 or over, and

(b) either—

(i) he had taken all reasonable steps to establish the individual's age, or

(ii) nobody could reasonably have suspected from the individual's appearance that he was aged under 18.

(5) For the purposes of subsection (4), a person is treated as having taken all reasonable steps to establish an individual's age if—

(a) he asked the individual for evidence of his age, and

(b) the evidence would have convinced a reasonable person.

(6) Where a person ("the accused") is charged with an offence under this section by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it.

Section 147 - Allowing the Sale of Alcohol to Children

(1) A person to whom subsection (2) applies commits an offence if he knowingly allows the sale of alcohol on relevant premises to an individual aged under 18.

(2) This subsection applies to a person who works at the premises in a capacity, whether paid or unpaid, which authorises him to prevent the sale.

(3) A person to whom subsection (4) applies commits an offence if he knowingly allows alcohol to be supplied on relevant premises by or on behalf of a club—

(a) to or to the order of a member of the club who is aged under 18, or

(b) to the order of a member of the club, to an individual who is aged under 18.

(4) This subsection applies to—

(a) a person who works on the premises in a capacity, whether paid or unpaid, which authorises him to prevent the supply, and

(b) any member or officer of the club who at the time of the supply is present on the relevant premises in a capacity which enables him to prevent it.

Section 26 - Period of Validity of Premises Licence

(1) Subject to sections 27 and 28, a premises licence has effect until such time as—

(a) it is revoked under section 52, or

(b) if it specifies that it has effect for a limited period, that period expires.

(2) But a premises licence does not have effect during any period when it is suspended under section 52.

Section 27 mentioned above within Section 26 deals with the death, incapacity or insolvency of the premises licence holder.

Section 28 mentioned above within Section 26 deals with voluntary surrender of the premises licence.

Section 52 mentioned above within Section 26 deals with the steps that can be taken by the licensing authority on determination of a review application.

APPENDIX 1

Application for the review of a premises licence or club premises certificate 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 the Chief Inspector of Weights and Measures for Reading Borough Council
(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Five Star Wines 133 Caversham Road	
Post town Reading	Post code (if known) RG1 8AS

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address The Chief Inspector of Weights and Measures Reading Borough Council Civic Offices Bridge Street Reading RG1 2LU
Telephone number (if any) 0118 937 2479
E-mail address (optional) matthew.golledge@reading.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)
The premises, despite having a reasonable track record in passing test purchase exercises in the past, sold alcohol to children on three separate occasions in two days during the course of the Reading Festival event of 2015.

As such, the premises is failing in its duty to prevent crime and disorder or to protect children from harm.

Please provide as much information as possible to support the application (please read guidance note 2)

Prior to the Reading Festival 2015, the history of the premises in relation to test purchasing was thus:

- 2/8/2008 - passed a test purchase for alcohol
- 1/11/2008 - passed a test purchase for alcohol
- 28/8/2009 - failed a test purchase for alcohol during the Reading Festival 2009 event. Test purchaser was female and 16 years and 11 months old. A Penalty Notice for Disorder was issued to Wazir Singh SIDHU by Thames Valley Police.
- 19/9/2009 - passed a test purchase for tobacco
- 3/10/2009 - passed a test purchase for alcohol
- 27/8/2010 - passed a test purchase for alcohol during the Reading Festival 2010 event
- 25/8/2011 - passed a test purchase for alcohol during the Reading Festival 2011 event
- 23/8/2012 - passed a test purchase for alcohol during the Reading Festival 2012 event
- 22/8/2013 - passed a test purchase for alcohol during the Reading Festival 2013 event
- 21/8/2014 - passed a test purchase for alcohol during the Reading Festival 2014 event
- 28/1/2015 - failed a "Challenge 25" Community Alcohol Partnership (CAP) test purchase, which was a benchmarking exercise using young persons aged 18 or 19.

A visit was made by the CAP Officer on the 6th February 2015 to discuss the Challenge 25 failure. The CAP Officer spoke with Mr Rajiv ROY and checked the refusals register, which appeared not to be in use. Advice and guidance was provided to Mr ROY on preventing age restricted sales.

Reading Festival 2015

Reading Festival is a unique event among the other festivals in the calendar. It is situated within walking distance of the town centre, which contrasts with other festivals where the festival site itself is usually in a remote location. As a result, the footfall between the town centre and the festival site increases by thousands and the shops along the Caversham Road in particular are well placed to take advantage of the opportunity and experience a dramatic increase in turnover across the festival period.

There is a significant number of under 18s attending the festival as it is close to the release of the GCSE results and also is the last festival of the summer holidays.

Five Star Wines, in preparation for the festival, regularly obtains a TEN, sets up stalls outside the front of the shop and, as the other shops also do, places a large quantity of cases of alcohol outside on pallets to sell to the festival goers.

On Thursday, the 27th August 2015, at approximately 14:45 hours, the Premises Licence Holder and Designated Premises Supervisor, Mr Rajiv ROY, sold nearly 30 units of alcohol to a female test purchaser aged 15 years and one month during a joint Reading Borough Council Trading Standards and Thames Valley Police test purchasing operation.

In advance of the test purchasing operation taking place, an authorisation for directed surveillance under the Regulation of Investigatory Powers Act 2000 (RIPA) was granted by Reading Magistrates Court. The application is available on request.

In order to help offset the breach of human rights that directed surveillance can entail, each retailer and TEN holder was written to before the Festival advising that test purchasing would be taking place and for retailers to ensure they maintained alcohol retailing standards across the event. The letter is attached at Appendix 1. The letter was hand delivered to the premises by the CAP Officer on the 17th August 2015

During the course of the entire operation and as stated in the RIPA authorisation, the test purchaser was, if asked, instructed to lie about her age, including giving a false date of birth. This was in order to replicate the "real world", where under age young people, seeking to buy alcohol, are not going to tell the truth about their age or date of birth. It also allowed a true test of the premises listed as to whether they asked for proof of age, as they would be expected to do. The test purchaser did not have any proof of age on her person.

The test purchase at the premises was observed at a short distance but not close enough to over hear the conversation, but it was clear that questions were being asked of the test purchaser and obvious that the seller, known to officers to be Mr Rajiv ROY, had doubts about her age. Immediately after the purchase of the alcohol, the test purchaser relayed the conversation to officers. The conversation was recorded as:

Test Purchaser: "One of those" (pointing at a case of 15 x 440ml 4.5% abv Somersby Cider)

Rajiv ROY: "Are you 18?"

Test Purchaser: "Yes".

Rajiv ROY: "What is your Date of Birth?"

Test Purchaser: "2nd July 1997".

Rajiv ROY: "You know it is an offence if you're under 18 to buy alcohol?".

Mr ROY appeared to briefly consult with a colleague, but then sold the alcohol to the test purchaser anyway, knowing he had no proof that she was old enough.

It is the view of the Trading Standards Service that this sale was particularly cynical and deliberate. Mr Rajiv ROY knew that the test purchaser was not 18 and but tried to shift burden of responsibility onto the test purchaser by quoting licensing law. The steps he took to verify her age fell way below the standard expected by the law.

The statements from Thames Valley Police regarding this incident are attached as Appendix 2. For clarification, it was a case of 15 Somersby Cider, rather than the 12 cans referred to in the statements. A written statement provided by Mr ROY to Thames Valley Police in relation to the incident is attached at Appendix 3.

Then, on the 28th August 2015, the Trading Standards Service received a report that a Thames Valley Police Officers had witnessed further sales to a persons under the age of 18. In the second incident, three under age females each purchased a case of alcohol from Wazir Singh SIDHU, also the seller from the Festival operation in 2009. Mr SIDHU was presented with proof of age from one of the females but permitted all three to take alcohol away from the shop. The proof of age provided by the female was in fact a false ID and she was under 18.

The third incident also involved the same three females and they were all served alcoholic "shots" by Manraj Singh RAI at the premises.

Both Wazir Singh SIDHU and Manraj Singh RAI received fixed penalty notices for their role in serving alcohol to under age young people.

The statements from Thames Valley Police relating to the second and third events are attached at Appendix 4.

Clearly, lessons had not be learned from the day before and the premises continued to retail alcohol with scant regard for the law or the welfare of under age young people-visiting the town.

The Trading Standards Service, in recognising that a prosecution under section 147A of the Licensing Act 2003 (persistently selling alcohol to children) was an option, submits that the severity of the three sales in two days, particularly the egregious one directly involving the Premises Licence Holder and DPS, means that it is recommending the revocation of the premises licence.

In considering the recommendation, the Trading Standards Service has considered all of the steps open to the Sub-Committee and have precluded other options for the following reasons:

a) to modify the conditions of the Premise Licence

The licence could be modified. Over the past few years, visits to the shop and conversations with Mr ROY indicate that he is relatively well versed in licensing law.

This did not stop him selling nearly 30 units alcohol to a 15 year old in circumstances where he felt he wouldn't get caught. No licensing conditions can cover situations where the PLH and DPS is prepared to take such risks.

b) Removal of the Designated Premises Supervisor

Mr ROY is the DPS and the Premises Licence Holder and owns the business. The Trading Standards Service has lost trust in his ability to retail alcohol responsibly.

c) to suspend the licence for up to a maximum of three months

In comparison to other licence reviews, where perhaps owners or members of staff have been ignorant of the law, Mr ROY has demonstrated that he is calculating in his retailing of alcohol, if he thinks he can get away with selling to someone without making proper checks then he will. A suspension would not make any difference to this approach.

d) to exclude a licensable activity from the scope of the licence

There is only one licensable activity on the licence so this could be an option but clearly in reality it results in the same objective as the recommendation.

It is acknowledged that there has been a delay in the bringing of this review but the issues around the first sale have been challenged by the Premise Licence Holder and have only just been resolved, when Mr ROY accepted a fixed penalty notice of £90.00 for the offence from the 27th August 2015. The statement from Thames Valley Police in relation to the incident is attached at Appendix 5.

END

Have you made an application for review relating to this premises before **Please tick yes**

If yes please state the date of that application

Day Month Year

1									
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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

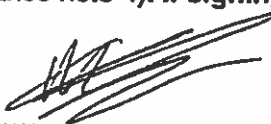
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date 23rd November 2015

Capacity Trading Standards and Coroners Manager

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



Alison Bell
Director of Environment and
Neighbourhood Services
Civic Offices, Bridge St,
Reading, RG1 2LU
☎ 0118 937 3787
Our Ref: TS/119954

┌ Mr Rajiv Roy ┐
131 Caversham Road
Reading
RG1 8AS

Direct: ☎ 0118 9372263
e-mail: Matthew.Knight@reading.gov.uk

12 August 2015

└ Your contact is: Matthew Knight, Consumer Protection

Dear Mr Roy

Reading Festival 2015
Licensing Act 2003
BIS/ BRDO Code of Practice: Age Restricted Products
Premises: Five Star Wines,
133 Caversham Road, Reading,
RG1 8AS

Reading Festival 2015 is only days away and I thought it was timely to remind you that, as a responsible alcohol retailer, you should take the opportunity now to ensure all your systems and procedures are in place to prevent the sale of alcohol to anyone under the age of 18.

You are under a legal obligation under the Licensing Act 2003 to have an “age verification policy”, that is usually either Think 21 or Challenge 25 and you must inform your employees what it is, so they will know when they are asked. You should also advertise the acceptable forms of proof of age, which are:

- UK photocard driving licence
- PASS hologrammed proof of age card

We are not specifically recommending the passport any more, as many go missing, but it does remain a valid proof of age. A large number of fake/ false IDs have been seized in the past few years, so you should instruct your employees what to look out for - the attached info sheet should help.

You must not, under any circumstances, sell alcohol to anyone under the age of 18. The Think 21/ Challenge 25 policies builds in a margin of error when you are assessing someone’s age. If you are checking proof of age from everyone who looks 25 (and doing it properly) the chances of selling to someone underage are reduced dramatically.

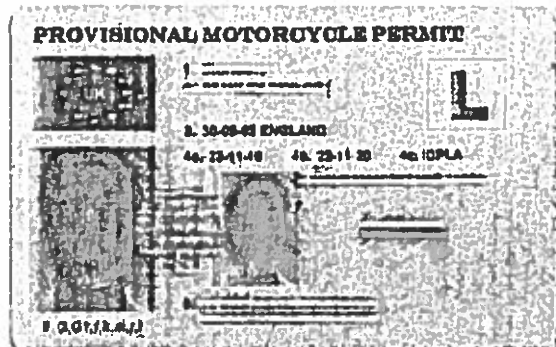
On the basis of the demographic of the visitors to the Reading Festival, including a significant number of young people under the age of 18, we are effectively recommending asking for proof of age from practically everyone.

Common Types of Fake ID

European Driving Permit (Style 1)



Provisional Motorcycle Permit



International Drivers License



United Kingdom National Identification



International Driving Permit



European Driving Permit (Style 2)



More information can be found by Googling "Home Office Guidance on False ID".

Witness Statement

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1987, s. 9; Magistrates' Courts Act 1980, s.5B

URN:

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Statement of: **Samuel North**

Age if under 18 (if over insert "over 18"): **Over 18** Occupation: **Special Constable**

This statement (consisting of1..... Pages(a) each signed by me) 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: **SC 9832 NORTH** Date: **28/08/2015**

This statement relates to an incident that occurred on the 27th AUGUST 2015 whereby alcohol was sold to a person aged 15 years old.

On 27th AUGUST 2015 I was on duty in plain clothes in the call sign EQ148 with PC 5787 WHEELER, We were in company with three Reading borough council trading standards officers and a 15 year old girl who is identified as YPA15, who was acting to purchase alcohol from the businesses that we were testing. This duty was aimed at ensuring the licensed businesses was not selling any alcohol to persons under the age of 18 years old. It was a test purchase operation authorised by trading standards.

At 14.48 I watched the YPA15 approach a member of staff at FIVE STAR WINES and ask for a crate of 12 Somersby ciders. The male that the girl approached I know to be Rajiv ROY (12/04/1988) I would describe ROY to be and IC4 male roughly 40 years of age, he was around 5'7 in height of a large build. He had short black hair, he had no distinguishing features that I could tell. At the time of the incident he was wearing a yellow t-shirt with red shorts, he had a thin grey hoodie and had slight stubble at time of talking.

After requesting the alcohol the member of staff then took money from the YPA15 and gave her a crate of 12 Somersby Ciders.

The total length of time that this took place was roughly one minute the incident took place roughly 5 metres away from me the lighting was day time slightly over cast with good visibility, there were no obstructions to my view. I have never seen ROY before.

The crate of 12 Somersby ciders was seized by the trading standards officers.

At roughly 15:30 myself and PC 5787 Wheeler went back to the business where I pointed out ROY. PC 5787 WHEELER organised for ROY to come to READING police station for a voluntary interview.

Signature: **SC 9832 NORTH** Signature Witnessed by: **N/A**

RESTRICTED (when complete)

MG11

Witness Statement

Page 1 of 2

Criminal Procedure Rules, r 27.1 & 27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5A & 5B

URN:

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Statement of: **Simon Wheeler**

Age if under 18 (if over insert "over 18"):

Occupation: **Police Constable 5787**

This statement (consisting of2..... Pages(s) each signed by me) 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: **28/08/2015**

I am Police Constable 5787 WHEELER of the Thames Valley Police, currently stationed at Reading police station.

On Thursday 27th August 2015 at approximately 1440 hours I was in plain clothes in crew with SC 9832 NORTH using call sign EQ148. At this time we were accompanying trading standards officers from Reading borough council on an RBC alcohol test purchasing operation at FIVE STAR WINES, 133 CAVERSHAM ROAD, READING, BERKSHIRE, RG1 8AS.

The test purchaser identified as YPA15 a female of fifteen years of age had been given the remit if asked to state she was eighteen years old, however could not show or provide any identification to confirm that.

The purpose of this was to test the sellers ability to comply with due diligence and ensure that they ask for and confirm identification to confirm age before making any sale, and therefore took reasonable steps to ensure they were not selling alcohol to a child under the age of 18. Challenge 25 is a recognised scheme which is supported by Reading Borough council and Thames Valley Police, and all stores tested were informed prior to the test purchase operation that test purchasing would be taking place and steps including ID checks must be completed to protect children from harm, including the use of challenge 25.

On this occasion YPA15 was observed by me to approach the store whilst SC NORTH and a member of trading standards stood closer by to view the test purchase.

After a very short time I witnessed YPA15 walk away from the store carrying a crate of alcohol which was handed to trading standards officers who seized this as an exhibit.

Having liaised with trading standards officers, YPA15 and SC NORTH it was clarified that YPA15 had been sold a pack of 12 CANS OF SOMERSBY CIDER 4.5% ABV, having not been asked to show any form of identification to prove her age as over 18 years old. YPA15 stated that the seller who I now know to be Rajiv ROY b. 12/04/68 had asked her age and date of birth which she had provided as though she was 18, but was not asked to show any form of identification to prove this. Also ROY had stated to her that if she was under 18 she was committing an offence by buying the alcohol. However he still made no effort to confirm the details and sold the alcohol anyway. YPA15 provided a description of the seller as an asian male with a yellow shirt and grey hoody.

At approximately 1532 hours I re attended FIVE STAR WINES where SC NORTH identified to me the member of staff (ROY) who had sold the alcohol to YPA15.

Signature: 

Signature Witnessed by: N/A

12/2012

RESTRICTED (when complete)

24

Witness Statement

Continuation of Statement of Simon Wheeler

I approached ROY and explained what had been observed and that he had committed an offence of selling alcohol anywhere to a person under the age of 18 years old, having not taken sufficient steps to determine her age and ensure the protection of children from harm.

ROY immediately began providing excuses for the sale and stated "I ASKED HER IF SHE WAS 18 AND TOLD HER IT WAS AN OFFENCE TO PURCHASE ALCOHOL UNDER 18. I ALSO ASKED ANOTHER MEMBER OF STAFF IF SHE LOOKED OLD ENOUGH AND HE SAID YES TOO".

After I had determined that ROY was the Designated Premise Supervisor (DPS) I deemed it not suitable at this time to issue him with a fixed penalty notice at scene and instead decided it reasonable, necessary and proportionate for me to invite him for a voluntary interview at Reading police station to speak about the alleged offence. I told ROY that this was my intention and that now was not the time to discuss his reasons or excuses and I would prefer if this was discussed after he had the opportunity to speak to a legal representative. ROY began trying to speak about the incident again so I stated to him that I was going to caution him in case he made further statements. I then cautioned ROY and told him that he was not under arrest and free to leave. Having cautioned ROY he made no further comment in relation to the incident.

I left my details with ROY and informed him that he would be contacted within the next 14 days with a view to arranging a voluntary interview into this matter.

Simon Wheeler 5167

Signature: *Simon Wheeler*

Signature Witnessed by: N/A

Re. Incident on Thursday 27th
August 2015

A girl approached Shopfront wishing to purchase a case of cider. She was asked for identification by myself, Mr. Rajiv Roy to which she replied she did not have it and it had been left back at the campsite or something of that nature.

Having refused seventeen individuals who could not produce ID; had fake ID or ID made then still under 18 years old, I on this occasion felt that this girl seemed over 18 and verbally asked her age. The date of birth she gave us made her 19 years old.

A clarification as to whether she seemed over 18 was sought by myself from my family friend who was assisting. He confirmed that she appeared over 18 years of age and is willing to testify this if needed. His details are :-

Mr. Davinder Singh Gill
80 Abbotts Road.
Soutall

TEL: 07902 ~~XXXXXX~~

At the time of the sale I pointed out to the girl the section on the Challenge 25 poster that if she was knowingly lying about her age then she would be committing a criminal offence to which she acknowledged very confidently upon which the sale was made.

It is a wonder why we were not informed by the authorities that a test purchaser is permitted to lie about their age especially as this did not use to be the case in the past. Being the front line implementors of the law we should be fully informed of any new 'big-laws' and the implications to

Signed

Rajiv Roy 24th Sept '15

MR. RAJIV ROY

Witness Statement

Criminal Procedure Rules, r 27.1 & 27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5A & 5B

URN:

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Statement of: **Carl RUSHTON**Age if under 18 (if over insert "over 18"): **Over 18**Occupation: **Special Constable 9363**

This statement (consisting of2..... Pages(s) each signed by me) 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: **C.A.Rushton 9363**Date: **28/08/2015**

This statement is in relation to witnessing the sale of alcohol to minors during Reading Festival, by a licensed premise.

I am Special Constable 9363 RUSHTON On the 28th August 2015, I was on duty in full uniform call sign EN03 tasked as high visibility patrol during Reading festival, crewed with SC 9277 SABIN.

At approximately 12:30hrs on CAVERSHAM ROAD READING outside 5 STAR WINES I witnessed the sale of alcohol to 2 underage girls.

Myself and 9277 were stood adjacent to 5 STAR WINES on SWANSEA ROAD outside RES SYSTEMS. I noticed 3 young girls who visibly looked underage try to buy alcohol from a short Sikh male I now know to be Wazir SINGH SIBHV.

All 3 of the girls had a box of cider in their arm from where I was stood I saw SINGH SIBHV ID the girls. One of the girls I now know to be [REDACTED] 13/03/1996, handed over identification, but the other 2 girls I now know to be [REDACTED] 23/10/97 and [REDACTED] 09/03/98 did not hand any ID to SINGH SIBHV. I saw [REDACTED] hand cash to SINGH SIBHV and all 3 girls carrying their own box of cider still moved approximately 2 yards to their left (while facing the store) and do shots from a table at the store selling shots.

I did not see how many shots were done by the girls as my view was obstructed by human traffic after the first shot had been taken. I saw no money exchange hands from where I was stood on SWANSEA ROAD. I now know the male who served the shots as Manraj SINGH RAI 05/01/89.

As the girls left the shot bar heading towards CAVERSHAM BRIDGE I asked them for ID as I believed them to be underage this is where [REDACTED] said she was 18 but the other 2 said they were under 18. I allowed them to leave without taking details at this time as I felt it was unmanageable for me to confiscate the cider at this time.

I then informed control of what had transpired and then was asked to get the girls details. I caught up with them outside the main entrance to READING FESTIVAL on RICHFIELD AVENUE where they were talking to a TESCO rep. The girls said they had been asked for ID and only LIPERIS could produce it but were still served the cider and did not mention being asked for ID in relation to the shots. I then took the girls details and again let them on their way. As they left the TESCO rep [REDACTED] said that the girls had said they couldn't believe they were served shots down the road and a crate of alcohol (or words to that effect).

Signature: **C.A.Rushton 9363**Signature Witnessed by: **N/A**

Witness Statement

Continuation of Statement of Carl RUSHTON.....

I then informed PC 5787 of this update who is the OIC for an existing job of this nature at the same establishment. I was advised to return to 5 STAR WINES to take the details of the men who I witness serving alcohol to the girls.

From standing watching 5 STAR WINES to when the girls were originally asked for ID by me was approximately ten minutes and the distance was the width of a road, approximately 2 car lengths. It was a bright, warm dry and clear day well lit by sun.

I had obstructions to my view when the girls went to the shots bar such as human traffic and a small brick pillar which I needed to lean to see around, but an un-obstructed view while they were purchasing the cider from SINGH SIBHV. I had never seen any of the people involved before but would recognise them again if I saw them.

I describe SINGH SIBHV as a Sikh male, wearing a turban and a dark beard approximately 60 years old with yellow stained teeth. He had dark eyes and about 5 feet 4 inches tall going against my own height, he was wearing glasses and a long cream coat that almost came to his knees.

I describe SINGH RAI as an asian male with short dark hair and an unshaven face or heavy stubble wearing a grey tracksuit and approximately 6 foot, he had no visible marks or identifiable features.

Signature: C.A. Rushton 9363

Signature Witnessed by: N/A

Witness Statement

Criminal Procedure Rules, r 27.1 & 27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5A & 5B

URN:

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Statement of: Roseanne SABIN

Age if under 18 (if over insert "over 18"): Over 18 Occupation: Special Constable N9277

This statement (consisting of2..... Pages(s) each signed by me) 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: R SABIN SC9277

Date: 08/09/2015

This is a statement in relation to witnessing the sale of alcohol to underage persons by 5 STAR WINES during Reading Festival on 28th August 2015.

On the 28th August 2015 I was on duty in full uniform deployed as part of an operation at Reading Festival, crewed with Special Constable 9363 RUSHTON with the call sign EN03. At approximately 12:30pm I was patrolling along CAVERSHAM ROAD in READING away from the festival when we passed the off-licence 5 STAR WINES on CAVERSHAM ROAD, this particular store caught my attention as they had moved some of their products, namely crates of alcoholic drinks out to the front of the store and appeared to be selling the alcohol from outside the premises. There were a few customers standing at the front of the stall and a gentleman stood behind the stall who appeared to be Sheikh, next to this stall there was what appeared to be a temporary bar, this was all part of the one premises and on this bar there was a younger male who had on display plastic shot sized cups filled with coloured spirits and behind these were bottles of open spirits, this male seemed to be selling shots in the plastic shot cups. We continued to patrol up the street and turned around as I wanted to take another look at the store. On our way back to past the store we spotted some females who looked around the age of 17-18 years old looking at the stalls outside the store. SC RUSHTON and myself waited next to the road adjacent to the store. We waited there for approximately 15 minutes and watched the females and the sales assistant. I could see clearly however could not hear what was being said. We stood around 5 metres away from the store. The 3 females spoke to the sales assistant on the stall and then all three of them individually picked up a separate crate of alcohol. One of the females handed over what looked like a driving licence and the other two girls appeared as though they got asked however I could only see their body language and they were shaking their heads and seemed to be in conversation with the sales assistant, one of the females put their crate of alcohol back onto the top of the stack. The female who had handed over the driving licence then handed over some money and the female then picked up the crate that she had put down. The females then left the stall, each holding a crate and moved across to the bar, I could still see this quite clearly. I did not see any of the females hand over any identification however there were three shots on the bar and the three girls individually drank these shots, they were stood at the bar for around 3 or 4 minutes before consuming the shots. They then left the stalls and walked in our direction, these females looked young and so we stopped them and asked how old they were and if they were asked for proof of age, the females stated that they were asked however they at first when asked if they were over 18 they all nodded their heads at us but quickly stated that they were under 18 and only one of them was

Signature: R SABIN SC9277

Signature Witnessed by: N/A

Witness Statement

Continuation of Statement of Roseanne SABIN

over 18. The females said that they were asked for ID however told the sales assistant that only one of them had ID which was handed over to the sales assistant at the time of the sale. The females then carried on towards the festival which is where they stated they were going. We later caught up with the females and obtained their details which were, [REDACTED] 13/03/1996, [REDACTED] 23/10/97 and [REDACTED] 09/03/98. The male who was on the stall selling the crates of alcohol was Wazir SINGH SIBHV who I would describe as Asian origin, wearing a turban, around 5ft 7ft tall and spoke broken English, the male looked around 60 years old, wearing what looked to be traditional Asian clothing. The male who was serving shots from the bar was Manraj SINGH RAI 05/01/89 this male was wearing a grey hooded tracksuit top and matching tracksuit bottoms, the male also appeared Asian origin and around 5ft 9ft tall and could speak good English. I later went back to the store and spoke to the male who sold the shots, this male stated at the time that the three females did all drink shots and only one of the females handed over any proof of age. I would recognise these males if I saw them again as I had seen them on numerous occasions that day and over the weekend. My vision was clear and it was a bright day and there were no obstructions to my view as I was stood off from the main path and on the corner of the street, this allowed me to see the females from the front and could clearly see the stall. This incident lasted approximately 15 minutes in total. R SABIN SC9277 12:49 08/09/15.

Signature: R SABIN SC9277

Signature Witnessed by: N/A

Witness Statement

Criminal Procedure Rules, r 27.1 & 27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5A & 5B

URN: [] [] [] []

Statement of: **Simon Wheeler**

Age if under 18 (if over insert "over 18"):

Occupation: **Police Constable 5787**

This statement (consisting of1..... Pages(s) each signed by me) 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: **S. Wheeler 5787**

Date: **22/11/2015**

I am Police Constable 5787 WHEELER of the Thames Valley Police, currently stationed at Reading Police Station.

On 21st October 2015 I sent a fixed penalty notice to [REDACTED] having completed the relevant checks and issued a fixed penalty notice to Wazir Singh SIDHU b. 15/02/1942 for the offence of selling alcohol to a person under 18 years of age.

This notice was issued for an offence committed on the 28th August 2015 where two Special constables had witnessed SIDHU sell and serve three young females under 18 years old each with a crate of Cider during Reading festival from a stall set up outside of the FIVE STAR WINES shop.

For clarification the Special constables initially reported the seller as having the surname SIBHV however this was written down by SIDHU himself and they misread the surname. It was confirmed by myself via Rajiv ROY the designated premises supervisor (DPS) that this was in fact SIDHU. This was also confirmed by SIDHU himself at the time of confirming he was willing to accept the fixed penalty notice for this offence.

All of the three females were under the age of 18 and only one had been asked to provide identification which was later discovered after a Police investigation to have been false.

Consequently the details of the incident and persons involved were passed to me as one of the local licensing officers to deal with the offence.

The fixed penalty notice reference number is [REDACTED].

These are my original notes of this incident completed at 1323 hours on 22nd November 2015 at Reading Police Station. **S. Wheeler 5787**

Signature: **S. Wheeler 5787**

Signature Witnessed by: **N/A**

Witness Statement

Criminal Procedure Rules, r 27.1 & 27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5A & 5B

URN:

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Statement of: Simon Wheeler

Age if under 18 (if over insert "over 18"):

Occupation: Police Constable 5787

This statement (consisting of1..... Pages(s) each signed by me) 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: S. Wheeler 5787

Date: 08/09/2015

I am Police Constable 5787 WHEELER of the Thames Valley Police, currently stationed at Reading Police Station.

On Tuesday 8th September 2015 at 2215 hours I attended FIVE STAR WINES, 133 CAVERSHAM ROAD, READING, BERKSHIRE where at this time I completed the relevant checks and issued a fixed penalty notice to Manraj Singh RAI b. 05/01/1989 for the offence of selling alcohol to a person under 18 years of age.

This notice was issued for an offence committed on the 28th August 2015 where two Special constables had witnessed RAI sell and serve three young females each with some shots of an alcoholic spirit during Reading festival from a stall set up outside of the shop.

All three of the females were under the age of 18 and had not been asked to provide any identification to RAI.

Consequently the details of the incident and persons involved were passed to me as one of the local licensing officers to deal with the offence.

The fixed penalty notice reference number is XXXXXXXXXX

These are my original notes of this incident completed at 2320 hours on 8th September 2015 at Reading Police Station. S. Wheeler 5787

Signature: S. Wheeler 5787

Signature Witnessed by: N/A

Witness Statement

Criminal Procedure Rules, r 27.1 & 27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5A & 5B

URN: 43

Statement of: **Simon Wheeler**

Age if under 18 (if over Insert "over 18"): **Over 18** Occupation: **Police Constable 5787**

This statement (consisting of2..... Pages(s) each signed by me) 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: Simon Wheeler Date: 18/11/2015

I am Police Constable 5787 WHEELER of the Thames Valley Police, currently stationed at Reading Police Station.

On Friday 25th September 2015 I conducted a voluntary interview with Rajiv ROY b. 12/04/1968 in the voluntary interview suite at Reading Police Station which commenced at 1420 hours.

Prior to and during interview ROY was informed that although this was a voluntary interview process that he was still entitled to free and independent legal advice and ROY stated that he did not wish for representation during this process.

ROY was informed that I was investigating two alleged offences in relation to the sale of alcohol to underage persons. The first alleged offence took place on 27th August 2015 at FIVE STAR WINES during Reading festival whereby ROY himself sold alcohol to a fifteen year old test purchaser in contravention of section 146 of the Licensing Act 2003. The second alleged offence related to section 147A of the Licensing Act where alcohol was sold on two or more occasions to a person under the age of 18 years old, during a time in which ROY was in charge of the same premises at the time of a Temporary Event Notice (TEN) being in place.

ROY who had been provided the details of all the allegations was told that the first allegation would be dealt with initially. He was then given the opportunity to provide an uninterrupted account of what had taken place on the 27th August 2015 leading up to the sale of alcohol to the test purchaser before I asked any further questions.

ROY asked if he could consult some notes he had made and then stated "I WASN'T THE ONLY PERSON ON DUTY, IT WAS A JOINT SALE SO TO SPEAK. A FAMILY FRIEND WAS PRESENT AT THE TIME. WE CONSULTED ONE ANOTHER AS TO WHETHER THE INDIVIDUAL IN QUESTION appeared to be over AGE OF EIGHTEEN OR NOT".

ROY then admitted that on this occasion although he thought the female looked over 18 years old that he had not followed the Challenge 25 process or shown due diligence in this matter and accepted that because of this the sale had taken place to the underage female.

In relation to two further sales of alcohol to females under 18 the following day by his staff members ROY admitted that he was the person in control of the premise at the time of the temporary events notice (TEN) and that he was responsible for the responsible retailing at that time, although he had initially

Signature: Simon Wheeler

Signature Witnessed by: N/A

Witness Statement

Continuation of Statement of Simon Wheeler

been given a slightly different version of events leading up to the sale by his staff than were detailed in the witness statements given by the Special Constable.

The interview concluded at 3.30 pm and can be identified as exhibit SDW/1 bearing the unique DVD reference 15VA578706/01.

On 18th November 2015 ROY was issued with a fixed penalty notice for Selling alcohol to a person under the age of 18 years contrary to Section 146 Licensing Act 2003, reference ~~XXXXXXXXXXXX~~
S.Wheeler 5787

Signature: Simon Wheeler

Signature Witnessed by: N/A

APPENDIX 11

THAMES VALLEY POLICE

Division/Station : Reading Police Station

From : PC 5787 Wheeler

To : Ian Savill

Ref : Five Star Wines, 133 Caversham Rd, Reading Date : 12 December 2015 Tel.No.

Subject :

Review Application

With reference to the application for review of the premises licence relating to Five Star Wines, Thames Valley Police wish to make a formal representation in support of the review process undertaken by Trading standards officers from the Reading Borough Council.

Thames Valley Police wish to make this representation with regards to the four licensing objectives and specifically the prevention of crime and disorder and the protection of children from harm.

Thames Valley Police have been involved in joint test purchasing operations with Reading Trading standards officers for a number of years and these also take place regularly on an annual basis during the period of Reading Festival.

We understand that children are particularly vulnerable to the sale of alcohol for the duration of the festival due to the large number of temporary events notices (TENS) applied for and the potential for failure to ensure due diligence because of the high volume of customers.

Therefore it is imperative that such operations are undertaken to ensure the responsible retailing of alcohol. This in turn ensures we are protecting children from the harm that can be caused to them when intoxicated in terms of their health and potential for them to become victims of crime.

During Reading festival not only do temporary stall holders apply for (TENS) but a number of off licenses which line the route to the festival erect temporary stalls out the front of their shops to sell large quantities of alcohol to festival goers.

It is of paramount concern that these retailers fail test purchases as they should be well versed in the requirements of the Licensing Act. As full time operators of shops which retail alcohol all year round we expect a high standard in relation to due diligence and especially in terms of utilising age verification systems such as "Challenge 25".

This year via the Community Alcohol Partnership (CAP) we have been aware that a lot of pre-emptive work has been carried out by the CAP officer to inform and educate off licence staff and management to the dangers of selling to underage persons. We know that this has both included a full briefing on the use of Challenge 25 as well as front loaded information warning that test purchasing will be carried out.

It is with this background in mind that the resulting test purchase failure on 27th August 2015 and consequent two further sales to children the following day occurred at Five Star Wines.

The test purchase failure was observed by a Special Constable and supportive evidence can be given by PC Wheeler; particularly of note was the fact that the seller was also the Designated Premises Supervisor (DPS) Rajiv Roy.

At the time of the sale Mr Roy suggested that he had consulted another member of staff as to how old he believed the test purchaser was and between them they thought she looked over 18. Mr Roy also stated he asked her for her age and informed her it was an offence to buy alcohol if she wasn't 18 years of age. Unfortunately, having taken the steps to question her and point out the legislation he failed then to ask for ID and sold the alcohol anyway when none was produced.

Mr Roy has been through an investigative process with Thames Valley Police in relation to this and has been issued a fixed penalty notice for this offence.

On the following day Special constables again witnessed sales to underage persons on two consequent occasions.

The circumstances were that three young females approached the stall all of whom looked under 18 years of age. One of the females had identification belonging to her cousin which she had taken without her cousins knowledge.

Although each of the females requested a crate of alcohol each only one of them showed identification to the seller (Wazir Sidhu). Sidhu was observed handing a crate of alcohol to each of the females and the female who had provided the false ID paid for the crates with money handed to her by the other girls in front of Sidhu.

Having purchased the crates the females moved around the stall to the far side where they then were served shots of spirits by Manraj Rai without further identity checks taking place.

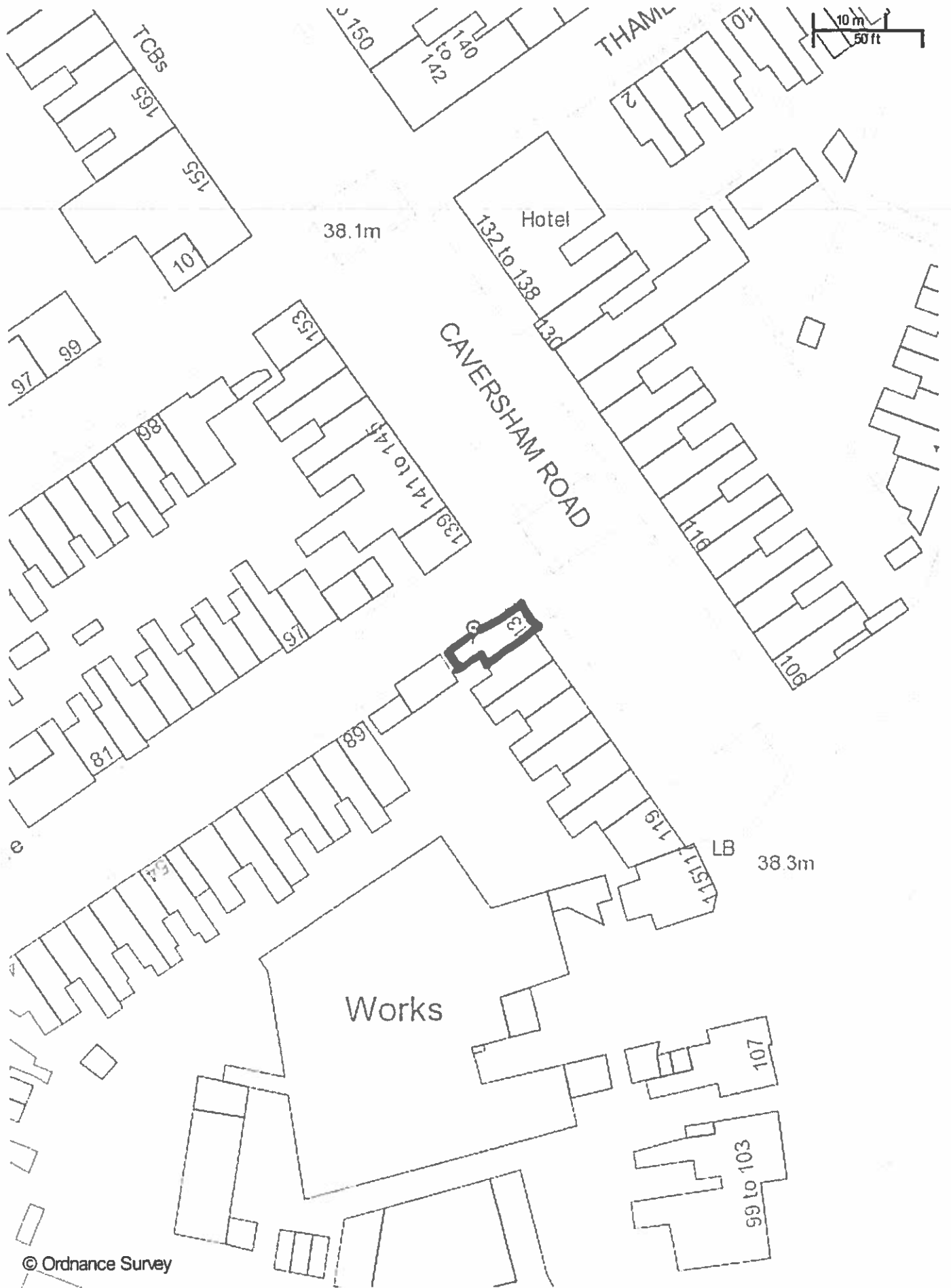
Both Sidhu and Rai have been issued with fixed penalty notices for their involvement in the incidents.

It is worthy of note that Mr Sidhu also failed a test purchase on 28/08/2009 at five Star wines and on this occasion also received a fixed penalty notice.

The females involved who it is confirmed were all under 18 are currently being dealt with via youth restorative disposal. However this does not detract from the fact that reasonable steps were not taken or due diligence shown by staff on any of the occasions where alcohol was served.

As stated previously Thames Valley Police fully support and endorse the review of this premises and would urge the licensing committee to take whatever steps they feel is necessary to ensure that the licensing objectives are upheld, especially the protection of children from harm.

APPENDIX III



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APPENDIX IV

LICENSING ACT 2003
SCHEDULE 12
PART A

PREMISES LICENCE

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

Premises Licence Number	LP2000286
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Premises Details

Premises Name and Address	
Five Star Wines 133 Caversham Road Reading Berkshire RG1 8AS	
Telephone Number	0118 9612110

Where the Licence is time limited the dates the Licence is valid
N/A

Licensable Activities

Licensable Activities authorised by the Licence
Sale of Alcohol by Retail - Off the Premises

Authorised Hours for Licensable Activities

The times the licence authorises the carrying out of licensable activities	
Hours for the Sale by Retail of Alcohol	
Monday	from 0800hrs until 2300hrs
Tuesday	from 0800hrs until 2300hrs
Wednesday	from 0800hrs until 2300hrs
Thursday	from 0800hrs until 2300hrs
Friday	from 0800hrs until 2300hrs
Saturday	from 0800hrs until 2300hrs
Sunday	from 1000hrs until 2230hrs
Good Friday from 0800hrs until 2230hrs	
Christmas Day from 1200hrs until 1500hrs and 1900hrs until 2230hrs	

Opening Hours

N/A

Alcohol

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

Sale of Alcohol by Retail - Off the Premises

Premises Licence Holder

Name, (registered) address of holder of premises licence

Name: Mr Rajiv Roy

Address: 129 Caversham Road, Reading, RG1 8AS

Name: Mrs Kuljinder Kaur Roy

Address: 131 Caversham Road, Reading, RG1 8AS

Additional Details

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

Name: Mr Rajiv Roy

Address: 129 Caversham Road, Reading, RG1 8AS

Designated Premises Supervisor

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

Personal Licence Number: LP7000465

Issuing Authority: Reading Borough Council

This Licence shall continue in force from 18/04/2007 unless previously suspended or revoked.

Dated: 9th May 2007

Head of Environment & Consumer Services

Annex 1

Mandatory Conditions

Supply of Alcohol

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

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

Film Exhibitions

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

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

Door Supervisors

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

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

Embedded Restrictions from the Acts listed below to be carried forward to the premises licence in accordance with Schedule 8 to the Licensing Act 2003.

Unless otherwise stated this licence is issued subject to the imposition of all the relevant embedded restrictions required by the:-

Licensing Act 1964

Children & Young Persons Act 1933

Cinematograph (Safety) Regulations 1955

Cinemas Act 1985 - Film Exhibition Licence Conditions

Sporting Events (Control of Alcohol etc) Act 1985

Local Government (Miscellaneous Provisions) Act 1982 - Public Entertainment Licence Conditions

Acts applicable to this licence for the purposes of embedded restrictions

The following Acts and embedded restrictions are applicable to this licence:-

Licensing Act 1964

Licensing Act 1964

s.59, 60, 63, 67A, 68, 70, 74, 76

On-licences - Permitted hours

1 Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11 a.m. to 11 p.m.
- b) On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c) On Good Friday, 12 noon to 10.30 p.m.
- d) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e) On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- f) On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

2 The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) the taking of alcohol from the premises by a person residing there; or
- i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

s. 60, 63, 86

Off-licences and off-sales departments of on-licensed premises - Permitted hours

1 Alcohol shall not be sold or supplied except during permitted hours. In this

condition, permitted hours means:

- a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d) On Good Friday, 8 a.m. to 10.30 p.m.

2 The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

s.59, 60, 63, 67A, 68, 70, 74, 76, 78

Club premises - Permitted hours

1 Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11 a.m. to 11 p.m.
- b) On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c) On Good Friday, 12 noon to 10.30 p.m.
- d) On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- e) On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- f) On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
- g) On Christmas day, as provided by the rules of the club and notified in writing by the chairman or secretary of the club to the chief executive of the justices for the petty sessions area in which the premises are. The said hours shall:
 - i. not exceed six and a half hours;
 - ii. not begin earlier than 12 noon;
 - iii. not end later than 10.30 p.m.
 - iv. provide for a break of at least 2 hours, including 3 p.m. to 5 p.m.;
 - v. not extend for more than three and a half hours after 5 p.m.

2 The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of

alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;

(c) during the first thirty minutes after the above hours, the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied as ancillary to the meals;

(d) the supply to, or consumption by, any person of alcohol in any premises where they are residing.

S.86A

Ports - Permitted Hours

Permitted hours are disapplied for licensed premises in approved wharfs in ports designated by the Secretary of State. Permitted hours conditions should therefore be omitted.

S87

Airports - Permitted Hours

Permitted hours are disapplied for licensed premises within examination stations in airports designated by the Secretary of State. Permitted hours conditions should therefore be omitted.

S95

Restaurant licence. Restaurant and residential licence - Permitted Hours

1 Alcohol may be sold or supplied:

(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11am to 12pm.

(2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm

(3) On Christmas Day: 12 noon to 11:30pm;

(4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;

(5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.

(6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

2 The above restrictions do not prohibit:

(a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;

(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;

(d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises;

S156**Seamen's Canteens - Permitted Hours**

1 Alcohol may be sold or supplied:

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, from 11am to 11pm.
- (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday, from 12 noon to 10:30pm.
- (3) On Christmas Day, from 12 noon to 3pm and 7pm to 10:30pm
- (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;
- (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.
- (6) Alcohol may be sold or supplied between 3pm and 7pm on Christmas Day to persons taking table meals for consumption as an ancillary to the meal.
- (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

2 The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises;

S157**Seamen's Canteens - Off Sales**

Alcohol shall not be sold or supplied for consumption outside the canteen.

S164**Off - Licence - Alcohol Consumption**

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

S166**Licensed Premises - Credit Sales**

1 Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess.

Licensed Canteens & Club Premises - Credit Sales

- 1 Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal.

S.168, 171, 201

On-licence, no children's certificate - Children in bars

- 1 No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

S.168, 171, 179, 201

Seamen's Canteens - Children in Canteens

- 1 No person under fourteen shall be in the licensed canteen during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the canteen solely for the purpose of passing to or from some part of the premises which is not a canteen and to or from which there is no other convenient means of access or egress.
- (4) The canteen is in premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the canteen licence is ancillary.

S.168, 168A, 171, 201, Sch 12A LA

On-licensed premises with children's certificates

1 No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.
- (5) (a) He is in an area shown on the plan attached to the licence
- (b) Meals and non-alcoholic beverages are available for sale for consumption in that area.
- (c) He is in the company of a person aged 18 or over.
- (d) He is there:
 - (i) prior to 9 p.m. or
 - (ii) between 9 p.m. and 9.30 p.m.
where he or the said person is consuming a meal purchased before 9 p.m.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Annex 2

Conditions Consistent with the Operating Schedule

N/A

Annex 3

Conditions attached after a hearing by the Licensing Authority

N/A

Annex 4

Plans

As attached plan no. ROY/133/1
Plan date. May 1999
