

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

Our Ref: lcs.c/agenda
Your Ref:

Direct: ☎ 0118 937 2368
e-mail: amy.bryan@reading.gov.uk

3 November 2017

Your contact is: Amy Bryan & Peter Driver - Committee Services

NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 1 - TUESDAY 14 NOVEMBER 2017

A meeting of Licensing Applications Sub-Committee 1 will be held on Tuesday 14 November 2017 at 5.00pm in the Council Chamber, 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; or
 - (ii) Will be speaking on behalf of someone who has submitted a relevant representation.

2. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - CHINA PALACE, OXFORD ROAD, READING
5.00pm ABBEY 1

To consider an application for the review of the Premises Licence in respect of China Palace, 43-45 Oxford Road, Reading.

3. APPLICATION FOR THE GRANT OF A ABBEY 73
PREMISES LICENCE - HOUSE OF FRASER,
7.00pm BRIDGE STREET, READING

To consider an application for the grant of a Premises Licence in respect of House of Fraser, Oracle Shopping Centre, Bridge Street, Reading.

LICENSING ACT 2003 HEARING ON TUESDAY 14TH NOVEMBER 2017 @ 1700HRS

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

1. Premises:

Mr Hui Chang Yin
China Palace
43-45 Oxford Road
Reading
RG1 7QG

2. Applicants Requesting Review:

Reading Borough Council - Licensing Authority

3. Grounds for Review

Reading Borough Council (Licensing team) as a responsible authority under the Licensing Act 2003 and under the licensing objectives of prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm and public safety make application for the review of the premises licence for China Palace, 43-45 Oxford Road, Reading RG1 7QG. This matter was adjourned from the meeting of 24th October 2017.

A combination of the issues outlined below and a whole host of licence condition breaches unearthed during inspections have led Reading Borough Council's Licensing team to taking this final serious step in reviewing the premises licence.

On 13th July 2017 - the premises were found employing 4 illegal workers
On 28th October 2015 - the premises were found employing 2 illegal workers
On 23rd March 2011 - the premises were found employing 5 illegal workers

That is a total of 11 illegal workers in 3 visits - 6 of whom were found employed at the premises under the current premises licence holder and designated premises supervisor (DPS).

During the visit of 13th July 2017, the premises were found to be breaching the majority of the conditions stated on their premises licence which further undermines the licensing objectives.

Due to the seriousness of the crimes discovered at the premises, the licensing team respectfully submit that the premises licence should be immediately revoked.

4. Date of receipt of application: 31 August 2017

A copy of the review application received is attached at Appendix I

5. Date of closure of period for representations: 28 September 2017

6. Representations received:

During the consultation period, representations were received in regard to this review application from;

Thames Valley Police which is attached at Appendix II.

The Immigration service is attached at Appendix III.

The Environmental Health team is attached at Appendix IV.

Additional information provided by the Licensing team is attached at Appendix V

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

7. Background

The premises is located in the town centre and is within the Council's Cumulative Impact Area.

The Premises Licence Holder is stated as: Mr Hui Chang Yin

The Designated Premises Supervisor (DPS) is stated as: Mr Hui Chang Yin

The premises currently has the benefit of a premises licence (since 2005) for the activities and hours detailed below: A copy of the current licence is attached at Appendix VII

Licensable Activities authorised by the Licence

Playing of Recorded Music - Indoor
Anything similar to Live Music, Recorded Music & Performance of Dance - Indoor
Late Night Refreshment - Indoor
Sale of Alcohol by Retail - On & Off the Premises

The times the licence authorises the carrying out of licensable activities

Hours for the Playing of Recorded Music

Monday	from 1100hrs until 0200hrs
Tuesday	from 1100hrs until 0200hrs
Wednesday	from 1100hrs until 0200hrs
Thursday	from 1100hrs until 0200hrs
Friday	from 1100hrs until 0200hrs
Saturday	from 1100hrs until 0200hrs
Sunday	from 1100hrs until 0200hrs

Entertainment of Karaoke or similar in the Karaoke rooms only.

Christmas Eve and Sundays preceding a Bank Holiday Monday until 0300hrs the following day.

New Years Eve from the end of permitted hours for that day until the start of the permitted hours the following day

Hours for anything similar to Live Music, Recorded Music & Performance of Dance

Monday	from 1100hrs until 0200hrs
Tuesday	from 1100hrs until 0200hrs
Wednesday	from 1100hrs until 0200hrs
Thursday	from 1100hrs until 0200hrs
Friday	from 1100hrs until 0200hrs
Saturday	from 1100hrs until 0200hrs
Sunday	from 1100hrs until 0200hrs

Entertainment of Karaoke or similar in the Karaoke rooms only.

Christmas Eve and Sundays preceding a Bank Holiday Monday until 0300hrs the following day.

New Years Eve from the end of permitted hours for that day until the start of the permitted hours the following day

Hours for the Provision of Late Night Refreshment

Monday	from 2300hrs until 0200hrs
Tuesday	from 2300hrs until 0200hrs
Wednesday	from 2300hrs until 0200hrs
Thursday	from 2300hrs until 0200hrs
Friday	from 2300hrs until 0200hrs
Saturday	from 2300hrs until 0200hrs
Sunday	from 2300hrs until 0200hrs

Christmas Eve and Sundays preceding a Bank Holiday Monday until 0300hrs the following day.

New Years Eve from the end of permitted hours for that day until the start of the permitted hours the following day

Hours for the Sale by Retail of Alcohol

Monday	from 1000hrs until 0200hrs
Tuesday	from 1000hrs until 0200hrs
Wednesday	from 1000hrs until 0200hrs
Thursday	from 1000hrs until 0200hrs
Friday	from 1000hrs until 0200hrs
Saturday	from 1000hrs until 0200hrs
Sunday	from 1200hrs until 0200hrs

Christmas Eve and Sundays preceding a Bank Holiday Monday until 0300hrs the

<p>following day.</p> <p>New Years Eve from the end of permitted hours for that day until the start of the permitted hours the following day</p>	
<p>Hours the Premises is Open to the Public</p> <p>Monday from 0800hrs until 0330hrs Tuesday from 0800hrs until 0330hrs Wednesday from 0800hrs until 0330hrs Thursday from 0800hrs until 0330hrs Friday from 0800hrs until 0330hrs Saturday from 0800hrs until 0330hrs Sunday from 0800hrs until 0330hrs</p> <p>Christmas Eve and Sundays preceding a Bank Holiday Monday until 0300hrs the following day.</p> <p>New Years Eve from the end of permitted hours for that day until the start of the permitted hours the following day</p>	

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 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 April 2017

Licensing Objectives and Aims:

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

They include:

protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;

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 area⁵. 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.

Licensing authorities acting as responsible authorities

9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does 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 is, therefore, for the licensing authority to determine when it considers 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.

Home Office Immigration Enforcement acting as a responsible authority

9.25 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the

prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

9.31 Regulations governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.

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

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

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

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

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

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.

Powers of a licensing authority on the determination of a review

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement - either orally or in writing - that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

Reviews arising in connection with crime

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the

licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for employing a person who is disqualified from that work by reason of their immigration status in the UK;

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence - even in the first instance - should be seriously considered.

Reading Borough Council Licensing Policy Statement

1.5 The Council believes that good management of its vibrant entertainment, alcohol and late night refreshment industries, and of the street environment within which they operate, is essential to the continued success of Reading Town Centre and to attracting the wide range of people who want to come here to work, to visit and to live. However, the predominantly urban nature of the town and the significantly large proportion of young residents means that issues such as:

- (a) striking an appropriate balance between the needs of residents and the needs of businesses,
- (b) the control of underage drinking, and
- (c) the management of young and potentially immature drinkers,

are matters which are particularly relevant to the exercise of the Authority's licensing functions, and ones which applicants and existing licensees also need to consider.

7.15 Crime & Disorder Act 1998

7.15.1 In applying this policy, the Authority will have regard to its obligations under Section 17 of the Crime and Disorder Act 1998 and will do all that it reasonably can to prevent crime and disorder in Reading. The Authority will also have regard to the Safer Reading Partnership, which incorporates both local and national strategies and whose mission statement is "We will continue to make Reading a safer place for those who live, work and visit, through a reduction in crime and disorder". In addition the Authority will liaise with the Reading Crime Reduction Partnership in order to reduce crime, misuse of drugs and the fear of crime.

7.15.3 Policing and Crime Act 2009

In applying this policy, the Authority will have regard to their obligations under Part 3 relating to alcohol misuse, (children) changes to the mandatory condition, and the licensing authority as an interested party.

10.5 Review of Premises Licence

10.5.1 Any premises subject to a premises licence or club premises certificate may have that licence or certificate reviewed by the Licensing Authority on application by a responsible authority or interested parties. The Act provides strict guidelines as to the timescale and procedures to be adhered to and the Authority will deal with every review application on that basis.

chinapalacereviewreport24102017/pn

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 Richard French (on behalf of the Licensing Authority of 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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description China Palace 43-45 Oxford Road	
Post town Reading	Post code (if known) RG1 7QG

Name of premises licence holder or club holding club premises certificate (if known) Hui Chang Yin
--

Number of premises licence or club premises certificate (if known) LP2001696
--

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 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 ✓ yes

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 Licensing Team Reading Borough Council Civic Offices Bridge Street Reading RG1 2LU
Telephone number (if any) 01189 37 37 62
E-mail address (optional) licensing@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 checked="" 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 2)

On 13th July 2017 – the premises were found employing 4 illegal workers

On 28th October 2015 – the premises were found employing 2 illegal workers

On 23rd March 2011 – the premises were found employing 5 illegal workers

That is a total of 11 illegal workers in 3 visits – 6 of whom were found employed at the premises under the current licence holder and DPS.

Section 11.27 and 11.28 of the Secretary of State's Guidance pursuant to the Licensing Act 2003 states:

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for employing a person who is disqualified from that work by reason of their immigration status in the UK

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, **it is expected that revocation of the licence – even in the first instance – should be seriously considered.**

During the visit of 13th July 2017, the premises were found to be breaching the majority of the conditions stated on their premises licence which further undermines the licensing objectives of prevention of crime and disorder and public safety.

Due to the seriousness of the crimes discovered at the premises, the licensing team respectfully submit that the premises licence should be immediately revoked.

Please provide as much information as possible to support the application (please read guidance note 3)

The premises known as China Palace currently have a premises licence pursuant to the Licensing Act 2003 which permits the playing of recorded music; the provision of late night refreshment and the sale of alcohol until 0200hrs each day with a closing time of 0330hrs.

The premises is a restaurant and the premises licence holder and designated premises supervisor is stated as Hui Chang Lin. This licence holder and DPS has been in place since March 2015.

The premises were visited on 13th July 2017 in a joint operation between the Licensing team and officers from the Home Office Immigration Enforcement team. Immigration Enforcement have been a 'Responsible Authority' under the Licensing Act since April 2017 to predominantly deal with the prevention and detection of immigration offences that may be being committed on licensed premises which therefore undermine the prevention of crime and disorder licensing objective.

On attendance at the premises four illegal workers were found working and the details are as follows:

1. Malaysian female, aged 21 years old, encountered working illegally as a waitress and was escorted off the premises.
2. Chinese male, aged 26 years old, encountered working illegally in the kitchen and was escorted off the premises and subsequently left the country that night.
3. Chinese male, aged 49 years old, encountered working illegally in the kitchen and was escorted off the premises.
4. Chinese male, aged 50 years old, encountered working illegally in the kitchen and was escorted off the premises.

It is the job of any responsible employer to ensure that the correct right to work checks are carried out. They were not on this occasion, nor were they in the previous two visits in 2015 and 2011.

The Immigration Act 2016 amended Section 21 of the Immigration, Asylum and Nationality Act 2006 and is the relevant legislation that deals with the employment of illegal workers. It states:

- 1) A person commits an offence if he employs another ("the employee") knowing that the employee is [disqualified from employment by reason of the employee's immigration status].*
- (1A) A person commits an offence if the person—*
- (a) employs another person ("the employee") who is disqualified from employment by reason of the employee's immigration status, and*
- (b) has reasonable cause to believe that the employee is disqualified from employment by reason of the employee's immigration status.*
- (1B) For the purposes of subsections (1) and (1A) a person is disqualified from employment by reason of the person's immigration status if the person is an adult subject to immigration control and—*
- (a) the person has not been granted leave to enter or remain in the United Kingdom, or*
- (b) the person's leave to enter or remain in the United Kingdom—*
- (i) is invalid,*

(ii) *has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or*

(iii) *is subject to a condition preventing the person from accepting the employment.]*

(2) *A person guilty of an offence under this section shall be liable—*

(a) *on conviction on indictment—*

(i) *to imprisonment for a term not exceeding [five] years,*

(ii) *to a fine, or*

(iii) *to both*

The offence of employing illegal workers is now also a relevant offence in the Licensing Act 2003. As stated previously in this application, the Licensing Act 2003 Guidance at 11.27 and 11.28 now states that the employment of illegal workers is to be regarded as a crime that should be taken particularly seriously and that revocation of the premises licence – even in the first instance – should be seriously considered. In this instance, the premises has, on three separate occasions, been found with a total of eleven illegal workers. This is clearly unacceptable and an indication that the licence holder is consistently undermining the crime and disorder licensing objective as well as failing to ensure that the people he employs are legally in the country or entitled to work.

There are potentially numerous other criminal offences which may apply to the employment of illegal workers and these are summarised as follows:

1. The exploitation of illegal workers by unscrupulous employers means that the only person who benefits from their employment is the licence holder through financial gain.
2. Illegal workers – being in the country illegally or working illegally – are unable to declare themselves to the authorities and seek public assistance should they require it.
3. Illegal workers are often paid ‘off the record’ by the employer meaning that the correct tax and national insurance deductions are not taken into account or declared to HMRC. This would be contrary to the Fraud Act 2006.
4. People who are living in the UK or who are working illegally are often not paid anything close to the Minimum wage which is illegal and again only benefits the employer financially.
5. Illegal workers – because of being deliberately underpaid by unscrupulous employers – are often only provided with the most basic accommodation and standard of living which is often linked to their continued employment at a licensed premises.
6. Illegal entrants into the country will not have been subject to the usual immigration checks and health screenings. This could seriously impact on public protection and the health and wellbeing of the general public as a whole. This could be particularly pertinent if the illegal entrant has arrived from a country with health issues and the employer has then decided to employ that person in a kitchen or other function where food is served to the public.

7. The employment of illegal workers is often done at the expense of people who are living and working in the country legally and is only done to financially benefit the licence holder and to undercut legitimate, law abiding competitors.

8. Illegal entrants – who have not undergone appropriate checks or immigration clearance at the border – could be being unwittingly employed by the licence holder despite them having current or previous criminal convictions which may endanger the public.

The employer or licence holder is exploiting potentially vulnerable people and engaging in a multitude of criminal offences by employing them at this licensed premises.

Licensing Breaches:

During the visit of 13th July 2017, the Licensing team conducted a licensing inspection and found the following conditions not being complied with. Each breach of condition constitutes an offence under Section 136 (1) of the Licensing Act 2003:

1. An incident book was not being used to record incidents that would impact on the Licensing objectives. Indeed, an incident book could not even be located.
2. It could not be demonstrated that customers were being prevented from leaving the premises with open containers.
3. There was no evidence that the premises were complying with their Challenge 25 age verification policy in relation to alcohol sales.
4. There were no notices being displayed advertising the Challenge 25 policy.
5. No written training records could be produced for any staff member. Staff are supposed to be trained regularly – every four months.
6. The CCTV condition could not be demonstrated as being complied with. It could not be explained how many cameras there were and how long they stored images for.
7. No notices were on display to notify customers that the area outside the premises was an Alcohol Exclusion Zone.
8. Part A of the premises licence could not be produced. This is an offence and leads to the question as to how the premises could comply with any timings and/or conditions without it.
9. Part B of the premises licence was not on display. This is also an offence.
10. There was no Section 57 notice found at the premises. This notice details where Part A of the licence is kept and who has custody of it. This is an offence under Section 57 of the Licensing Act 2003.
11. There was no authorisation list of who had been authorised by a personal licence holder to sell alcohol. There was no evidence that this had been done verbally either. This is a breach of the mandatory conditions attached to all licences.
12. Nobody knew what the four licensing objectives were. That leads to the question as to how a premises can actively promote them if they do not know what they are.

13. The plan – which forms part of the licence – could not be produced to officers upon request.

A copy of the letter sent to the licence holder in respect of these licensing breaches can be found at **appendix RF-1**.

It is extremely concerning that the premises is in breach of the majority of conditions on its licence. The conditions were placed on the licence for a reason – namely they had been deemed appropriate and proportionate in order that the licensing objectives can be actively promoted. These conditions have been on the licence since 2010 and the current licence holder and DPS has been in place since March 2015. It is inconceivable that any responsible licence holder should act in this manner and undermine the promotion of the licensing objectives to this extent. The licensing objectives are there to prevent crime and disorder; protect children from harm and ensure that the public are safe when they attend the premises. They should not be treated, as appears to be the case here, as an optional extra.

Other matters undermining public safety:

Upon a routine food safety inspection in November 2015 the premises received a zero star food rating. The food safety inspection sheet is attached at **appendix RF-2**. Issues identified include:

- No food safety management system in place – indicating that there are no procedures in place to ensure that food is safely stored, prepared, cooked, served and sold.
- No staff training – indicating that the responsible person has not trained staff to any reasonable standard in order to safely prepare and handle food.
- Lack of cleanliness – the premises required a deep clean as it was found in an unsatisfactory condition.
- Issues of cross contamination and poor temperature controls which could compromise food safety.
- There was no customer information available on food allergens which is contrary to the Food Information Regulations 2014.

Four improvement notices were served on the premises in relation to this inspection.

The premises were visited again in April 2016 and had rectified some of the issues identified in the previous inspection. The food safety inspection sheet is attached at **appendix RF-3**. Some of the pertinent outstanding issues include:

- Training was not adequate for all staff.
- Still issues with cross contamination.
- Low confidence in management.

Both inspections were carried out with a person who identified themselves as the head chef and kitchen manager. Given the lack of standards throughout the premises, it would indicate that the people running this business are doing so extremely poorly with little regard for public safety.

There is a distinct lack of training throughout the business meaning the risk to the public is extremely high. This is systematic of the poor management and corner cutting identified in the offences outlined in this review application.

In summary, the offences outlined in this review application are some of the most serious outlined in the Licensing Act 2003. The employment of four illegal workers and their possible exploitation for financial gain is clearly an extremely serious criminal offence and one that the Licensing Act

has identified as one where the revocation of the licence should – even in the first instance – be seriously considered. There are no acceptable excuses or justification that can be offered for this. A licence holder and responsible employer should, as a bare minimum, be checking that their potential employees are eligible to reside and work in the UK. This premises has been found on three separate visits to have illegal workers – eleven in total. The licence holder has shown a complete disregard for all manner of laws and has committed extremely serious criminal offences from the premises where he operates. This also applies to the licensing and food safety issues encountered at the premises which pose a substantial risk to public safety and seriously undermine the promotion of the licensing objectives.

Allowing this premises to continue to operate with the benefit of a premises licence will merely serve to perpetuate the criminal activity and human exploitation already apparent from the findings of the licensing authority and colleagues in Immigration Enforcement.

It is the licensing team’s respectful submission that the only appropriate and proportionate step to promote the licensing objectives and safeguard the public as a whole, is for the licence to be immediately revoked.

List of appendices:

- Appendix RF-1 – Licensing inspection letter of 13th July 2017
- Appendix RF-2 – Food Safety inspection sheet from November 2015
- Appendix RF-3 – Food Safety inspection sheet from April 2016
- Appendix RF-4 – Case law – East Lindsey District Council v Abu Hanif

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day		Month		Year			
┆	┆	┆	┆	┆	┆	┆	┆

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

N/A

Please tick ✓

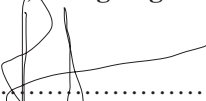
yes

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date **31st August 2017**

Capacity **Licensing Enforcement Officer**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Licensing Team Reading Borough Council Civic Offices Bridge Street	
Post town Reading	Post Code RG1 2LU
Telephone number (if any) 01189 37 37 62	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) licensing@reading.gov.uk	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



Mr Hui Chang Yin
China Palace
43-45 Oxford Road
Reading
Berkshire
RG1 7QG

Alison Bell

Director of Environment and
Neighbourhood Services

Civic Offices, Bridge St, Reading,
RG1 2LU

☎ 0118 937 3787

Our Ref: LIC/PN/EVU53046

Your Ref:

Direct: ☎ 0118 9372269

e-mail: peter.narancic@reading.gov.uk

24 July 2017

Your contact is:

Mr Peter Narancic, Licensing, Environment and Neighbourhood Services

Dear Mr Hui Chang Yin

Licensing Act 2003
Premises Licence Number - LP2001696
Name of Premise - China Palace
Address - 43-45 Oxford Road, Reading

On Thursday 13 July 2017 I visited your premises with officers from Immigration Enforcement and Thames Valley Police to ensure you were complying with the terms and conditions of the above premises licence and advise on any matters that may arise during the inspection. I spoke with your manager Mr Wei Hu.

I understand Immigration Enforcement officers interviewed four employees found in your premises working illegally and were removed off your premises. They will correspond with you about that matter separately. This letter will deal with the licensing inspection that was carried out with you, and you need to be aware that from April 2017, the Immigration service has become one of the responsible Authorities in regard to Licensing matters.

From our records the premises licence holder for these premises is Mr Hui Chang Yin. The designated premises supervisor is also Mr Hui Chang Yin.

During my inspection, I found the following items that require your attention as outlined below. As you will be aware matters of non-compliance under the Licensing Act 2003 are deemed criminal offences.

Conditions not being complied with

2(a) All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the information and those members of staff who deal with the incident shall also be recorded. Where known, any offenders name shall also be recorded; **You were not complying with this condition as you did not have an incident book.**

(b) The Premises Licence Holder shall prevent customers from leaving the premises with any alcoholic or non alcoholic drink in open containers (e.g. glasses, opened bottles and cans; **Mr Hu could not explain how this condition was being complied with.**

(c) The Premises shall operate a Challenge 25 policy to prevent any customer who attempts to purchase alcohol and who appears to the staff member to be under the age of 25 years (or 16 in the case of the consumption of beer, wine or cider in the company of an adult during a table meal), without having first provided identification. Only a valid British driving licence showing a photograph of the person, a valid passport or proof of age card showing the 'Pass' hologram are to be accepted as identification; **You were not complying with this condition as Mr Hu could not explain details of your policy.**

(d) Notices advertising the Challenge 25 and documentation required for checking proof of age policies shall be displayed in prominent positions on the premises; **You were not complying with this condition as you were not displaying Challenge 25 posters in your premises.**

(e) The Premises Licence Holder or Designated Premises Licence Holder shall ensure staff receive training on a regular basis, every four months, in relation to the four licensing objectives contained within the Licensing Act 2003 for those authorised to sell alcohol. Written proof of training shall be recorded and maintained; **You were not complying with this condition as Mr Hu could not produce staff training records.**

(f) The Premises Licence Holder shall have installed by 1 December 2010 a digitally recorded CCTV system. Camera coverage shall include the entry and exit points and karaoke rooms and be able to record frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or a Thames Valley Police Officer, together with facilities for viewing upon request. Recorded images shall be of such a quality as to be able to identify the recorded person. The Premises Licence Holder shall ensure that the CCTV system is maintained in working order at all times; **This was not fully checked. Mr Hu could not confirm how long recordings are kept for.**

(g) The Premises Licence Holder shall ensure notices are predominately displayed at all exit points to advise customers that the area surrounding the premises is an Alcohol Restriction Zone; **You were not complying with this condition as you were not displaying customer notices.**

(h) The Premises Licence Holder shall participate in the local Town Radio Scheme when the premises are opened for licensable activity after 0001 hours until closing time the same morning, Monday to Sunday inclusive. **You were not complying with this condition as you do not have a Town safe radio.**

Additionally you failed to comply with Licensing law in respect of;

1. Mr Hu could not produce a copy of Part A of your premises licence was not available for inspection.
2. You were not displaying the summary (part B) of your premises licence.
3. You did not have a section 57 notice in relation to Part A of your premises licence displayed in your premises.
4. Mr Hu could not produce a copy of the premises plan.

For information we operate a three tier procedure similar to our trading standards and police partners where following licensing inspections where issues of non - compliance have been found which we believe have undermined any of the four licensing objectives and we believe the management is underperforming we invite the premises licence holder to a performance management meeting and following discussions a plan of action is agreed in regard to future conduct. If following this, no or little improvement is made, an application to review the premises licence may made. However, if we find evidence that the premises licence(s) holder have committed a criminal offence, the licence may be reviewed without further notice. This may result in the suspension or revocation of your premises licence.

General

The Premises Licence holder that all staff are able to converse with customers and representatives of all Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives as contained in the Licensing Act 2003. (ie All staff must know what the licensing objectives are)

- I. The Prevention of Crime and Disorder.
- II. Public Safety.
- III. Public Nuisance.
- IV. The Protection of Children from Harm.

Mr Hu did not know what the four licensing objectives were, so we must assume none of your staff are aware of these either.

Due to what we found, your premises has been rated as very high risk as clearly you are not upholding the four licensing objectives which is a great concern to all the responsible Authorities. We plan to take legal advice in regard to future actions.

Recommendations

Please ensure that your fire fighting equipment is inspected annually and all fire exits kept clear of obstructions at all times. Ensure your fire risk assessment is up to date and carry out any necessary staff re-training to ensure that your staff are fully aware of all issues regarding fire safety in your premises. For more information, go to www.fire.gov.uk/Workplace+safety/WhatTheLawRequires/

Please ensure that your health and safety risk assessment is up to date. For more information, go to <http://www.hse.gov.uk/business/policy.htm>

You have now have an opportunity to ensure that above mentioned items are actioned within the next 28 days.

Should you wish to discuss any issues, please telephone me on the number above, during office hours.

Yours faithfully

Mr Peter Narancic
Senior Licensing & Enforcement Officer

Copies sent to:

Environmental Health
UK Immigration Enforcement Department
Thames Valley Police

Licensing guidance information enclosed.

Name: **CHINA PALACE**
Address: **43-45 Oxford**

Inspector: **AK3**

Inspection Date: **27/11/15**
Announced inspection? **Y(N)**

FLARE DATABASE CODES INU Type: R-full/partial inspection; S-other official control (OOC) incl sampling, etc of Broadly Compliant (BC); X-Non Official Control insp (education/intel) BC cat D/E alternate with OOC; J-ceased trading(food closed but business still exists).

ACTION DIARY TEMPLATE FH1 (F50)-FH Written Warning (letter or IRF with legal requirements), (F51)-Improvement Notice(s), F53 -Voluntary closure, F52 -HEPN, F54 -seizure of food, (F35)-Revisit, Code -food reg sent/left/checked, G48 -2nd person, GTW- Trade waste not ok, FR _ (insert rating no.) Admin to send rating stickers, F64 -Copy of IRF to Head Office **PRU, More tab**, **Equipment** FBK -Blast chiller, FBA -Blast freezer, FAQ -Vac Pack Machine, (FBQ)-Duck oven, FBP -Tandoori oven, FAJ -Band saw

Item	Detail	Description	Scheduled Date	Actual Date	Officer	Time
1	E35	REVISIT	18/12/15	17/03/16		
2	E48	LETTER				
3						
4						

Food Hygiene Risk Rating

SCORE	Criteria
TYPE OF FOOD & METHOD OF HANDLING	
5/A	Handling Low risk Foods
10/B	Handling High Risk Foods
30/C	Prep High Risk Foods cook/handle
40/D	Manufacture high Risk foods
METHOD OF PROCESSING	
0/A	None
20/B	High risk activities; cook/chill foods; Air drying ie. biltong; low acid foods; add salt or preservatives; sushi, rare burgers; vacuum & sous vide packing
CONSUMERS AT RISK	
0/A	Very Few
5/B	Few
10/C	Intermediate
15/D	Substantial national /internat distrib
VULNERABLE GROUPS (catering)	
0/A	Premises serving >20 people in a vulnerable group
OR	
22/B	
FOOD HYGIENE & SAFETY (see COP)	
0/A	Reason:
5/B	- Cross contam routes
10/C	- cooling practices
15/D	- Temp. control
20/E	- organisation - Handwashing
25/F	
STRUCTURAL (see COP)	
0/A	Reason:
5/B	- Cleaning
10/C	- Toilets
15/D	-
20/E	
25/F	
CONFIDENCE IN MANAGEMENT (see COP)	
0/A	Reason:
5/B	- no SFBBs
10/C	- temps not recorded
20/D	- Training
30/E	
0/A	Significance of Risk of food being contaminated.
OR	
20/B	
TOTAL	90 C A B A E D D A

Inspection Summary

File Comments from last visit incl any complaints to follow up since last insp:

FH 15, S 15, CIM 10 - Cross Contam. - Cleaning - SFBB

Risk Rating of Premises of past 4 FHI? **B | C | B | B**

Owners name on existing food reg: **Mr WEI HU**

PAP for FH? **Y(N)** PAP name?

Health and safety due? **Yes/No** Food standards due? **Yes/No**

Range of foods: **TRADITIONAL CHINESE**

Method of processing? **COOK, COOL, REHEAT**

Preferred language(s):

Number of customers/meals: **min max**

Premises used by other bodies? **Y(N)** Who? :

Any off site activities? **Y(N)** Details:

Business to business sales? **Y(N)** Who?

Approval needed? **Y(N)**

Reason for Chosen intervention - other than full inspection. If this is an S/X type inspection. Highlight which areas audited i.e. food hygiene, structural, CIM or audit

Activities in progress at time of visit (incl any specific discussion points with named staff, include job function)

Prep & service

Proposed business changes (Circle) menu changes/ building work/refurb, starting delivery, new contractor, closure/ownership change, other new service? Other _____

Suggested areas for focus at next S type inspection:

See IRF

Reasons if changed from category A (manager needs to sign bottom of page)

	Y	Timescale
Sampling to be undertaken during next visit:	Y	Next visit <i>clat's, claps, hats</i>
Discussion with Home Authority/PAP	1	
Change in FHRS rating (if zero/one rating has revisit been scheduled)		
Variance to food enforcement policy	Y(N)	Reason:

FH Risk Rating	Rating FR_	FHRS score	But no score greater than
A: 92-196	5	0-15	5
B: 72-91	4	20	10
C: 52-71	3	25-30	10
D: 31-51	2	35-40	15
E: 0-30	1	45-50	20
	0	> 50	30

Qualitative Review : Name & Signed: Position: Date:

Comments:

Part 1: Suppliers:

1.1 Names of main food suppliers and type of food supplied: (Meat, Fish, bi-valve molluscs, dairy, eggs, imported foods)

See also Chan Brothers
J. Chan Mackes

1.2 Any foods purchased direct from companies outside the UK? e.g. Internet Y N

Part 2: Training

2.1 Details of Training/Instruction/Supervision Arrangements

Officer to describe training/instruction & supervision (incl new staff training)

2.2 Food Handler Training

Categories	Staff Name	Cat A,B,C	Training Type Specify if Online (O), accredited (A) or in-house (H)	Date done	Cert Y/N
A=Handle LRFs & wrapped food	a. Jyu		Level 2 food hygiene last year no cert		<input checked="" type="checkbox"/> N
B=Handle open HRFs	b.				
C=Food handlers who have a supervisory role	c.				
	d.				
	e.				

2.3 Discussion with staff and observed operational practices suggest suitable training? Y N

Comments on staff practices:

Notice to be issued.

Consideration of knowledge of hand washing, cross contamination, e.coli source & control

Part 3: Food Safety Management System (FSMS)

√ = Satisfactory, ⊗ = Unsatisfactory [⊗ must result in a comment on IRF], N/A = Not applicable

3.1 Details of HACCP system in place

-SFBB
-Bespoke/Codex type
-Records only
-Suitable? (Consider EC Guidance on Flexibility)

SFBB

CCP= Critical control point; CL=Critical Limits; CA=corrective action; MP = monitoring Procedures

List business CCPs: (officer's opinion) (Cross off if n/a, add CCPs as needed).	3.2 business identified all necessary CCPs?	3.3 CL identified?	3.4 CL valid?	3.5 MPs for CCPs established?	3.6 CA for each CCP?	3.7 CCP controlled satisfactorily?
Purchase/Delivery	✓					<input checked="" type="checkbox"/> ⊗
Storage (chill/frozen)	⊗					<input checked="" type="checkbox"/> ⊗
Preparation	✓					✓
Cooking Reheating	✓					
Cooling	⊗					<input checked="" type="checkbox"/> ⊗
Hot Holding						
Cold Service						
Delivery Transport						

3.8 Defrosting procedures safe? AdHOC ⊗

Verification

3.9 Doc procedures for e. coli control?

3.13 Are records up to date and accurate?

Validation

3.14 Manager sign off of records?

3.10 Suitable person did analysis?

3.15 Staff trained? (incl new staff)?

3.11 All CCPs and CLs identified?

3.16 Periodic review? (& when menu/equip change)

3.12 MPs and CAs are suitable?

3.17 Inhouse/third party audit?

3.18 General Comments on FSMS

3.19 Overall HACCP Compliant (Article 5): Y N Proposed Action if N:

Notice.

Hygiène Prerequisite programme (PRP)

√ = Satisfactory, ⊗ = Unsatisfactory [⊗ must result in a comment on IRF], N/A = Not applicable

Part 4: Structural

General			
4.1 Construction & size of business permit GHP?	✓	4.12 Windows constructed to prevent accumulation of dirt?	N/A
4.2 Layout of premises permits GHP?	✓	4.13 Equipment in good repair/condition?	⊗
4.3 Drainage satisfactory?	✓	4.14 Food containers in good repair/condition? Cleaned & disinfected if reused? <input checked="" type="checkbox"/>	✓
4.4 Lighting suitable?	✓	4.15 Food packaging stored in clean area?	?
4.5 Ventilation satisfactory?	✓	Pest Prevention & Control	
4.6 Suitable sanitary accommodation ? Ventilated lobby? WHB? Lobby / Cleaners	⊗	4.16 Structure ok? No proofing required.	✓
4.7 Provision of suitable changing facilities ?	✓	4.17 No Signs of infestation?	✓
Food Room Requirements		4.18 Pest control contractor ? Name: Crystalite 02085053300	✓
4.8 Adequate number of wash hand basins with hot & cold water, soap & hand drying facilities?	⊗	Frequency: Every 2 months	✓
4.9 Adequate facilities for; Cleaning utensils/equip ? (H+C water, Two sinks or one plus dishwasher (80C for 15sec; or equivalent)?	✓	Type: Rodents/ Cockroaches/ Flies/ AID	✓
Washing food ? (if dual use, system for cleaning?)	✓	4.19 Log book/Diary examined? Last visit date: 25/11/15	✓
4.10 Ceilings & overhead fixtures prevent accumulation of dirt, formation of mould/condensation & shedding of particles?	✓	4.20 Any actions from checks addressed? ?	✓
4.11 Are the following in sound condition & easy to clean/disinfect?		4.21 Or is in house system suitable? Frequency of checks? Recorded?	✓
Floors	✓	Vehicles	
Walls	✓	4.22 Vehicle seen, clean, good repair and condition? Note registration of vehicle:	✓
Doors	✓	4.23 Adequate temp controlled storage space?	✓
Food contact surfaces	✓	4.24 Designated areas for raw and RTE	✓

Part 5: Operational

Cleaning			
5.1 Premises clean ?	⊗	5.13 Contaminated e.g. raw meat cardboard , used/disposed of appropriately? <i>DoH 2ae</i>	✓
5.2 Equipment installed to allow cleaning?	⊗	5.14 No evidence of breakages , unnecessary glass, bolts missing, paper clips, or other physical contaminants etc... in food prep areas?	✓
5.3 Food contact surfaces & equipment clean? (Remember ice machine & soda gun)	⊗	5.15 Staff aware of food allergens and appropriate controls? ?	⊗
5.4 All hand contact surfaces clean?	⊗	Stock Control	
5.5 Suitable chemicals and materials for cleaning? List: Sanitiser	✓	5.16 Products date labelled where necessary?	⊗
5.6 Disinfectant/Sanitiser meet BS EN 1276:1997 or BS EN 13697:2001 ?	✓	5.17 Manufacturers & in house dates all ok? ?	-
5.7 Cleaning chemicals properly stored ?		Personal Hygiene	
5.8 Cleaning schedule in place & implemented ?		5.18 Good standards of personal hygiene observed? - <i>oudalls duty</i> ?	⊗
5.9 Two stage cleaning ? Visibly clean then disinfect, consider contact time		5.19 Appropriate hand washing practices observed? ?	⊗
5.10 Suitable cloth management ? - Sep cleaning cloths, sponges, mops? - Are reusable cloths machine washed? ?	✓	5.20 Aware of appropriate glove use ? ?	+
Food Contamination		5.21 Staff fit to work & know 48 hr rule ? ?	+
5.11 All foods covered ?	⊗	5.22 Changing clothing after handling raw food?	+
5.12 Appropriate controls to prevent cross-contamination e.g. - Different equip? (unless disinfected in dishwasher) - No dual use of complex equipment - Separate storage areas? (clearly identifiable) - Zoned areas? (clean area sufficiently separated) - Time zoning? (are cleaning, sanitising and doc ok?) - Separate staff for tasks? - No raw food contamination of cash registers? - Raw meat is not washed during preparation?	⊗	5.23 Fitness to work procedure in place?	+
	⊗	5.24 Over-clothing suitable and clean?	⊗
	⊗	5.25 Adequate first-aid provisions?	+
	⊗	Complaints/Incidents	
	⊗	5.26 Procedures/ recent complaints all ok?	+
	⊗	5.27 How are customer complaints handled?	+
	⊗	Comments on cross contamination if required:	+

↳ to be addressed in letter.

Waste Disposal		5.32 Copy of Waste Transfer Licence seen?	
5.28 Food waste Contractor used and details:		5.33 Animal by-products? (RETAIL ONLY)	
5.29 Cooking oil? Stored properly, No spillage, Collected by authorised collector	<i>details record</i>	- Separation of raw meat/fish & eggs - Disposal via approved contractor - Detailed records kept (what collected, weight, destination, transport, date - NB - Kept for 2 years)	
5.30 Outside bin area tidy?	<i>OMARA waste</i>	5.34 Is any surplus food (bakery) being put into the feed chain or going to animals? If yes - details of where food is going and pass to TS	
5.31 Bins inside satisfactory?			

Part 6: Temperature Control
 ✓ = Satisfactory, ⊗ = Unsatisfactory [⊗ must result in a comment on IRF], N/A = Not applicable

6.1 Able to demonstrate conformance with 4hr rule for chilled hold? <i>Person not in det.</i>	⊗	6.4 Able to demonstrate conformance with 2hr rule for hot hold?	✓
6.2 Is cooling done safely?	⊗	6.5 Devices for temperature monitoring?	✓
6.3 Does the business prepare fish to consume raw e.g. sushi/sashimi? (Check that fish is frozen at -20°C for at least 24 hrs?) Detail in comments box. Does not apply to FARMED salmon, Atlantic halibut, rainbow trout. Has to be these fish and FARMED	1	6.6 Use of independent thermometer? (Probe and/or storage thermometers)	✓
		6.7 Adequate sanitisation?	✓
		6.8 Thermometer calibration?	
6.11 Officers Temperature Checks			
Equipment	Location	Temp °C	Product
a. undercooker	prep kitchen	7.9	d.
b. Raw meat freezer	prep kitchen	-10°C	e.
c. chicken skewers prep area		40°C	f.

Comments on temperature control

Part 7: Traceability and Supplier Control
 ✓ = Satisfactory, ⊗ = Unsatisfactory [⊗ must result in a comment on IRF], N/A = Not applicable

Traceability		Supplier Control	
7.1 Able to trace food one step back?		7.5 Arrival in opening hours?	
7.2 Traceability documentation available on site?		7.6 Rejection procedure for unsatisfactory deliveries?	
7.3 Able to trace food forward to businesses? Detail businesses below		7.7 Supplier control and approval system?	
7.4 Discuss if approval required? (supply to other businesses)	N/A	7.8 No SRM on premises (only blue strips on labels of bovine carcasses.) (if N talk to Manager)	
7.9 Does business (incl retail and caterers) sell Live Bivalve Molluscs (Oysters, Mussels, Clams etc)? Officer to inspect receipts. 60 day retention of certificates? Traceability/invoice/approved numbers?	<i>Explained</i>		<i>Mussels - Chen Ketter</i>

7.10 Imported Foods **Officers Traceability Checks**

Are there any imported foods?	Foodstuffs likely to fail food safety requirements based on current EC 669/2009 Annex 1 (PNAO), at 1 st point of destination after port CVED(POAO) or CED(PNAO)	
Product Name and Description	Category -Imported POAO, - Imported FNAO, -EU/EEA prod.	Details of Check and Results
a.		
b.		

7.11 Notes/Diagrams

- Soap not @ WHB towels, not accessible
 - Bin near bakery splashed food waste
 - Bate labels - lobster cooked fridge
 - Steamer fully - chicken skewers @ ambient temp.
 - Need matrix etc for allergies - staff not aware. Ats cross-contamination in the kitchen needs to be addressed.
 - Equipment difference
 - staff toilet area dirty
 - NO hand towels
 - Cleaning under dumplings

Legislation covered by Inspection: Food Safety & Hygiene (England) Regulations 2013 Food Safety Act 1990 (as amended) Health & Safety at Work etc. Act 1974 Other legislation.....

Reason for Visit: Proactive Reactive Advisory Sample Taken (detailed below) Revisit

Name of Premises: CHINA PALACE Business Type: Restaurant

Address: 43-45 Oxford Rd

Registered Office Address: [Redacted]

Email: Wei32@ Tel: [Redacted] Mobile: [Redacted]

Person Seen: Wei Mu Position: Kitchen Manager

Name of Food Business Operator/Dutyholder: Hui Chang Yin - email address

Business days & hours: CHANG BLONG Ltd Areas Checked: kitchen

List of Documents checked ✓ = Yes x = Not available \ = not applicable Written FSMS Cleaning Log
FH Training Policy /records Fridge/Freezer Temperature Log Hot Food Temperature Log Pest Control
Health and Safety: Policy Risk Assessments (Details:.....)

Comments: Matters Arising (L = Legal Requirement + Timescale and R = Recommendation)
(Food Only: CIM=Confidence in Management, FH=Food Hygiene & Safety Practices, S=Structure; H&S: Health & Safety)

L/R CIM/
FH/S/
H&S

- ①② FH Food is being held at ambient temperatures for longer than the local limit. Food should cool at ambient temperatures for a Max of 90 mins then be Refrigerated. Timescale: IMMEDIATELY
- ② L FH The freezer for the raw meat was 10°C it is overstocked so not holding adequate temperatures. This should be attended to. Timescale: IMMEDIATELY
- ③ L FH There were raw products (chicken & lobster) stored in the designated cooked fridge. Ensure there is proper separation of raw & cooked products. Timescale: IMMEDIATELY

Action Proposed: Inspection report form left Letter to follow Formal notices(s) Revisit ONGOING

Food Hygiene Rating Criteria Assessed	SCORE						Your Premises Rating is
	Good				Poor		
Compliance with food safety procedures	0	5	10	15	20	25	To be detailed on the letter.
Compliance with structural requirements	0	5	10	15	20	25	
Confidence in management /control procedures	0	5	10		20	30	

Business Reply Expected: Yes No with response to the legal requirements identified above.

Officer Name: LEIGH CALE Signature: [Signature] Designation: Senior EHO

2nd Officer Name: ADEE GALACHER Signature: [Signature] Designation: Senior EHO

Date & Time: 27/11/15 1:00 am/pm. Telephone No: 0118 937 2602 Date of Next Visit:.....

As the person seen at the visit, I have taken note and understand all aspects of work discussed with the Inspecting Officer OR I have received this form and I will ensure this inspection report form is passed to the Manager.

Signed: [Signature] Name: Wei Mu Job Title:

Note: This report describes those matters requiring attention. The report only covers the areas inspected at the time of the visit. If you have any queries regarding this report or you do not agree with your food rating, please contact the officer named above in the first instance. If it is not resolved then write to the Food & Safety Manager at: Food & Safety, Reading Borough Council, Civic Officers, Reading. RG1 2LU or email: consumerprotection@reading.gov.uk

CONTINUATION SHEET

Name of Premises... CHINA PALACE Address... 43-45 Oxford Rd.

COMMENTS Matters Arising (L= Legal Requirement + Timescale R= Recommendations)

(Food Only: CIM=Confidence in Management, FH=Food Hygiene & Safety Practices, S=Structure)

L/R	CIM/ FH/S	
④ (L)	S	Hand towels were not available to wash hand basins in the kitchen + staff toilets. Provide hand towels to all hand wash areas
⑤ L	S	The doors between the kitchen + staff toilet must be kept closed at all times TIMESCALE: IMMEDIATELY + ONGOING
⑥ L	S	The bin is located next to spelves containing ready to use crockery. Crockery should be washed before use + bin moved. TIMESCALE: IMMEDIATELY + ONGOING
⑦ L	S	Staff toilet area: this area requires thorough cleaning. TIMESCALE: 1 WEEK
⑧ L	(S)	CLEANING: Thorough cleaning of kitchen is required specific areas requiring attention to be detailed in letter following inspection
⑨ L	CIM	SFB/3 Not complete. Notice to be served
⑩ L	CIM	No evidence of adequate training. → Notice to be served. TIMESCALE: NOTICE
⑪ L	CIM	Ensure all allergens present in menu items are documented + this record should be kept up to date if menu or suppliers change TIMESCALE: ON LETTER

Action Proposed: See Sheet One

Name of Officer... LEIGH LALE/AGALAKE Signature... [Signature] Date & Time... 27/11/15 1pm

I have taken note and understand all aspects of work discussed with the Inspecting Officer

Signed... [Signature] Job Title.....

Note: This report only covers the areas inspected at the time of the visit and is an informal indication of areas of the business requiring attention. If you have any queries regarding this report or you do not agree with your food rating, please contact the officer named above in the first instance. If it is not resolved then write to the Food Law Manager or Health and Safety Manager, as appropriate at: Consumer Protection, Reading Borough Council, Civic Centre, Reading RG1 7AE or email: consumerprotection@reading.gov.uk

Name: China Palace Inspector: HL3
Address: 43-45 Oxford Rd

Inspection Date: 26/4/16
Announced inspection? Y/N

FLARE DATABASE CODES INU Type: R full/partial inspection, S-other official control (OOC) incl sampling, etc of Broadly Compliant (BC); X-Non Official Control insp (education/intel) BC eat D/E alternate with OOC; J-ceased trading (food closed but business still exists).
ACTION DIARY TEMPLATE FH1 (F50) FH Written Warning (letter or IRF with legal requirements), F51 -Improvement Notice(s), F53 -Voluntary closure, F52 -HEPN, F54 -seizure of food, F35 - Revisit, Code - food reg sent/left/checked, G48 -2nd person, GTW- Trade waste not ok, FR_ (insert rating no.) Admin to send rating stickers, (F64) Copy of IRF to Head Office PRU, More tab, Equipment FBK -Blast chiller, FBA -Blast freezer, FAQ -Vac Pack Machine, FBQ -Duck oven, FBP -Tandoori oven, FAJ -Band saw

Item	Detail	Description	Scheduled Date	Actual Date	Officer	Time
1	F50					
2	F64					
3	G48					
4			WEL			

Food Hygiene Risk Rating

Inspection Summary

SCORE	Criteria
TYPE OF FOOD & METHOD OF HANDLING	
5/A	Handling Low risk Foods
10/B	Handling High Risk Foods
30/C	Prep High Risk Foods cook/handle
40/D	Manufacture high Risk foods
METHOD OF PROCESSING	
0/A	None
20/B	High risk activities; cook/chill foods; Air drying ie. biltong; low acid foods; add salt or preservatives; sushi, rare burgers; vacuum & sous vide packing
CONSUMERS AT RISK	
0/A	Very Few
5/B	Few
10/C	Intermediate
15/D	Substantial national /internat distrib
VULNERABLE GROUPS (catering)	
0/A	Premises serving >20 people in a vulnerable group
OR	
22/B	
FOOD HYGIENE & SAFETY (see COP)	
0/A	Reason:
5/B	- Cross contam hood
10/C	
15/D	
20/E	
25/F	
STRUCTURAL (see COP)	
0/A	Reason:
5/B	- Cleaning
10/C	- Drains
15/B	
20/E	
25/F	
CONFIDENCE IN MANAGEMENT (see COP)	
0/A	Reason:
5/B	- Training
10/C	
20/D	
30/E	
0/A	Significance of Risk of food being contaminated.
OR	
20/B	
TOTAL	65 C A B A C C C A

File Comments from last visit incl any complaints to follow up since last insp:

FH 20 S 15 CIM 20 - Cleaning - Temps - SFBG - Cross contam

Risk Rating of Premises of past 4 FHI? B | B | C | B

Owners name on existing food reg: CHANG LONG Ltd.

PAP for FH? Y/N PAP name?

Health and safety due? Yes/No No Food standards due? Yes/No No

Range of foods: TRADITIONAL CHINESE, DIM SUM

Method of processing: cook, cool, reheat

Preferred language(s): Head chef speaks English

Number of customers/meals: min max

Premises used by other bodies? Y/N Who? :

Any off site activities? Y/N Details:

Business to business sales? Y/N Who?

Approval needed? Y/N

Reason for Chosen intervention - other than full inspection. If this is an S/X type inspection. Highlight which areas audited i.e. food hygiene, structural, CIM or audit

Activities in progress at time of visit (incl any specific discussion points with named staff, include job function):
Prep + Service

Proposed business changes (Circle) menu changes/ building work/refurb, starting delivery, new contractor, closure/ownership change, other new service? Other	Suggested areas for focus at next S type inspection: <u>Cross contam. TRAINING</u>
--	---

Reasons if changed from category A (manager needs to sign bottom of page)

	Y	Timescale
Sampling to be undertaken during next visit:		
Discussion with Home Authority/PAP		
Change in FHRS rating (if zero/one rating has revisit been scheduled)		
Variance to food enforcement policy	Y N	Reason:

FH Risk Rating	Rating	FHRS score	But no score greater than
A: 92-196	5	0-15	5
B: 72-91	4	20	10
C: 52-71	3	25-30	10
D: 31-51	2	35-40	15
E: 0-30	1	45-50	20
	0	> 50	30

Sticker left

Qualitative Review : Name & Signed: [Signature] Position: L5M Date: 4/5/16
Comments:

Part 1: Suppliers:

1.1 Names of main food suppliers and type of food supplied: (Meat, Fish, bi-valve molluscs, dairy, eggs, imported foods)

J Chan Food Supplier -> veg, meat, seafood
See Woo - veg, dry goods

1.2 Any foods purchased direct from companies outside the UK? e.g. Internet Y/N

Part 2: Training

2.1 Details of Training/Instruction/Supervision Arrangements

Officer to describe training/instruction & supervision (incl new staff training)

Chinese Business Support

2.2 Food Handler Training

Categories	Staff Name	Cat A, B, C	Training Type Specify if Online (O), accredited (A) or in-house (H)	Date done	Cert Y/N
A=Handle LRFs & wrapped food	a. Wai Kei		L2 food safety	HACCP 3/15	Y
B=Handle open HRFs	b. Tao Feng		L2	3/15	Y
C=Food handlers who have a supervisory role	c. Mui Chang Yin		L2	3/15	Y
	d.				
	e.				

2.3 Discussion with staff and observed operational practices suggest suitable training? Y/N

Comments on staff practices: Training not adequate for all staff

Consideration of knowledge of hand washing, cross contamination, e.coli source & control

Part 3: Food Safety Management System (FSMS)

√ = Satisfactory, ⊗ = Unsatisfactory [⊗ must result in a comment on IRF], N/A = Not applicable

3.1 Details of HACCP system in place

-SFBB
-Bespoke/Codex type
-Records only
-Suitable? (Consider EC Guidance on Flexibility)

SFBB

CCP= Critical control point; CL=Critical Limits; CA=corrective action; MP = monitoring Procedures

List business CCPs: (officer's opinion) (Cross off if n/a, add CCPs as needed).	3.2 business identified all necessary CCPs?	3.3 CL identified?	3.4 CL valid?	3.5 MPs for CCPs established?	3.6 CA for each CCP?	3.7 CCP controlled satisfactorily?
Purchase/Delivery	✓	✓	✓	✓	✓	✓
Storage (chill/frozen)	✓	✓	✓	✓	✓	✓
Preparation	✓	✓	✓	✓	✓	⊗ CROSS CONTAM ISSUES
Cooking Reheating	✓	✓	✓	✓	✓	✓
Reheating	✓	✓	✓	✓	✓	✓
Hot Holding	N/A					
Cold Service						
Delivery Transport						

3.8 Defrosting procedures safe?	3.9 Doc procedures for e. coli control?	3.10 Suitable person did analysis?	3.11 All CCPs and CLs identified?	3.12 MPs and CAs are suitable?	3.13 Are records up to date and accurate?	3.14 Manager sign off of records?	3.15 Staff trained? (incl new staff)?	3.16 Periodic review? (& when menu/equip change)	3.17 Inhouse/third party audit?
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

3.18 General Comments on FSMS

Records all up to date

3.19 Overall HACCP Compliant (Article 5): Y/N Proposed Action if N:

Hygiene Prerequisite programme (PRP)

√ = Satisfactory, ⊗ = Unsatisfactory [⊗ must result in a comment on IRF], N/A = Not applicable

Part 4: Structural

General

4.1 **Construction & size** of business permit GHP? ✓

4.2 **Layout** of premises permits GHP? ✓

4.3 **Drainage** satisfactory? ✓

4.4 **Lighting** suitable? ✓

4.5 **Ventilation** satisfactory? ✓

4.6 Suitable **sanitary accommodation**? Ventilated lobby? WHB? ✓

4.7 Provision of suitable **changing facilities**? ✓

Food Room Requirements

4.8 Adequate number of **wash hand basins** with hot & cold water, soap & hand drying facilities? ✓

4.9 Adequate facilities for; **Cleaning utensils/equip?** (H+C water, 2 sinks or 1 + dishwasher (full cycle not interrupted) or equivalent? ✓

Washing food? (if dual use, system for cleaning?) ✓

4.10 **Ceilings & overhead fixtures** prevent accumulation of dirt, formation of mould/condensation & shedding of particles? ✓

4.11 Are the following in sound condition & easy to clean/disinfect?

Floors ✓

Walls ✓

Doors ✓

Food contact surfaces ✓

4.12 **Windows** constructed to prevent accumulation of dirt? ✓

4.13 **Equipment** in good repair/condition? ✓

4.14 **Food containers** in good repair/condition? ✓

Cleaned & disinfected if reused? ✓

4.15 Food packaging stored in clean area? ✓

Pest Prevention & Control

4.16 **Structure** ok? No proofing required. ✓

4.17 No Signs of infestation? ✓

4.18 Pest control **contractor**?

Name:

Frequency:

Type: Rodents/ Cockroaches/ Flies/ All

4.19 **Log book/Diary** examined? ✓

Last visit date:

4.20 Any **actions** from checks addressed? ✓

4.21 Or is in house system suitable? ✓

Frequency of checks? ✓

Recorded? ✓

Vehicles

4.22 Vehicle seen, clean, good repair and condition? Note registration of vehicle: ✓

4.23 Adequate temp controlled storage space? ✓

4.24 Designated areas for raw and RTE ✓

Part 5: Operational

Cleaning

5.1 Premises clean? ✓

5.2 **Equipment** installed to allow cleaning? ✓

5.3 **Food contact surfaces & equipment** clean? (Remember ice machine & soda gun) ✓

5.4 All **hand contact surfaces** clean & disinfect? ⊗

5.5 Suitable **chemicals and materials** for cleaning? List: Nilco ✓

5.6 Disinfectant/Sanitiser meet **BS EN 1276:1997** or **BS EN 13697:2001**? ✓

5.7 Cleaning chemicals properly stored? ✓

5.8 **Cleaning schedule** in place & implemented? ✓

5.9 **Two stage cleaning**? Visibly clean then disinfect, consider **contact time**, correct **dilution** ✓

5.10 Suitable **cloth management**? Single use
- Sep colour coded cleaning cloths, sponges, mops?
- Are reusable cloths machine washed? ✓

Food Contamination

5.11 All **foods covered**? ✓

5.12 Appropriate controls to **prevent cross-contamination** e.g. ✓

- Different equip? (unless disinfected in dishwasher) ✓

- No dual use complex equip unless full dismantle ✓

- Dual use of easy clean equipment ✓

- No raw food contamination of cash registers? ✓

- Raw meat is not washed during preparation? ✓

- Use bowl/chopping board as food contact surface ✓

- Separate storage areas? (clearly identifiable) ✓

- Zoned areas? (clean area sufficiently separated) ⊗

- Time zoning? (are cleaning, sanitising and doc ok?) ⊗

- Separate staff for tasks? ⊗

5.13 **Contaminated e.g. raw meat cardboard** used/disposed of appropriately? ✓

5.14 No evidence of **breakages**, unnecessary glass, bolts missing, paper clips, or other **physical contaminants** etc... in food prep areas? ✓

5.15 Staff aware of **food allergens** and appropriate controls? ✓

Stock Control

5.16 Products **date labelled** where necessary? ⊗

5.17 Manufacturers & in house dates all ok? ✓

Personal Hygiene

5.18 Good standards of **personal hygiene** observed? ✓

5.19 Appropriate **hand washing practices** observed? ✓

- Recognised technique e.g. DoH

- Taps turned off with towel (or no touch taps)?

- Sanitizing gel only after proper HW

5.20 Aware of appropriate **glove use**? ✓

5.21 Staff fit to work & know **48 hr rule**? ✓

5.22 Change soiled clothing after handling raw food? ✓

5.23 **Fitness to work procedure** in place? ✓

5.24 **Over-clothing** suitable and clean? ✓

5.25 Adequate **first-aid** provisions? ✓

Complaints/Incidents

5.26 Procedures/**recent complaints** all ok? ✓

5.27 How are customer complaints handled? ✓

Comments on cross contamination if required: ✓

Waste Disposal		5.32 Copy of Waste Transfer Licence seen?	
5.28 Food waste Contractor used and details:		5.33 Animal by-products? (RETAIL ONLY)	
5.29 Cooking oil? Stored properly, No spillage, Collected by authorised collector		- Separation of raw meat/fish & eggs - Disposal via approved contractor - Detailed records kept (what collected, weight, destination, transport, date - NB - Kept for 2 years)	
5.30 Outside bin area tidy?		5.34 Is any surplus food (bakery) being put into the feed chain or going to animals? If yes - details of where food is going and pass to TS	
5.31 Bins inside satisfactory?			

Part 6: Temperature Control
 ✓ = Satisfactory, ⊗ = Unsatisfactory [⊗ must result in a comment on IRF], N/A = Not applicable

6.1 Able to demonstrate conformance with 4hr rule for chilled hold?	N/A	6.4 Able to demonstrate conformance with 2hr rule for hot hold?	N/A
6.2 Is cooling done safely?	⊗	6.5 Devices for temperature monitoring?	✓
6.3 Does the business prepare fish to consume raw e.g. sushi/sashimi? (Check that fish is frozen at -20°C for at least 24 hrs?) Detail in comments box. Does not apply to FARMED salmon, Atlantic halibut, rainbow trout. Has to be these fish and FARMED	N/A	6.6 Use of independent thermometer? (Probe and/or storage thermometers)	✓
		6.7 Adequate sanitisation?	✓
		6.8 Thermometer calibration?	⊗

6.11 Officers Temperature Checks

Equipment	Location	Temp °C	Product	Location	Temp °C
a. Fridge 6		4.0°C ✓	d.		
b. Walk in fridge - RTE/raw		4.6°C ✓	e.		
c.			f.		

Comments on temperature control
 Good temps records for fridge/freezers.

Part 7: Traceability and Supplier Control
 ✓ = Satisfactory, ⊗ = Unsatisfactory [⊗ must result in a comment on IRF], N/A = Not applicable

Traceability	Supplier Control
7.1 Able to trace food one step back?	7.5 Arrival in opening hours? ✓
7.2 Traceability documentation available on site?	7.6 Rejection procedure for unsatisfactory deliveries? ✓
7.3 Able to trace food forward to businesses? Detail businesses below	7.7 Supplier control and approval system?
7.4 Discuss if approval required? (supply to other businesses)	7.8 No SRM on premises (only blue strips on labels of bovine carcasses.) (if N talk to Manager)
7.9 Does business (incl retail and caterers) sell Live Bivalve Molluscs (Oysters, Mussels, Clams etc)? Officer to inspect receipts. 60 day retention of certificates? Traceability/invoice/approved numbers?	

7.10 Imported Foods **Officers Traceability Checks**
 Are there any imported foods? Foodstuffs likely to fail food safety requirements based on current EC 669/2009 Annex 1 (PNAO), at 1st point of destination after port CVED (POAO) or CED (PNAO)

Product Name and Description	Category -Imported POAO, -Imported FNAO, -EU/EEA prod.	Details of Check and Results
a.		

7.11 Notes/Diagrams

b.

- old meat lying in veg/salad tank
- chopping boards stored dirty area
- Duck area cross contam.
- Door dimsum hot hold
- Dirty handles
- Good fridge temps
- ✓ Training -> cross contam.

Legislation covered by Inspection: Food Safety & Hygiene (England) Regulations 2013 Food Safety Act 1990 (as amended) Health & Safety at Work etc. Act 1974 Other legislation.....
Reason for Visit: Proactive Reactive Advisory Sample Taken (detailed below) Revisit

Name of Premises China Palace Business Type Chinese Restaurant

Address 43-45 Oxford Rd

Registered Office Address

Email [redacted] Tel [redacted] Mobile [redacted]

Person Seen Wei Hu Position Head Chef

Name of Food Business Operator/Dutyholder

Business days & hours Areas Checked Kitchen

List of Documents checked ✓ = Yes x = Not available \ = not applicable Written FSMS Cleaning Log
FH Training Policy /records Fridge/Freezer Temperature Log Hot Food Temperature Log Pest Control
Health and Safety: Policy Risk Assessments (Details.....)

Comments: Matters Arising (L = Legal Requirement + Timescale and R = Recommendation)
(Food Only: CIM=Confidence in Management, FH=Food Hygiene & Safety Practices, S=Structure; H&S: Health & Safety)

L/R	CIM/ FH/S/ H&S	Comments
①	L FH	Raw Ducks were left next to cooked duck & ribs in a 'ready to eat area'. Raw food must be kept separate from cooked ready to eat to prevent cross contamination. Timescale: Immediately & ongoing
②	L FH	Raw meat was left in the veg/fruit wash area. You must keep raw & ready to eat areas separate or ensure you 2 stage clean (detergent & sanitizer) after raw usage. Timescale: Immediately & ongoing
③	L FH	The raw meat area in main kitchen was being used for other food -> Again must keep separate OR ensure 2 stage cleaning. Timescale: Immediately & ongoing

Action Proposed: Inspection report form left Letter to follow Formal notices(s) Revisit

Food Hygiene Rating Criteria Assessed	Good	SCORE	Poor	Your Premises Rating is
Compliance with food safety procedures	0 5 10 15 20 25	10	20 25	3
Compliance with structural requirements	0 5 10 15 20 25	10	20 25	
Confidence in management /control procedures	0 5 10 20 30	10	20 30	

Business Reply Expected: Yes No with response to the legal requirements identified above.

Officer Name KEIGM LALE Signature [Signature] Designation Senior EHO

2nd Officer Name Winnie Peng Signature [Signature] Designation S.EHO

Date & Time 26/04/16 am/pm Telephone No: 0118 937 3124 Date of Next Visit

As the person seen at the visit, I have taken note and understand all aspects of work discussed with the Inspecting Officer OR I have received this form and I will ensure this inspection report form is passed to the Manager.

Signed [Signature] Name Wei Hu Job Title Head Chef

Note: This report describes those matters requiring attention. The report only covers the areas inspected at the time of the visit. If you have any queries regarding this report or you do not agree with your food rating, please contact the officer named above in the first instance. If it is not resolved then write to the Food & Safety Manager at: Food & Safety, Reading Borough Council, Civic Officers, Reading. RG1 2LU or email: consumerprotection@reading.gov.uk

CONTINUATION SHEET

Name of Premises China Palace Address 43-45 Oxford Rd

COMMENTS Matters Arising (L= Legal Requirement + Timescale R= Recommendations)

(Food Only: CIM=Confidence in Management, FH=Food Hygiene & Safety Practices, S=Structure)

L/R	CIM/ FH/S	
④	L S	Some chopping boards are worn & could do with replacement. Timescale: 1 Month
⑤	L S	Chopping boards stored in dirty area to dry (behind salad sink) to be moved & area to be cleaned
⑥	L S	Repair door to Dim Sum hot hold cabinet. Timescale: 1 Month
⑦	L S	Some hand contact surfaces not clean. Clean fridge/freezer handles. Timescale: 1 week
⑧	L CIM	Training for all staff not adequate and demonstrated by cross contamination issues. Staff must be adequately trained. Timescale: 2 Months
⑨	R CIM	You should keep temperature checks of cooked food to prove due diligence - Immediately ongoing
⑩	L CIM	You should keep cooling records to prove due diligence & ensure food is not at room temperature cooling for more than 90 minutes
⑪	R FH	It is recommended that items in fridge/freezer date labeled to ensure good stock rotation. timescale
⑫	L CIM	As discussed update allergy menu so it is accurate. Timescale: 1 Month.

Action Proposed: See Sheet One

Name of Officer LEIGH WILKINSON Signature [Signature] Date & Time 26/04/16

I have taken note and understand all aspects of work discussed with the Inspecting Officer

Signed [Signature] Job Title head chef

Note: This report only covers the areas inspected at the time of the visit and is an informal indication of areas of the business requiring attention. If you have any queries regarding this report or you do not agree with your food rating, please contact the officer named above in the first instance. If it is not resolved then write to the Food Law Manager or Health and Safety Manager, as appropriate at: Consumer Protection, Reading Borough Council, Civic Centre, Reading RG1 7AE or email: consumerprotection@reading.gov.uk

Judgments

QBD, ADMINISTRATIVE COURT

Neutral Citation Number: [2016] EWHC 1265 (Admin)

CO/345/2016

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

THE ADMINISTRATIVE COURT

Royal Courts of Justice

Strand

London WC2A 2LL

Thursday, 14 April 2016

B e f o r e:

MR JUSTICE JAY

Between:

EAST LINDSEY DISTRICT COUNCIL

Appellant

v

ABU HANIF

(TRADING AS ZARA'S RESTAURANT AND TAKEAWAY)

Respondent

Computer- Aided Transcript of the Stenograph Notes of

WordWave International Limited trading as DTI

165 Fleet Street London EC4A 2DY

Tel No: 020 7404 1400 Fax No: 020 7404 1424

(Official Shorthand Writers to the Court)

Mr P Kolvin QC & Mr D Dadds (instructed by David Dadds LLP) appeared on behalf of the **Appellant**

The **Respondent** did not appear and was not represented

J U D G M E N T

(Approved)

Crown copyright©

1. MR JUSTICE JAY: This is an appeal by way of case stated from the decision of the Lincoln Magistrates' Court, District Judge Veits, given on 23 June 2015, whereby he allowed an appeal from the revocation of a premises licence by the licensing authority.
2. The appellant, the East Lindsey District Council, is the licensing authority. The Magistrates' Court in the usual way is not a party to these proceedings. The respondent, Mr Abu Hanif, trading as Zara's Restaurant and Takeaway, is the licence holder. He through a licensing consultant has submitted correspondence making various limited points, but indicating that he would not be taking any part in these proceedings.
3. The premises in question are Zara's Restaurant and Takeaway situated in North Summercoates on the Lincolnshire coast. They are licensed to sell alcohol ancillary to the supply of food. The restaurant is owned and managed by the licensee, Mr Hanif. On 29 April 2014, the premises were the subject of a joint visit by the police and immigration officers, and it was discovered that Mr Miah was working in the kitchen as a chef. It was common ground that Mr Miah had no current entitlement to remain in the UK, let alone to work. I was told that he arrived here illegally some years ago. Furthermore, it was also accepted by the respondent that he (i) employed Mr Miah without paperwork showing a right to work in the United Kingdom; (ii) paid Mr Miah cash in hand; (iii) paid Mr Miah less than the minimum wage; (iv) did not keep or maintain PAYE records; (v) purported to deduct tax from Mr Miah's salary; and (vi) did not account to HMRC for the tax deducted.
4. The police then applied for a review of the respondent's licence under section 51 of the Licensing Act 2003 and the matter came before the appellant's subcommittee on 30 June 2014. The subcommittee decided to revoke the respondent's licence. Its reasons were as follows:
5. "The subcommittee were satisfied that Mr Hanif did not take the appropriate checks of staff members having knowledge that there were problems previously at the other premises with overstayers, and that he continued to allow staff to work at Zara's restaurant without making appropriate checks.
6. The subcommittee were satisfied that Mr Hanif had not undertaken the relevant checks to ensure the employee concerned was eligible to work in the United Kingdom. Instead of not allowing employees to work if they had not provided the correct documentation he allowed them to work and paid cash in hand. With all this in mind the subcommittee were satisfied that Mr Hanif had knowingly employed person/s unlawfully in the United Kingdom.

7. The subcommittee considered the evidence by Mr Kheng on behalf of Mr Hanif and the Home Office section 182 Guidance to Licensing Authorities. The subcommittee were of the view that the premises licence should be revoked and that revocation was an appropriate step with a view to promoting the crime prevention licensing objective."

8. The respondent then appealed to the Magistrates' Court. There was a hearing on 27 March 2015, and on 23 June the district judge decided to allow the respondent's appeal. On 1 September 2015, the district judge determined the issue of costs and on 7 January 2016 he stated the case. The appeal to the district judge was de novo, but he accepted that he could only allow the appeal if the subcommittee's decision was "wrong", the burden being on the appellant before him to establish that.

9. Looking now at the stated case, the district judge noted that the respondent had received a civil penalty for employing an illegal worker under section 15 of the Immigration, Asylum and Nationality Act 2006. An immigration officer gave evidence to the effect that although by virtue of section 21 a criminal offence was committed, such proceedings were rarely brought. The district judge also noted that the police and the Council's licensing officer were no longer saying that the respondent was a serial offender, but a redacted report which was placed before the subcommittee still gave the impression that he "was in a much worse position than he actually was". As for the failure to pay the minimum wage, the district judge said this:

A. "In his evidence before me Mr Hanif accepted that he had not paid the minimum wage and this in itself can be a criminal offence. I found that this was not the main basis of the subcommittee's decision however and again there was no evidence that he had been reported for that alleged offence. It would appear from their reasons that the subcommittee used the evidence of paying cash in hand as justification for the finding that he knowingly employed Mr Miah. The prosecuting authority however appear to have taken a different view in offering the civil penalty."

10. The district judge's core reasoning was that no crime had been committed. As he put it:

A. "It appeared to me that no crime had been committed as a result of the visit to the premises in April of last year. A civil penalty had been imposed rather than prosecution for the section 21 offence and no other crime had been reported in relation to not paying the minimum wage."

11. In the district judge's view, the crime prevention objective was not engaged.

12. The district judge also criticised the subcommittee for adopting an inconsistent approach because in other similar cases only warnings were issued. Finally, he considered

that the subcommittee may have been influenced by comments in the police report, leading them to believe that they were dealing with a serial offender.

13. At the conclusion of the stated case, the district judge posed two questions for my determination. I will address these at the end of my judgment.

14. I was taken by Mr Philip Kolvin QC to various provisions of the Licensing Act 2003 as amended. Under section 4(1)and(2) a licensing authority must carry out its licensing functions with a view to promoting the licensing objectives, which include "the prevention of crime and disorder". The provisions dealing with the review application brought by the police are contained in sections 51 and 52. Under section 52(3), the licensing authority (and on appeal the Magistrates' Court):

A. "... must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives."

15. The epithet "appropriate" was introduced by amendment in 2011. Previously the test had been stricter. In my judgment, it imports by necessary implication the concepts of proportionality and relevance.

16. Mr Kolvin submitted that the district judge erred in a number of respects. First, he wrongly held that, given that criminal proceedings were never brought, the crime prevention objective (see section 4(2)) was not engaged. The statute is concerned with the prevention rather than the fact of crime. Secondly, and in any event, the interested party had committed criminal offences in relation to tax evasion, the employment of an illegal worker, and employing an individual at remuneration below the minimum wage. As for the employment of an illegal worker, Mr Kolvin accepted that this requires knowledge on the part of the employer, and he also accepted that it is not altogether clear whether the district judge found as a fact that the respondent possessed the requisite knowledge. However, the core question is the promotion of the licensing objectives, not the fact of anterior criminal activity, and in this regard a deterrence approach is appropriate.

17. Thirdly, Mr Kolvin submitted that there was no evidence of an inconsistent approach by the subcommittee in giving warnings in some cases because all cases turn on their own facts. Finally, Mr Kolvin submitted that there was no basis for the district judge's conclusion that the subcommittee may have been influenced by a suggestion that the respondent was a serial offender.

18. I accept Mr Kolvin's submissions. In my view the district judge clearly erred. The question was not whether the respondent had been found guilty of criminal offences before a relevant tribunal, but whether revocation of his licence was appropriate and proportionate in the light of the salient licensing objectives, namely the prevention of crime and disorder.

This requires a much broader approach to the issue than the mere identification of criminal convictions. It is in part retrospective, in as much as antecedent facts will usually impact on the statutory question, but importantly the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence. The district judge's erroneous analysis of the law precluded any proper consideration of that issue. In any event, I agree with Mr Kolvin that criminal convictions are not required.

19. To the extent that the analysis must be retrospective, the issue is whether, in the opinion of the relevant court seized of the appeal, criminal offences have been committed. In the instant case they clearly had been: in relation to tax evasion (see the common law offence of cheating the Revenue and the offence of fraudulent evasion of tax contrary to section 106A of the Taxes and Management Act 1970); and the employment of Mr Miah at remuneration below the minimum wage (see section 31 of the National Minimum Wage Act 1998). Moreover, given the evidence that Mr Miah never provided the relevant paperwork, notwithstanding apparent requests, the obvious inference to be drawn is that the respondent well knew that he could not, and that no tax code and National Insurance number had been issued. The corollary inference in my judgment is that the respondent well knew that Mr Miah could not provide the relevant paperwork because he was here illegally.

20. I also accept Mr Kolvin's submission that each case must turn on its own facts. As a matter of law, unless it could be said that some sort of estoppel or related abuse of process arose in the light of warnings given in other cases, the alleged inconsistent approach led nowhere. In my judgment, it could not be so said.

21. Finally, I agree with Mr Kolvin that there is nothing in the point that the subcommittee could have been misled about the interested party being a serial offender. The point that the subcommittee was making was the fact that the respondent had worked at premises where illegal workers were also employed meant that he should have been vigilant to the issue.

22. Thus the answer to the district judge's two questions are as follows:

A. Q. "Was I correct to conclude that the crime prevention objective was not engaged as no crimes had been proceeded with, the appellant only receiving a civil penalty?"

B. No.

C. Q. "Was I correct in concluding that the respondent had been inconsistent in similar decisions in not revoking the licence [sic]?"

D. No.

23. Having identified errors of law in the district judge's decision, the next issue which arises is whether I should remit this case for determination in the light of my ruling or whether I have sufficient material to decide the issue for myself. I should only adopt the latter course if satisfied that the issue is so obvious that no useful purpose would be served by remission. I am so satisfied. Having regard in particular to the twin requirements of prevention and deterrence, there was in my judgment only one answer to this case. The respondent exploited a vulnerable individual from his community by acting in plain, albeit covert, breach of the criminal law. In my view his licence should be revoked. Another way of putting the matter is that the district judge had no proper basis for overturning the subcommittee's assessment of the merits.

24. It follows in my judgment that the only conclusion open to the district judge in the present case was to uphold the revocation of the respondent's licence. This appeal must be allowed and the respondent's licence must be revoked.

25. MR KOLVIN: My Lord, I'm very grateful. Can I deal with the question of costs, both here and below.

26. MR JUSTICE JAY: Yes.

27. MR KOLVIN: Should I start with here.

28. MR JUSTICE JAY: Yes.

29. MR KOLVIN: My Lord, we would ask for the costs before this court. I just want to pray in aid four very brief points. The first is the result. The second is that the district judge's approach was expressly urged on him by the respondent's legal team. Thirdly, that the respondent was expressly urged to concede this appeal to stop costs running, he was given that opportunity at pages 42 and 43 of the bundle. Fourthly, perhaps a little bit tugging at the heart strings, but there's no reason why the Council Tax payers of East Lindsey should bear the cost of establishing what has been established in this court. So we would ask for the costs up here.

30. There is a schedule and the schedule has been served upon Mr Hanif by letter dated 16 March of 2016. I don't know whether the schedule has found its way to my Lord, if not I can hand up a copy.

31. MR JUSTICE JAY: It has.

32. MR KOLVIN: It has. My Lord, I can see that VAT has been added on. It doesn't need to be because of course the Council can retrieve the VAT, so my application

is for £16,185. I know there's not a lot of explanation around my fee, but it was taken on a single fee for all work involved in relation to the case stated; advice, the skeleton argument and attendance today, so it's one single - -

33. MR JUSTICE JAY: What about your junior's fees?

34. MR KOLVIN: My learned junior is also my instructing solicitor, he wears two hats.

35. MR JUSTICE JAY: I see.

36. MR KOLVIN: He has his own firm which is Dadds LLP, and he is also a member of the bar, so although he has appeared as my junior, his fee is wrapped up in the solicitors' fees set out in the schedule.

37. MR JUSTICE JAY: Okay. What about the costs below?

38. MR KOLVIN: My Lord, I'm just trying to ascertain what the position is.

39. MR JUSTICE JAY: I thought there was no order for costs below.

40. MR KOLVIN: There was no order for costs below, that was on the basis that the appeal had been allowed. The situation in relation to costs of licensing appeals are set out in section 181 of the Act, which enables the court to make such order as it thinks fit. Normally when appeals are dismissed there is no real question about it, costs follow the event. When appeals are allowed, some further considerations come into play, which are expressed by the Master of the Rolls in a case which you may have come across called City of Bradford v Booth, which is the case where the Master of the Rolls said that local authorities shouldn't be put off from trying to make honest and reasonable decisions in the public interest. And so one has to take account additionally of the means of the parties and their conduct in relation to the dispute, but in this case of course the appeal has now been dismissed, and so we would say that the ordinary rule is that the costs should follow the event, the appeal having failed. I'm just trying to ascertain whether schedules were ever served below, in the light of the way the case came out. **(Pause)**

41. My Lord, I'm really sorry that we don't actually have the schedule here, apparently it was £15,000. If you were minded to order costs below the options are either I suppose to wait and we will have the thing emailed up, or to say, "Look, it was below, it's a little bit more complex, they should be assessed if not agreed."

42. MR JUSTICE JAY: This is going to wipe him out, isn't it?

43. MR KOLVIN: Well he has already said, I have to say, I'm just telling you frankly what I've been told this morning, that when the bundles and the schedules were served on him, he had clearly read them, but he said, "If you win in the High Court and get costs against me, then I'm just going to declare myself bankrupt." So there may well be a bit of football(?) about this, but nonetheless it was his appeal, his team raised a point which in retrospect was very surprising, and caused an awful lot of costs to be incurred.

44. MR JUSTICE JAY: Yes. Well I am going to assess the costs here in the round figure of £15,000.

45. MR KOLVIN: Thank you.

46. MR JUSTICE JAY: If there was a schedule, which you tell me there was, below, it is proportionate that I assess those costs rather than put you to the trouble of a detailed assessment, so if you could have that emailed to my clerk in due course, I will assess the costs below.

47. MR KOLVIN: Thank you, my Lord.

48. MR JUSTICE JAY: On the basis of that schedule.

49. MR KOLVIN: We're not trying to be too ambitious, but we would like to see what we can - -

50. MR JUSTICE JAY: I'll take a broad brush approach to that.

51. MR KOLVIN: Thank you.

52. My Lord, the only other thing to mention is that this isn't the only case which is kicking around the east of England where licensing subcommittees are being urged to take no action because there has been no prosecution in these immigration cases. Although I appreciate that this is hardly stellar law making, it's an application of pretty well established legal principles to the facts, I'm asking whether my Lord would be minded to certify this so that we can adduce the authority in other cases, because it's a clear statement of the law that there doesn't need to have been a prosecution. So with the practice direction in mind, would my Lord be minded to - -

53. MR JUSTICE JAY: Just remind me of the practice direction.

54. MR KOLVIN: Yes, can I hand it up?

55. MR JUSTICE JAY: Yes. **(Handed)**

56. MR KOLVIN: If Mr Hanif had come I wouldn't need to make the application. It's paragraph 6.1. The judgment has to clearly indicate that it purports to establish a new principle or extends the present law and that has to take the form of an express statement to that effect, and then 6.2 says what categories of judgment we're dealing with, which include applications attended by one party only.

57. So that's the situation we're in. In reality these judgments get around anyway, because we're dealing with administrative tribunals and not courts, but sometimes the point is taken, "Ah yes, but the court didn't certify".

58. MR JUSTICE JAY: But where's the new principle I've established?

59. MR KOLVIN: My Lord, what you have said clearly, which hasn't been said before, by dint of the fact that not many licensing cases reach the lofty heights of this building, is that there does not need to have been a prosecution in order for the crime to have - -

60. MR JUSTICE JAY: Oh, I see. Well that's so obvious it almost goes without saying, that's why it hasn't been said before.

61. MR KOLVIN: My Lord, it was obvious to everyone except the district judge, the appellants and other licensees in the east of England.

62. MR JUSTICE JAY: Okay.

63. In terms of the logistics, if you want a copy of the judgment, don't you have to pay for it?

64. MR KOLVIN: We may have to, and we would be obviously very pleased to do so.

65. MR JUSTICE JAY: Because I'm not sure that all judgments are, in the Administrative Court, they're not all transcribed and published.

66. MR KOLVIN: That is correct, and I have no doubt that my client would be - - this isn't a matter about the costs of the judgment.

67. MR JUSTICE JAY: No, fortunately it doesn't cost that much. But I will give the certification. I have never been asked to do so before, I must confess.

68. MR KOLVIN: Yes.

69. MR JUSTICE JAY: Because these cases are referred to almost willy nilly, if they're available on Lawtel or wherever.

70. MR KOLVIN: Yes, they are.

71. MR JUSTICE JAY: Then they're just provided.

72. MR KOLVIN: They get into the textbooks and they - -

73. MR JUSTICE JAY: No- one objects.

74. MR KOLVIN: Yes. It has happened once before, in relation to the meaning of the Court of Appeal judgment in Hope and Glory, and Lindblom J, as he then was, was asked repeatedly would he certify in relation to the meaning of Hope and Glory, which is an important test, and he was pretty engaged in the practice direction. But since then that judgment, there's always an argument in court about whether it can be cited or not. The difference between licensing and some other fields of law is that very few cases reach here, so when they do, the judgments of High Court judges are gold dust.

75. MR JUSTICE JAY: Yes, well I'm happy to make the certification.

76. MR KOLVIN: Thank you very much indeed.

77. MR JUSTICE JAY: We wouldn't want this point to be taken again successfully.

78. MR KOLVIN: No.

79. MR JUSTICE JAY: Now as a matter of courtesy, is the judgment, once available, sent to the district judge, or is it something that I should do informally?

80. MR KOLVIN: I don't know, my Lord, what the normal practice is. I don't think that I have previously been on a legal team which has sent judgments, but we're very happy to undertake to do so.

81. MR JUSTICE JAY: Yes, I think if you're going to get a copy, obviously you're going to send it to the respondent - -

82. MR KOLVIN: Indeed.

83. MR JUSTICE JAY: - - so he can ingest it. I think you should send it to the district judge, just saying that the judge directed that out of courtesy he should see it.

84. MR KOLVIN: We're very happy to do that. Thank you very much indeed.

85. MR JUSTICE JAY: Thank you very much.

THAMES VALLEY POLICE

APPENDIX II

Division/Station : Reading Licensing Dept

From : PC 5787 Simon Wheeler

To : Reading Licensing Authority

Ref : China Palace Premises Licence Number LP2001696

Date : 27 September 2017

Tel.No.

Subject :

Supportive review representation

Thames Valley Police (TVP) are providing this representation in support of the review process relating to China Palace, 43-45 Oxford Road, Reading, Berkshire.

On 13th July 2017 TVP were involved in a joint enforcement visit to the premises in conjunction with Reading Borough Council and Immigration Officers.

On arrival at the premises as TVP Officers were involved in securing the premises with immigration officers and a number of staff were detained so that checks could be completed.

During this process four employees working within the premises were discovered not to have the right to work in the UK and were eventually removed from the premises.

Also as part of the visit a licensing inspection was carried out and TVP can confirm that the following areas of concern were noted:-

- No incident book was in place.
- Part A of the licence was unable to be presented on request.
- Part B of the licence was not on display.
- No method to prevent alcohol from being taken by customers when leaving the premises was in place.
- No Challenge 25 policy was provided and posters were not on display.
- No training for staff was in existence in relation to the four licensing objectives.
- No member of staff knew any of the four licensing objectives.
- No Town safe radio was in usage.

Clearly there are a number of serious issues and failures of compliance in relation to the premises licence conditions that were discovered. Notably the employment of a number of illegal workers is also of serious concern.

For this reason TVP will state that this premises clearly undermines the Licensing objectives and we fully endorse the review of this premises licence undertaken by the Licensing Authority.

TVP would urge the Licensing Sub-Committee to seriously consider the options available to them within this process and we fully support the recommendations made by the Licensing Authority in relation to this premises licence review.

Narancic, Peter

From: Narancic, Peter
Sent: 28 September 2017 21:07
To: Narancic, Peter
Subject: FW: Reviews Submitted - Reading Borough Council - China Palace [OFFICIAL]

From: Menghis Semhar [<mailto:Semhar.Menghis1@homeoffice.gsi.gov.uk>]
Sent: 28 September 2017 16:09
To: Licensing
Subject: FW: Reviews Submitted - Reading Borough Council - China Palace

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Please see our reps below

Kind regards

Semhar Menghis

Home Office

Interventions and Sanctions Directorate | The Central Team | Immigration Enforcement

Apollo House | 3rd Floor | 36 Wellesley Rd | Croydon | CR9 2BY✉:Semhar.menghis1@homeoffice.gsi.gov.uk

From: ISD Alcohol Licensing
Sent: 27 September 2017 13:14
To: 'French, Richard'
Subject: RE: Reviews Submitted - Reading Borough Council - China Palace

Hi

We would like to feed into the reviews. Please see below;

China Palace

China Palace, 43-45 Oxford Road, Reading RG1 7QG

Visit on 13/07/2017-Licensing visit led by Reading Borough Council. Exercised powers under Section 179 of Licensing Act 2003, as amended by the Immigration Act 2016, to enter the premises at 1447 hours. A total of nine staff encountered working, 4 were found to be offenders. An illegal working referral notice with four names was served on the business owner.

Visit on 28/10/2015-The premises was a large restaurant over 3 floors and was busy with a large number of customers and 12-15 members of staff. One male in the kitchen attempted to flee when he saw the rear cover officers but was quickly stopped in his tracks. He was found to be a previously served clandestine absconder with no permission to work. A female member of waiting staff in the dining area managed to walk out of a door which led to both the upstairs and downstairs parts of the building. She was followed and, although she was initially not found, a minute or so later she emerged from the door wearing a stripy jumper over her black shirt, took a seat at a table and proceeded, in a valiant attempt to deceive us, to pretend to be a customer. The female was found to be an overstayer who was working at the premises. A REFERRAL NOTICE WAS SERVED ON THE BUSINESS WITH 2 NAMED ILLEGAL WORKERS.

Visit on 23/03/2011-Visited by the Thames Valley and Surrey Arrest Team on 23/03/11. The premises is a very large restaurant with 3 floors. The kitchen is on basement level and there are dining areas on the ground and first floor. We visited the premises at 1530 hrs just before closing, 11 members of staff encountered on the premises. A NOPL was served bearing 5 names.

Semhar Menghis

Home Office

Interventions and Sanctions Directorate | The Central Team | Immigration Enforcement

Apollo House | 3rd Floor | 36 Wellesley Rd | Croydon | CR9 2BY✉:Semhar.menghis1@homeoffice.gsi.gov.uk

Click [here](#) to report this email as spam.

Name of Officer	Katie Heath
Type of Application	Review of Premises Licence - Licensing Act 2003
Name of Premises	China Palace
Address	43-45 Oxford Road
	Reading
Postcode	RG1 7QG
Content of Application:	
<p>Review of premises licence due to inspection of premise and illegal workers found, breaches of conditions in respect of Licensing Act 2003 and food hygiene matters pursuant to the Food Safety and Hygiene (England) Regulations 2003 and Food Safety Act 1990.</p>	
Public Health Officer's Comments:	
<p>Environmental Health/Food Safety wish to make representation in support of the licensing team's review of China Palace located at 43-45 Oxford Road, Reading, RG1 7QG due to the fact that it undermines the promotion of the licensing objectives - in particular, public safety.</p>	
<p>Insert reasons and rationale here:</p>	
<p>A food hygiene inspection was carried out on 13/09/2017 in order to assess compliance with the Food Safety and Hygiene Regulations 2013 and Food Safety Act 1990. The premises was found to be non-compliant and was awarded a food hygiene rating score of 1 indicating that major improvement was required. The following was identified which could pose a risk to the safety of consumers:</p>	
<p>Food uncovered during storage which exposes it to physical, chemical and microbiological contamination;</p>	
<p>Equipment was found to be in a dirty condition with evidence of moulding exposing food to microbiological contamination;</p>	
<p>There was inadequate separation of raw meat products, which by nature considered to have food poisoning bacteria present such as E. coli, from ready-to-eat products which would undergo no further processing in order to kill any bacteria present;</p>	
<p>There was no control of food cooling procedures in order to prevent contamination by and growth of food poisoning bacteria;</p>	
<p>There was inadequate hand washing and poor personal hygiene of staff which exposes food to risks of microbiological and physical contamination;</p>	
<p>Equipment, e.g. cloths used for cleaning were not maintained in a clean condition which could result in inadequate cleaning and disinfection of the premises leading;</p>	

There was inadequate equipment on site for temperature monitoring to ensure that food is adequately stored, cooked, cooled;
 There was no evidence of monitoring of critical control points including cooking, cooling and storage of foods to demonstrate that safe practices are in place at the premises in relation to the production, handling and service of high risk foods;
 There was no stock control system in place to identify safe durability of high risk food products and to ensure that food is used within its durability period, this presents a risk of unsafe food being placed on the market;
 There was inadequate provision of allergen information to consumers and no management of cross-contamination of allergens;
 Pest proofing works required by the pest contractor had not been carried out
 There was no evidence of staff training on site which indicates that there was inadequate knowledge in order to ensure the safety of food.

The inspection was carried out in the presence of Mr Wan Chang, the food business operator at the time of inspection was Chang Long Limited of whom Mr Hui Chang Lin is a listed director. A copy of the report form left by the inspecting officer and subsequent letter has been copied to the Head Office of this company. Mr Hui Chang Yin is registered at 43-45 Oxford Road.

The premises had previously been inspected on 30/11/2015 when a food hygiene rating score of 0 was issued indicating that urgent improvement was necessary. At this time 4 hygiene improvement notices were served requiring a food safety management system, deep clean of the premises, staff training on food hygiene matters and staff training on a food safety management system be carried out. Following this the premises requested that a re-inspection be carried out by the Council, this was completed on 26/04/16 when a food hygiene rating score of 3 was issued indicating that the premises was generally satisfactory.

At the time of both visits the food business operator was Chang Long Ltd of which Mr Hui Chang Yin is the listed director. Hygiene Improvement notices were served on Chang Long Ltd and copies of report forms and subsequent letters have been sent to the head office.

Summary and Recommendation:

China Palace does not have adequate control measures in place relating to food safety matters in order to manage the risk to public safety. China Palace has been identified to have recurring issues relating to the management of food safety and inadequate training and has not made any permanent improvements to address these matters. China Palace has repeatedly failed to provide consumers with adequate information relating to allergens (listed in Annex II of Regulation (EU) No 1169/2011) which poses a risk to the safety of consumers.

Attach appendices if required.

Date Received	27/09/2017	Date Due	28/09/2017
----------------------	------------	-----------------	------------

Date			
-------------	--	--	--



Name of Officer	Richard French
Type of Application	Review of Premises Licence
Name of Premises	China Palace
Address	43-45 Oxford Road
	Reading
Date:	12 th September 2017
Content of Application:	
<p>A review application was submitted by the Licensing Team on 31st August 2017 in relation to the above premises. The issues identified were the employment of illegal workers - which were detected on three separate enforcement visits to the premises; licensing legislation breaches that undermine the promotion of the licensing objectives and concerns over the safe operating of a food business.</p>	
Licensing Officer's Comments:	
<p>We are submitting this additional information as further supporting evidence in relation to the review application already submitted.</p> <p>The information has been provided to us by Royal Berkshire Fire and Rescue and is an enforcement notice issued to the management of China Palace. There are significant issues contained within it that further undermine the promotion of the licensing objectives and pose a significant risk to any member of the public or staff member that enters the premises.</p> <p>We submit this additional information as further evidence that the management of China Palace are undermining the promotion of the licensing objectives - particularly Public Safety.</p> <p>It is acknowledged that the fire service are responsible authorities in their own right. However, we are grateful that they have provided this information to us and believe it is relevant for the Licensing Committee to take into account. It is, in our view, yet more evidence of the failings that we have already identified in the review paperwork.</p> <p>I attach the fire service's enforcement notice to this submission as Appendix RF-Additional Info</p>	

Reading Fire Safety (Protection)

Headquarters, Newsham Court, Pincents Kiln, Calcot, Reading, RG31 7SD

Direct Line 0118 938 4481 | Switchboard 0118 945 2888

Email mitchellj@rbfrs.co.uk | readingfiresafety@rbfrs.co.uk | www.rbfrs.co.uk

Follow us on Twitter @rbfrsofficial



Mr Huichang Yin
CHANG LONG LIMITED
China Palace
43-45 Oxford Road
Reading
RG1 7QG

Your Ref:
Our Ref: EG/EM/EN/00252/282303
Ask for: Dave Sharp
Date: 25 May 2017

URGENT – ACTION REQUIRED

Dear Mr Yin,

Enforcement Notice: EN/00252/282303

The Regulatory Reform (Fire Safety) Order 2005: Article 30

Premises: CHINA PALACE, 45 OXFORD ROAD, READING RG1 7QE

An authorised inspector visited your premises on 30th March 2017 and evaluated the fire safety provided. The Royal Berkshire Fire and Rescue Authority is of the opinion that you have failed to comply with a provision / provisions of the Regulatory Reform (Fire Safety) Order 2005 because people were unsafe in case of fire. The schedule to this Notice further explains the provision(s), with which you have not complied.

The serving of this Notice EN/00252/282303 is necessary to ensure that you adequately protect people in case of fire. This authority has to make sure that you provide safety. The attached schedule sets out what you must do.

Timescale for Completion

You are required to take steps to remedy the matters in the schedule by 4 September 2017. My officer will contact you prior to this date to arrange a further visit. You may apply for an extension to the period of time within which you need to remedy the failure(s). The authority will grant / deny additional time according to the efforts you have made. If you require additional time, please contact my officer at your earliest opportunity.

Penalty for Non-compliance

If you do not comply with this Notice, you will have committed an offence and this authority will consider a prosecution against you. A prosecution could lead to you being liable to a fine, imprisonment or both, subject to the Courts.

Fire Safety Management

The schedule sets out what you need to do to improve fire safety. Taking the additional advice under this heading will help you to sustain those improvements.

Undertaking a fire risk assessment will identify the safety measures you have in place and any further measures you might need to take. If additional safety is required in consequence of the assessment, you must provide it.

You should review your fire risk assessment regularly especially if:

- i. There is reason to suspect that people are not safe in case of fire, or
- ii. There has been a significant change to the preventive and protective measures you have taken in case of fire.

Where in consequence of any such review, changes to your safety measures are required; you should make those changes.

Alternative Solutions

If you prefer to use a different solution to bring about safety from fire please contact my officer. If your solution is agreed, this Notice will be withdrawn and another Notice served in its stead. An alternative approach might enable you to apply an equally appropriate safety solution to better meet your needs. Any alternative you propose must meet the 'outcome(s)' stated in the schedule.

Route to Appeal

You can legally appeal this Notice. To do so, you must appeal 'by way of complaint for an order to the Clerk to the Magistrates' Court in the area in which the premises are situated', within 21 days from the day on which this notice was served.

The bringing of an appeal has the effect of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or (if the appeal is withdrawn), until the withdrawal of the appeal.

Yours sincerely,



Dave Sharp

On behalf of, and duly appointed by the Royal Berkshire Fire & Rescue Authority

Enc: Schedule attached

Important Information – schedule referred to in Enforcement Notice

Notes to this schedule:

The government guidance most suitable to your premises is Fire safety risk assessment – Small and medium places of assembly which can be found at <http://www.cfoa.org.uk/19512>

Before you make certain changes to the premises, you may have to apply for approval from statutory bodies and/or others having interest in them. If you have doubt about the need for approval, you should ask the relevant body. For example, you may have to apply for approval from a Building Control Body to make material alterations. You might also need to apply for the property owners' permission or for listed building consent, among others.

Item number 1 – Portable Appliance testing	
Outcome	This work is necessary to reduce the risk of fire on the premises in accordance with Article 8
Suggested Action	Portable electrical appliances must be tested in accordance with HSE Regulations
Reason	Poorly maintained electrical equipment is a common cause of fire This is contrary to Article 8

Item number 2 – Fixed Wiring Testing	
Outcome	This work is necessary to reduce the risk of fire on the premises in accordance with Article 8
Suggested Action	The Fixed wiring installation must be tested in accordance with IEE Regulations
Reason	Poorly maintained electrical installations are a common cause of fire. This is contrary to Article 8

Item number 3 – Gas	
Outcome	This work is necessary to reduce the risk of fire on the premises in accordance with Article 8
Suggested Action	The gas supply should be tested in accordance to HSE regulations.
Reason	Poorly maintained gas installations are a common cause of fire. This is contrary to Article 8

Item number 4 – Provide Exit Signs	
Outcome	This work is necessary to provide sufficient escape routes (corridors, stairs and doors) for people.
Suggested Action	Provide exit signs on ground floor to the alternative escape upstairs so that people can identify the nearest safe way out.
Reason	The nearest exit was not easy to see from the rear of the ground floor restaurant meaning that people might take longer to find an exit than necessary. This is contrary to Articles 8(1), 14(2)(g) and 15(2)(a).

Item number 5 - Fire Resisting Doors	
Outcome	This work is necessary to make sure that escape routes (corridors, stairs and doors) can be safely used whenever they are needed.
Suggested Action	Ensure that door-sets can resist fire and smoke in the following locations: The kitchen doors leading onto the stairs, the Mall exits and associated lobbies at basement and first floor and the ground floor stair doors. See attached plan. The term 'door-set' refers to the complete element as used in practice: <ul style="list-style-type: none"> • The door leaf or leaves. • The frame in which the door is hung. • Hardware essential to the functioning of the doorset. • Intumescent seals and smoke sealing devices. In the case of double doors you should ensure that they close without affecting the operation of the seals
Reason	Doors were not capable of preventing the spread of fire for long enough to enable people to escape because self closing devices were missing and the strips and seals were in poor condition. This is contrary to Articles 8(1) and 14(2)(b).

Item number 6 - Fire Resisting Doors	
Outcome	This work is necessary to make sure that escape routes (corridors, stairs and doors) can be safely used whenever they are needed.
Suggested Action	<p>Provide a door-set that can resist fire and smoke for 30 minutes either at first floor at the head of the stairs, ground floor at the base of the stairs leading to first floor or at ground floor next to the bar to reinstate the lobby. Please refer to plan attached.</p> <p>The term 'door-set' refers to the complete element as used in practice:</p> <ul style="list-style-type: none"> • The door leaf or leaves. • The frame in which the door is hung. • Hardware essential to the functioning of the door-set. • Intumescent seals and smoke sealing devices. In the case of double doors you should ensure that they close without affecting the operation of the seals
Reason	<p>This is required so that occupants on the first floor are able to reach the exit without being affected by smoke coming up the stairs from other levels.</p> <p>This is contrary to Articles 8(1) and 14(2)(b).</p>

Item number 7 - Emergency procedures	
Outcome	This work is necessary to help people understand what to do if fire breaks out.
Suggested Action	Establish procedures to be followed in case of fire and nominate people to put those procedures into effect.
Reason	<p>There was no response from staff during the last fire drill. Without these, people may behave in unpredictable ways and can be put at risk. Good procedures will allow everyone to leave safely in case of fire.</p> <p>This is contrary to Articles 8(1) and 15(1)(a) & (b).</p>

Item number 8 – Evacuation procedure	
Outcome	This work is necessary to help people understand what to do if fire breaks out
Suggested Action	Nominate and train an adequate number of people so that they are competent to put your procedures for an evacuation in to effect.
Reason	Without enough people to bring your fire procedures into effect, an evacuation can easily go wrong, putting people at risk in a fire. There are not enough people to successfully manage your evacuation procedures. This is contrary to Articles 8(1), 15(1), 19(1)(c) and 21(2)(a).

Item number 9 – Emergency lighting maintenance	
Outcome	This work is necessary to make sure that escape routes (corridors, stairs and doors) can be safely used whenever they are needed.
Suggested Action	Ensure that the emergency lighting system is properly tested and maintained.
Reason	The emergency lighting system was not properly tested and maintained. This means that it could fail without warning or at the moment it is needed most and that people would be at risk in case of fire. This is contrary to Articles 8(1) and 17(1).

Item number 10 – Fire Alarm maintenance	
Outcome	This work is necessary to detect fire and raise an alarm.
Suggested Action	Ensure that the Fire Alarm system is properly tested and maintained.
Reason	The fire alarm system may not be fully functional. This means that it could fail without warning or at the moment it is needed most and that people would be at risk in case of fire. This is contrary to Articles 8(1) and 17(1).

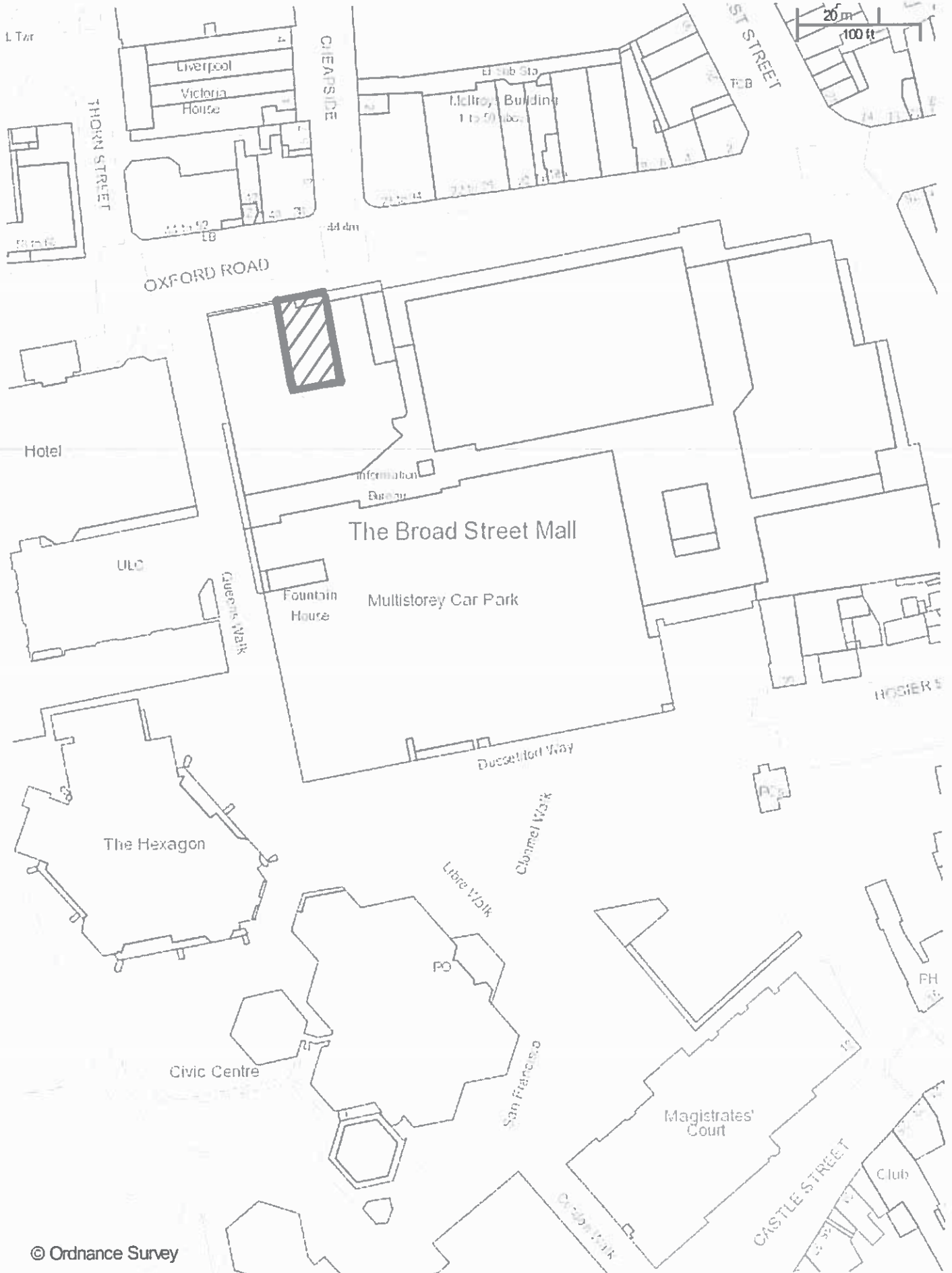
Item number 11 – Competent persons	
Outcome	This work is necessary to ensure that the preventative and protective measures are carried out as identified by the Fire Risk Assessment and the comments raised by the fire alarm engineer.
Suggested Action	Ensure that enough competent people are appointed to help you undertake the preventative and protective measures as identified by the Fire Risk Assessment and the comments raised by the fire alarm engineer. These people must be trained and competent to assist in these tasks.
Reason	Not enough competent people have been appointed to help you undertake the preventative and protective measures. This means that you cannot rely on your fire safety systems and that people would be at risk in case of fire. This is contrary to Articles 8(1) and 18.

Item number 12 - Fire action notices	
Outcome	This work is necessary to help people understand what to do if fire breaks out.
Suggested Action	Provide fire action notices that explain your fire procedure and what you want people to do in case of fire where people will see them.
Reason	Without instruction or information, people may respond badly to fire (or not at all), which would put them at risk. There were no visible notices in the kitchen in a language which the occupants would understand. This is contrary to Articles 8(1), 15(1)(a), 15(1)(c), 15(2)(a), 19(1) and 20(2).

Item number 13 – Training	
Outcome	This work is necessary to help people understand what to do if fire breaks out.
Suggested Action	Provide your employees with instruction and training, so that they know the fire precautions you have put in place. They must also be familiar with what they need to do in case of fire to ensure that they are safe and can keep other people safe.
Reason	Employees were unaware of their responsibilities and of the fire safety measures in the premises, which you have taken to keep them and others safe. In particular training should be provided in a language they can understand. This is contrary to Articles 8(1), 19(1), 21(1) and 21(2).

Item number 14 – Coordination and cooperation	
Outcome	This work is necessary to ensure that shared fire safety measures are in order.
Suggested Action	Cooperate with Broad Street Mall Management and they must cooperate with you. The cooperation must ensure that the shared fire safety measure(s) protect you all. The doors onto the service corridor must self close to ensure the route is kept safe for other users.
Reason	You share some fire safety measures with other people, which they rely on for their safety and for which you are responsible. This is contrary to Articles 8(1) and 22(1).

End of Enforcement Notice



© Ordnance Survey

iShare printing
Scale: 1:1253

Printed on: 26/9/2017 at 11:05 AM



© Crown copyright and database rights 2017 Ordnance Survey 100019672

LICENSING ACT 2003 PREMISES LICENCE - PART A

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

Premises Licence Number	LP2001696
--------------------------------	------------------

Premises Details

Trading name of Premises and Address	
China Palace 43-45 Oxford Road Reading Berkshire RG1 7QG	
Telephone Number	0118 957 2323

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

Licensable Activities

Licensable Activities authorised by the Licence
Playing of Recorded Music - Indoor Anything similar to Live Music, Recorded Music & Performance of Dance - Indoor Late Night Refreshment - Indoor Sale of Alcohol by Retail - On & Off the Premises

Authorised Hours for Licensable Activities

The times the licence authorises the carrying out of licensable activities
Hours for the Playing of Recorded Music
Monday from 1100hrs until 0200hrs Tuesday from 1100hrs until 0200hrs Wednesday from 1100hrs until 0200hrs Thursday from 1100hrs until 0200hrs Friday from 1100hrs until 0200hrs Saturday from 1100hrs until 0200hrs Sunday from 1100hrs until 0200hrs
Entertainment of Karaoke or similar in the Karaoke rooms only.
Christmas Eve and Sundays preceding a Bank Holiday Monday until 0300hrs the following day.
New Years Eve from the end of permitted hours for that day until the start of the permitted hours the following day

Hours for anything similar to Live Music, Recorded Music & Performance of Dance

Monday	from 1100hrs until 0200hrs
Tuesday	from 1100hrs until 0200hrs
Wednesday	from 1100hrs until 0200hrs
Thursday	from 1100hrs until 0200hrs
Friday	from 1100hrs until 0200hrs
Saturday	from 1100hrs until 0200hrs
Sunday	from 1100hrs until 0200hrs

Entertainment of Karaoke or similar in the Karaoke rooms only.

Christmas Eve and Sundays preceding a Bank Holiday Monday until 0300hrs the following day.

New Years Eve from the end of permitted hours for that day until the start of the permitted hours the following day

Hours for the Provision of Late Night Refreshment

Monday	from 2300hrs until 0200hrs
Tuesday	from 2300hrs until 0200hrs
Wednesday	from 2300hrs until 0200hrs
Thursday	from 2300hrs until 0200hrs
Friday	from 2300hrs until 0200hrs
Saturday	from 2300hrs until 0200hrs
Sunday	from 2300hrs until 0200hrs

Christmas Eve and Sundays preceding a Bank Holiday Monday until 0300hrs the following day.

New Years Eve from the end of permitted hours for that day until the start of the permitted hours the following day

Hours for the Sale by Retail of Alcohol

Monday	from 1000hrs until 0200hrs
Tuesday	from 1000hrs until 0200hrs
Wednesday	from 1000hrs until 0200hrs
Thursday	from 1000hrs until 0200hrs
Friday	from 1000hrs until 0200hrs
Saturday	from 1000hrs until 0200hrs
Sunday	from 1200hrs until 0200hrs

Christmas Eve and Sundays preceding a Bank Holiday Monday until 0300hrs the following day.

New Years Eve from the end of permitted hours for that day until the start of the permitted hours the following day

Opening Hours

Hours the Premises is Open to the Public

Monday from 0800hrs until 0330hrs
Tuesday from 0800hrs until 0330hrs
Wednesday from 0800hrs until 0330hrs
Thursday from 0800hrs until 0330hrs
Friday from 0800hrs until 0330hrs
Saturday from 0800hrs until 0330hrs
Sunday from 0800hrs until 0330hrs

Christmas Eve and Sundays preceding a Bank Holiday Monday until 0300hrs the following day.

New Years Eve from the end of permitted hours for that day until the start of the permitted hours the following day

Alcohol

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

Sale of Alcohol by Retail - On & Off the Premises

Premises Licence Holder

Name, (registered) address of holder of premises licence

Name: Hui Chang Yin
Address: [REDACTED] Oxford Road, Reading, RG30 1AB

Additional Details

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

Name: Hui Chang Yin
Address: [REDACTED] Oxford Road, Reading, RG30 1AB

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: 14/04795/LAPERS
Issuing Authority: Portsmouth City Council

This Licence shall continue in force from 26/03/2015 unless previously suspended or revoked.

Dated: 9 April 2015

Head of Environment & Neighbourhood Services



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.

1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

Age Verification Policy (commencement 01/10/2014)

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

Drink Measurements (commencement date 01/10/2014)

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

Minimum Permitted Pricing (commencement 28th May 2014)

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

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

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

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

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

where—

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Annex 2

Conditions Consistent with the Operating Schedule

N/A

Annex 3

Conditions attached after a hearing by the Licensing Authority

Conditions agreed between the applicant and Environmental Protection:

1(a) The Licensee shall ensure that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to undue disturbance to local residents;

(b) All windows shall be kept closed in rooms where amplified music or speech is taking place;

Conditions agreed with Thames Valley Police:

2(a) All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the information and those members of staff who deal with the incident shall also be recorded. Where known, any offenders name shall also be recorded;

(b) The Premises Licence Holder shall prevent customers from leaving the premises with any alcoholic or non alcoholic drink in open containers (e.g. glasses, opened bottles and cans);

(c) The Premises shall operate a Challenge 25 policy to prevent any customer who attempts to purchase alcohol and who appears to the staff member to be under the age of 25 years (or 16 in the case of the consumption of beer, wine or cider in the company of an adult during a table meal), without having first provided identification. Only a valid British driving licence showing a photograph of the person, a valid passport or proof of age card showing the 'Pass' hologram are to be accepted as identification;

(d) Notices advertising the Challenge 25 and documentation required for checking proof of age policies shall be displayed in prominent positions on the premises;

(e) The Premises Licence Holder or Designated Premises Licence Holder shall ensure staff receive training on a regular basis, every four months, in relation to the four licensing objectives contained within the Licensing Act 2003 for those authorised to sell alcohol. Written proof of training shall be recorded and maintained;

(f) The Premises Licence Holder shall have installed by 1 December 2010 a digitally recorded CCTV system. Camera coverage shall include the entry and exit points and karaoke rooms and be able to record frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept

available for a minimum of 31 days with time and date stamping. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or a Thames Valley Police Officer, together with facilities for viewing upon request. Recorded images shall be of such a quality as to be able to identify the recorded person. The Premises Licence Holder shall ensure that the CCTV system is maintained in working order at all times;

(g) The Premises Licence Holder shall ensure notices are predominately displayed at all exit points to advise customers that the area surrounding the premises is an Alcohol Restriction Zone;

(h) The Premises Licence Holder shall participate in the local Town Radio Scheme when the premises are opened for licensable activity after 0000 hours until closing time the same morning, Monday to Sunday inclusive.

Annex 4

Plans

As attached plan dated August 2010

LICENSING ACT 2003 HEARING TUESDAY 14th NOVEMBER 2017 at 7pm
(approx)

APPLICATION FOR THE GRANT OF A PREMISES LICENCE

1. Premises:

House of Fraser
The Oracle Shopping Centre
Bridge Street
Reading
RG1 2AS

2. Applicant:

House of Fraser (Stores) Ltd

3. Premises Licence:

There is currently no premises licence in force at the site. There was previously a licence in force at the site but this was surrendered on 1st November 2013.

4. Proposed licensable activities and hours:

The application is for the grant of a premises licence for the following activities:

Sale of Alcohol - Off the premises

Monday to Saturday from 0800hrs until 2300hrs

Sunday from 0800hrs until 2230hrs

Opening Hours

Monday to Saturday from 0800hrs until 2330hrs

Sunday from 0800hrs until 2300hrs

5. Temporary Event Notices

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

6. Date of receipt of application: 21st September 2017

A copy of the application form is attached as Appendix RF-1

7. Date of closure of period for representations:

19th October 2017

8. Representations received:

During the 28 day consultation process for the application, representations were received from:

Reading Borough Council's Licensing Team (attached at appendix RF-2)

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

In considering representations received the Licensing Authority has a duty to carry out its functions with a view to promoting the four licensing objectives, which are as follows:

- the prevention of crime and disorder;
- public safety
- the prevention of public nuisance
- the protection of children from harm

Any conditions that are placed on a premises licence should be appropriate and proportionate with a view to promoting the licensing objectives. The Licensing Authority can amend, alter or refuse an application should it be deemed appropriate for the promotion of the licensing objectives.

The Council's licensing policy also places an onus on applicant's who wish to open past 11pm to demonstrate how they will mitigate the issues of crime and disorder and potential public nuisance.

Amended Guidance issued under section 182 of the Licensing Act 2003 April 2017

Licensing Objectives and Aims:

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

They include:

protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;

Steps to promote the licensing objectives:

The Secretary of State's Guidance (latest edition of April 2017) at paragraphs 8.38 to 8.46 specifically outline what an applicant should address in order to be able to demonstrate that the proposed use of the premises for licensable activities would not undermine the licensing objectives.

Section 8.38 states that applicants are expected to have regard to the Council's Statement of Licensing Policy. This would have provided the applicant early sight of what the expectations of the Licensing Authority are and to demonstrate they have taken cognisance of the issues within the locality they propose to operate in.

Section 8.39 outlines that applicants are expected to demonstrate that they understand the layout of the local area and the proximity to residential premises or crime and disorder hotspots so as to fully and effectively gauge the risk posed by their proposed operation to the local area.

Section 8.40 states that applicants are expected to include positive proposals in how they will manage any potential risks. Where specific policies, such as Cumulative Impact exist, the applicant should demonstrate within the operating schedule an understanding on how their proposals may impact that area.

Section 8.41 states that applicants are expected to make enquiries as to the locality of their premises and develop appropriate policies. Applicants must consider factors that may undermine any of the licensing objectives (such as proximity to residential dwellings)

Section 8.42 underlines where the applicant can obtain information about the area in which they propose to operate including the Council's licensing policy and online crime data resources such as police.uk

Section 8.43 states that all parties (applicants, licensing authority and responsible authorities) should work in partnership before the any application to use local knowledge to resolve potential disputes before they arise.

Section 8.44 states that applicants are expected to provide licensing authorities with sufficient information to be able to determine the extent with which their proposed steps are sufficient to promote the licensing objectives. It goes on to say that applicants should underline why they believe their proposals are appropriate for the premises.

Section 8.45 underlines the importance of partnership working and to work out disputes accordingly.

Section 8.46 makes clear that the applicant should demonstrate within their application how their proposals will promote each of the licensing objectives.

Licensing authorities acting as responsible authorities

9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does 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 is, therefore, for the licensing authority to determine when it considers 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.

Licensing Act 2003

The Licensing Act 2003 under Section 18 (6) also states that any relevant representation should be considered in the context of:

(a) the likely effect of the grant of the premises licence on the promotion of the licensing objectives.

Therefore in the context of the grant of a licence, it is reasonable for the Licensing Authority to base its decision on an application on what the likely effects of granting a licence would have on the promotion of the licensing objectives.

The Council's Licensing Policy Statement:

Cumulative Impact Policy:

8.1.3 The Authority has considered in formulating this policy, in close consultation with Thames Valley Police, whether there is a particular concentration of licensed premises in a particular part of Reading, which is already causing a cumulative impact on one or more of the licensing objectives.

8.1.9 The effect of keeping the cumulative impact policy, is to create a rebuttable presumption that applications for new premises licences and club premises certificates or material variations, will be refused, if relevant representations are received. A rebuttable presumption is not a presumption that is absolute; it is a presumption that may be overturned if sufficient evidence can be provided against the presumption.

8.1.11 Where during the application for the grant or variation of a premises licence or club premises certificate, responsible authorities or interested parties are concerned that the licensing objectives will be impacted upon, there are likely to *be* relevant representations, which would lead to the application proceeding to a hearing. If at that hearing, an applicant is able to rebut the presumption of refusal by demonstrating there will be no negative impact on the licensing objectives, a licence can still be granted. However, if the presumption cannot be rebutted, the application is likely to

be refused.

8.5.1 This policy will apply to all applications for premises licences and club premises certificates for material variations for premises within the Reading Central CIP Area. Material variations include increases of hours, capacity and all other variations that are likely to add to cumulative impact in the Reading Central CIP Area.

8.6.7 Off-licences: Shops that sell alcohol up to midnight to take away such as newsagents and supermarkets will generally be granted where it is demonstrated that they will not add to cumulative impact and that they will comply with the other provisions of this licensing policy. Currently the crime statistics indicate that crime levels increase significantly post-midnight. Therefore the policy is to refuse applications involving sales beyond midnight unless there are exceptional circumstances. Off-licences will need to demonstrate that detailed measures proposed in the operating schedule will result in no increase in crime and disorder, satisfy the Authority that granting the application would not contribute to cumulative impact, and there is compliance with the other provisions of this licensing policy.

Reading Borough Council

Application for a premises licence to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

We House of Fraser (Stores) Ltd

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
House of Fraser The Oracle Bridge Street			
Post town	Reading	Post code	RG1 2AS
Telephone number at premises (if any)		0870 1607261	
Non-domestic rateable value of premises		£1,153,000.00	

Part 2 - Applicant Details

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

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/> | please complete section (B) |
| ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name	House of Fraser (Stores) Ltd
Address	4th Floor Granite House 31 Stockwell Street Glasgow G1 4RZ

Registered number (where applicable) SC10677
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
A S A P		

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

Day	Month	Year

A

Please give a general description of the premises (please read guidance note 1)
A large town centre department store with individual concession counters over three floors

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

N/A

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)	
Day	Start	Finish	 State any seasonal variations for indoor sporting events (please read guidance note 5) Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6) 	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	 Please give further details here (please read guidance note 4) State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5) Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6) 			
Mon						
Tue						
Wed						
Thur						
Fri						
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue			State any seasonal variations for the performance of live music (please read guidance note 5)			
Wed						
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)			
Fri						
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 5)			
Wed						
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)			
Fri						
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors <input checked="" type="checkbox"/>
Day	Start	Finish			Outdoors <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		Both <input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors <input type="checkbox"/>
Mon					Outdoors <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		Both <input type="checkbox"/>
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed				State any seasonal variations for the provision of late night refreshment (please read guidance note 5)	
Thur					
Fri				Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)	
Sat					
Sun					

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 8)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input checked="" type="checkbox"/>
Mon	08:00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 5)	Both	<input type="checkbox"/>
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)	
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	08:00	22:30			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Vivienne Anderson
Date of birth ██████████
Address ██████████ Purley on Thames, Reading, Berks
Postcode RG8 8TF

Personal Licence number (if known)
1003009406

Issuing licensing authority (if known)
West Berkshire Council

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	23:30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	08:00	23:30	
Wed	08:00	23:30	
Thur	08:00	23:30	
Fri	08:00	23:30	
Sat	08:00	23:30	
Sun	08:00	23:00	

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

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

The Cumulative Impact Area has been considered and the addition of this premises selling alcohol will not affect the licensing objectives. The premises are a high end retailer and the off sales of alcohol will be mainly gift sets which will be sold at seasonal periods – Christmas, Valentines and Mother's Day, etc. All the products will be high quality, premium priced wines, spirits and beer. See boxes (b)-(e)

b) The prevention of crime and disorder

1. A CCTV system shall be installed and maintained at the premises.

c) Public safety

Taking into account the nature of the application it is considered that it will not undermine this licensing objective

d) The prevention of public nuisance

Taking into account the nature of the application it is considered that it will not undermine this licensing objective

e) The protection of children from harm

1. Notices shall be displayed within the licensed areas stating that any person who appears to be under the age of 21 will not be served with intoxicating liquor unless they can prove their age.
2. Anyone who appears to be under the age of 18 and who is attempting to purchase alcohol must be required to produce satisfactory "proof of age" that they are over the age of 18 such as a passport, photo card, driving licence or citizen card before the sale is made.

Please tick yes

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

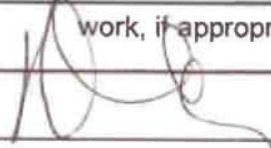
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 14) • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to
--------------------	---

	work, if appropriate (please see note 15)
Signature	
Date	21 September 2017
Capacity	Poppleston Allen – Solicitors for and on behalf of the applicant

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Angela Gardner Poppleston Allen Solicitors 37 Stoney Street The Lace Market			
Post town	Nottingham	Post code	NG1 1LS
Telephone number (if any)	0115 9349170		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
a.gardner@popall.co.uk			

Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:

- a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds;
 - or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

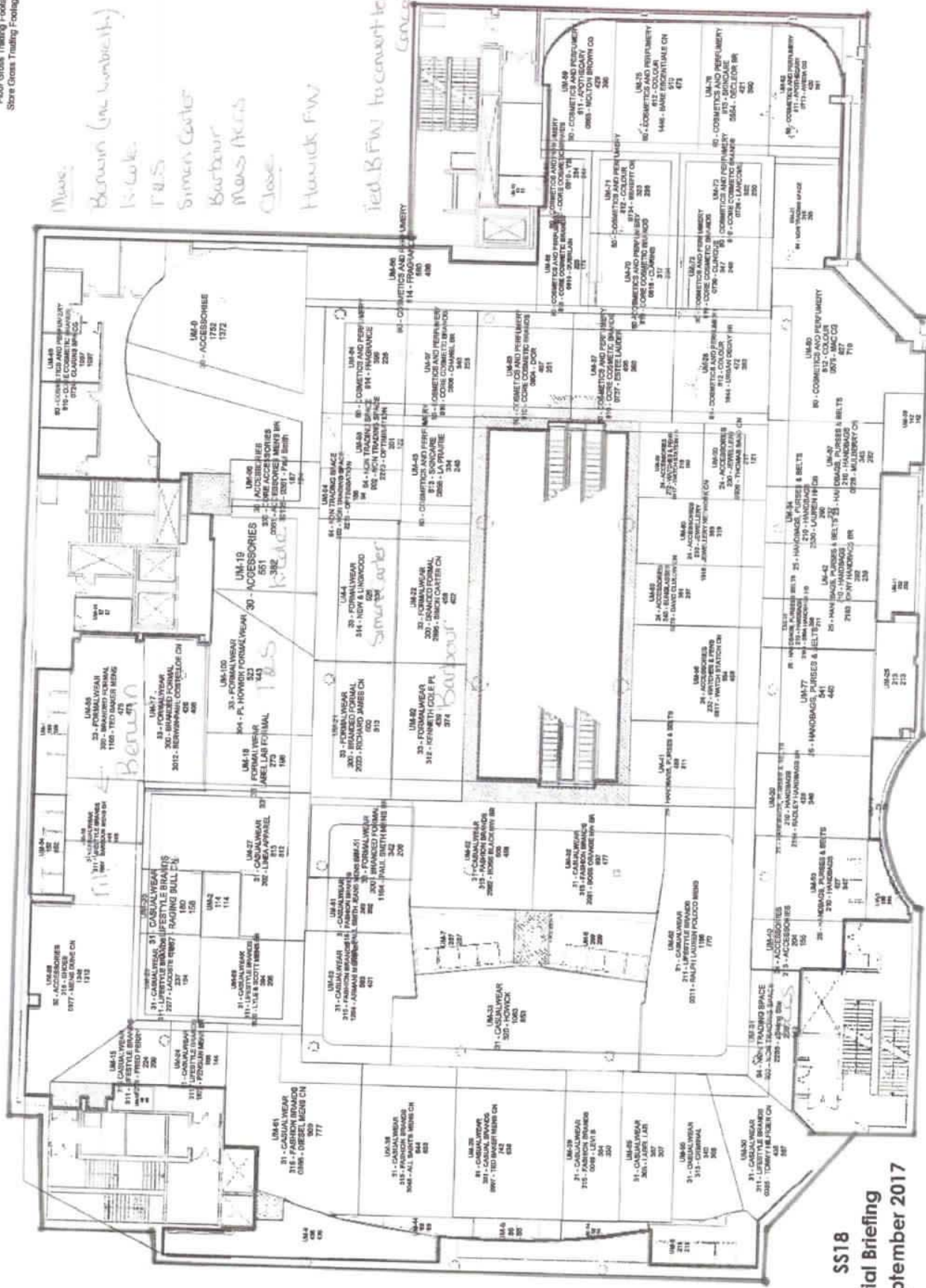
If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

READING

Floor: UIM
BookPlan: Reading AW17

Autumn Winter 17
Floor Gross Trading Footage : 32700 SqFt
Store Gross Trading Footage : 101099 SqFt



SS18
Initial Briefing
4th September 2017

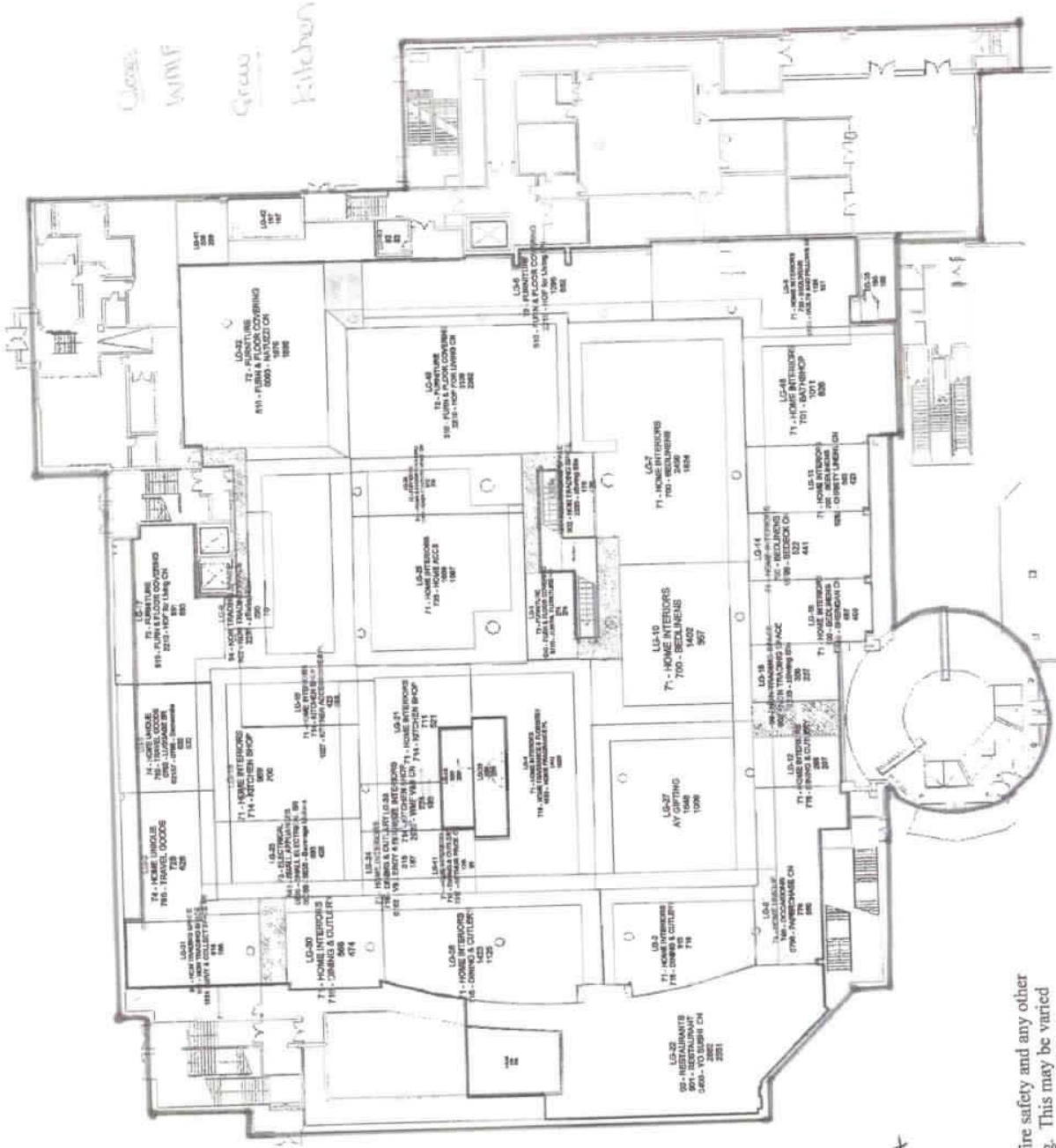
readFM - Book Planner

Page 1

The location and type of any fire safety and any other safety equipment is as existing. This may be varied from time to time with the agreement of the Fire Officer or after a fire risk assessment.

READING

Floor : LG
 Block/Plan : Reading AW17



— LINED AREA

The location and type of any fire safety and any other safety equipment is as existing. This may be varied from time to time with the agreement of the Fire Officer or after a fire risk assessment.

CONSENT OF INDIVIDUAL TO BEING SPECIFIED AS PREMISES SUPERVISOR

To be completed in block capitals

VIVIENNE ANDERSON of [REDACTED] PURLEY ON THAMES
READING BERKS RG8 8TF

hereby confirm that I give my consent to be specified as the Designated Premises

Supervisor in relation to the application for a General Advice by relating to a Premises

Licence for HOUSE OF FRASER THE ORACLE BRIDGE ST READING
BERKS RG1 2AS and any premises licence to be granted or varied in respect of this application made by House of Fraser (stores) Ltd

concerning the supply of alcohol at HOUSE OF FRASER THE ORACLE
BRIDGE ST READING BERKS RG1 2AS

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal Licence Number:- 1003009406

Personal Licence Issuing Authority:- WEST BERKSHIRE COUNCIL

Signed [REDACTED]

Name Printed VIVIENNE ANDERSON

Dated 14/9/17

ENQUIRY FORM

Your date of birth, place of birth and nationality are now required by law. You do not have to provide your telephone number, however this can assist Constabularies with carrying out their checks and they may wish to contact any new applicants directly to arrange a meeting.

Full Name:	VIVIENNE ANDERSON
Nationality	BRITISH
Date of Birth:	[REDACTED]
Place of Birth:	READING UK
National Insurance Number :	[REDACTED]
Mobile Tel.No:	[REDACTED]



Name of Officer	Peter Narancic						
Type of Application	Grant of a Premises Licence - Licensing Act 2003						
Name of Premises	House of Fraser						
Address	The Oracle, Bridge Street						
	Reading						
	RG1 2AS						
Proposed Licensable Activities	Sale by Retail of Alcohol						
Finish Times	Mon	Tue	Wed	Thu	Fri	Sat	Sun
	X	X	X	X	X	X	X
<u>Content of Application</u>							
The application seeks to:							
1.	Supply of Alcohol (off premises)			Monday - Sunday		0800 to 2300	
2.	Hours premises open to public			Monday - Sunday		0800 to 2330	
<u>Officer comments</u>							
<p>In order to promote the four licensing objectives, I object to this application due to the potential undermining of the licensing objectives - notably the prevention of crime and disorder, public safety, prevention of harm to children and the prevention of public nuisance. I believe that the operating schedule contained within the application does not include suitable measures to promote the licensing objectives. I refer to Section 18 (6) of the Licensing Act in regard to the likely effect the granting of a licence would have on the promotion of the licensing objectives and sections 8.38 to 8.46 of the Secretary of State's Guidance which deals with the information that applicants should provide to the licensing authority in order to actively promote the licensing objectives. I believe the information included in the application does not assist in both of these regards and require the additional or more robust conditions to be attached to any premises licence that may be granted.</p> <p>Together with information that the premises continued to sell and display alcohol after its previous licence was surrendered on 11 November 2013. The officer visited on 13 November 2013 and found alcohol still on display and for sale. He was told by staff they were not aware of the surrender of the licence. He requested that the alcohol be removed and asked for confirmation by email. However as no written confirmation was received that day, he revisited with Thames Valley Police on 15 November 2013, and confirmed that the store had complied with his request. The officer was disappointed that the store had acted unlawfully albeit for a short period of time and that the staff appeared not to be aware of the surrender or general Licensing law. Additionally, more recently when the officer visited the store to check the public blue notice for this current application he saw that a copy of their surrendered premises licence was still being displayed in a public area, which is misleading. The letter of surrender is dated 29 October 2013 is attached at Appendix I.</p> <p>These premises are located within the Council's Cumulative area, the Licensing section is</p>							

concerned if this licence is granted to the potential impact on the promotion of the licensing objectives, this may include the potential impact on crime and disorder and that a large concentration of licensed premises may have.

Concerns do exist about the large number of licensed premises in parts of Reading, together with the impact that these premises have upon the licensing objectives. I believe the applicant has failed to rebut the Council's Cumulative Impact policy. For the Council to grant a licence in the Cumulative Impact Area it must be satisfied that the presumption of refusal has been rebutted and that the granting of the licence would not add to the Cumulative Impact within the area. It is incumbent on the applicant to demonstrate this as outlined in the Council's Licensing Policy Statement. Although the applicant has offered conditions in the operating schedule, they are not detailed or robust enough.

Reading Borough Councils Licensing Policy statement, Section 8.1.4 states concerns do exist about the number of licensed premises in parts of the town centre, particularly in Friar Street, and Gun Street areas, together with the impact that these premises have upon the licensing objectives. The Council recognises the concerns of residents in areas with high proportions of licensed premises and will use best endeavours and all available legislation so as to ensure these premises and the activities associated with them are properly controlled and do not result in unreasonable disturbance for residents.

The approach of the Licensing Team:

The Responsible Authorities named in the Licensing Act 2003 have to ensure that the licensing objectives are all actively promoted to prevent crime and disorder and public nuisance. However, all four licensing objectives are of equal importance.

Section 1.5 of the Secretary of State's Guidance states that the Licensing Act 2003 also supports a number of other key aims and purposes. These are vitally important and should be the principal aims of everyone involved in licensing work: They include protecting the public and local residents from crime, anti-social behaviour and noise nuisance.

Section 18 (6) of the Licensing Act 2003 states that representations should be about the likely effect of the grant of a licence on the promotion of the licensing objectives. Therefore as outlined in the Court of Appeal Licensing case Hope and Glory v City of Westminster (2011) EWCA Civ31 - *licensing decisionsinvolve an evaluation of what is to be regarded as reasonably acceptable in a particular location...(this) is essentially a matter of judgement rather than a matter of pure fact*'.

The Secretary of State's Guidance at paragraphs 8.38 to 8.46 specifically outline what an applicant should do in order to be able to demonstrate that the proposed use of the premises for licensable activities would not undermine the licensing objectives.

Section 8.38 states that applicants are expected to have regard to the Council's Statement of Licensing Policy.

Section 8.39 outlines that applicants are expected to demonstrate that they understand the layout of the local area and proximity to residential premises so as to fully and effectively gauge the risk posed to the local area.

Section 8.41 outlines that applicants are expected to make it clear why the steps being

proposed in the operating schedule are appropriate for the premises. There does not seem to be any explanation within the operating schedule as to why the included steps are appropriate for the premises.

Section 8.44 advises applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. **Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.**

Cumulative Impact: The approach of Reading Borough Council

The Cumulative Impact Policy and designated area were introduced due to a high concentration of licensed premises within the town centre and the impact these premises were having on the promotion of the Licensing objectives. The policy, detailed within Section 8 of the Council's Statement of Licensing Policy, details the rationale of this approach. It also creates a rebuttable assumption that applications for the grant or variation of a premises licence or club premises certificate within the Cumulative Impact Area will be refused or limited - if relevant representations are received - unless the applicant is able to demonstrate within their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. This is detailed within Sections 8.1.9 to 8.1.11 and is entirely consistent with Section 14.20 of the Secretary of State's Guidance to the Licensing Act 2003. Section 8.5.1 of the Council's Statement of Licensing Policy states that it will apply to all applications for premises licences and club premises certificates as well as material variations within the Reading Central CIP Area. Material variations include increases in hours, increases in capacity (licensable area) and any other variation that are likely to add to the overall cumulative impact in the area. Refer to Appendix II.

Secretary of State's Guidance

8.38 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to **demonstrate knowledge of their local area** when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

Reading Borough Council Licensing Policy statement states:

Hours of Sales in Off Licences

Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual shops that are known to be a focus of disorder and disturbance, then subject to relevant representations being received, a limit on licensing hours may be appropriate.

Licence Conditions

General Approach to Licence Conditions

The purpose of the licensing Act is the regulation of licensable activities on licensed premises. All conditions attached to Premises Licences and Club Premises Certificates, will be focused on matters, which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, matters will centre on the premises being used for licensable activities and the vicinity of these premises.

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour once persons are away from licensed premises, and therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation. However, licensing law will always be part of a holistic approach to the management of the evening and local economy.

Licensing conditions will relate to licensed premises and the impact of those licensable activities on the premises in the vicinity thereof. In this latter regard the Council will primarily focus on the direct impact of any activities taking place on those living, working or otherwise engaged in the area concerned business, which is a relevant representation, or conditions are consistent with the operating schedule submitted by the applicant.

The Authority will, only impose conditions on premises if it is considered necessary and proportionate to do so in order to promote the licensing objectives. The Authority does not propose to implement standard conditions on licences across the board but instead, will draw upon a pool of conditions based upon those issued by the Home office and will attach such other conditions as it considers appropriate, given the circumstances of each individual case.

The model conditions will cover issues surrounding;

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

Conditions to be imposed on licences will be tailored to the individual premises and events concerned. None of the matters discussed within this policy which may result in the imposition of conditions will be applicable or suitable for all premises. The Authority will have regard to the size and type of premises when considering imposing conditions upon licences as the result of receiving relevant representations.

Applicants are asked to consider the model conditions and incorporate such of the conditions into their operating schedules as they consider appropriate and necessary in order to promote the licensing objectives. The Authority will impose the model conditions on application when those conditions are consistent with the operating schedule.

Crime Prevention

Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies.

Where relevant representations are received the Authority may impose conditions, for example, requiring the use of CCTV both inside and outside of licensed premises for the purpose of minimising crime disorder and disturbance. Again, applicants for licences should note that the Authority might only attach conditions to licences if such conditions are consistent with the operating schedule submitted as part of the application process, or if relevant representations are received.

Closed Circuit Television

1. The Premises Licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are undertaking licensable activities and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV. Data recordings shall be made available to an authorised officer of Reading Borough Council or a Thames Valley Police officer, together with facilities for viewing upon request subject to the provisions of the Data Protection Act. Recorded images shall be of such a quality as to be able to identify the recorded person.

2. Signage advising customers that CCTV is in use shall be positioned in prominent positions.

Age Verification Policy

3. The premises shall at all times operate a Challenge 25 age verification policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, Military ID or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme as set down within the mandatory conditions) are to be accepted as identification. The age verification policy shall be in a written form and displayed in a prominent position.

4. Posters advertising the premises Challenge 25 age verification policy shall be displayed in prominent positions on the premises.

Staff Training

5. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book or electronic register. The book/ register shall contain:
Details of the time and date the refusal was made;
The identity of the staff member refusing the sale;
Details of the alcohol the person attempted to purchase. This book /register will be available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police. A weekly review of the refusal book/register shall also be carried out and signed off by the Designated Premises Supervisor or their nominated representative.

6. Staff employed to sell alcohol shall undergo training upon induction in utilising the Challenge 25 proof of age checking policy. This shall include, but not be limited to, dealing with refusal of sales, proxy purchasing and identifying attempts by intoxicated persons to purchase alcohol. Such training sessions are to be completed before the employee is permitted to sell alcohol, documented and refreshed every six months. Records of training shall be kept for a minimum of two years and be made available to an authorised officer of Thames Valley Police and Reading Borough Council.

7. The premises licence holder shall ensure that a refusal log (either written or electronic) is in operation at the premises. All staff involved in the sale of alcohol shall be trained in how to use and maintain said log. The log shall contain the following:

- a) Description of person attempting to purchase alcohol
- b) Time said person attempted to purchase alcohol

c) The reason for refusing a person alcohol

d) Name of staff member dealing with the refusal

The log shall be signed off weekly by the Designated premises supervisor or nominated representative and shall be made available for inspection to officers of Reading Borough Council and Thames Valley Police.

Incident Register

9. An incident register shall be used, maintained and kept on the premises to record any incident of crime and disorder or instances when the police have had to attend the premises. The register shall be made available for inspection to authorised officers of Reading Borough Council and Thames Valley Police upon request.

If the applicant agrees to the above measures being placed as conditions on the premises licence I would be willing to withdraw my representation.

Date Received	21.09.2017	Date Due	19.10.2017
---------------	------------	----------	------------

Date	16	10	2017

Chief Licensing Officer
Licensing Department
Reading Borough Council
Level 15
Civic Centre
Reading
Berkshire
RG1 7TD

Date: 29 October 2013
Our ref: NL/NL/P18935-114
Doc Ref: 2144537453
Your ref:
E-mail: n.landells@popall.co.uk
Direct line: 0115 934 9170

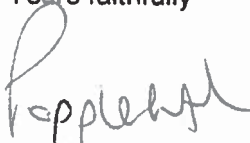
Dear Sir

House of Fraser, The Oracle, Bridge Street, Reading

We have been instructed by our client, House of Fraser (Stores) Ltd that they wish to surrender the enclosed Premises Licence effect as of 11th November.

We should be grateful if you would kindly acknowledge receipt of this letter.

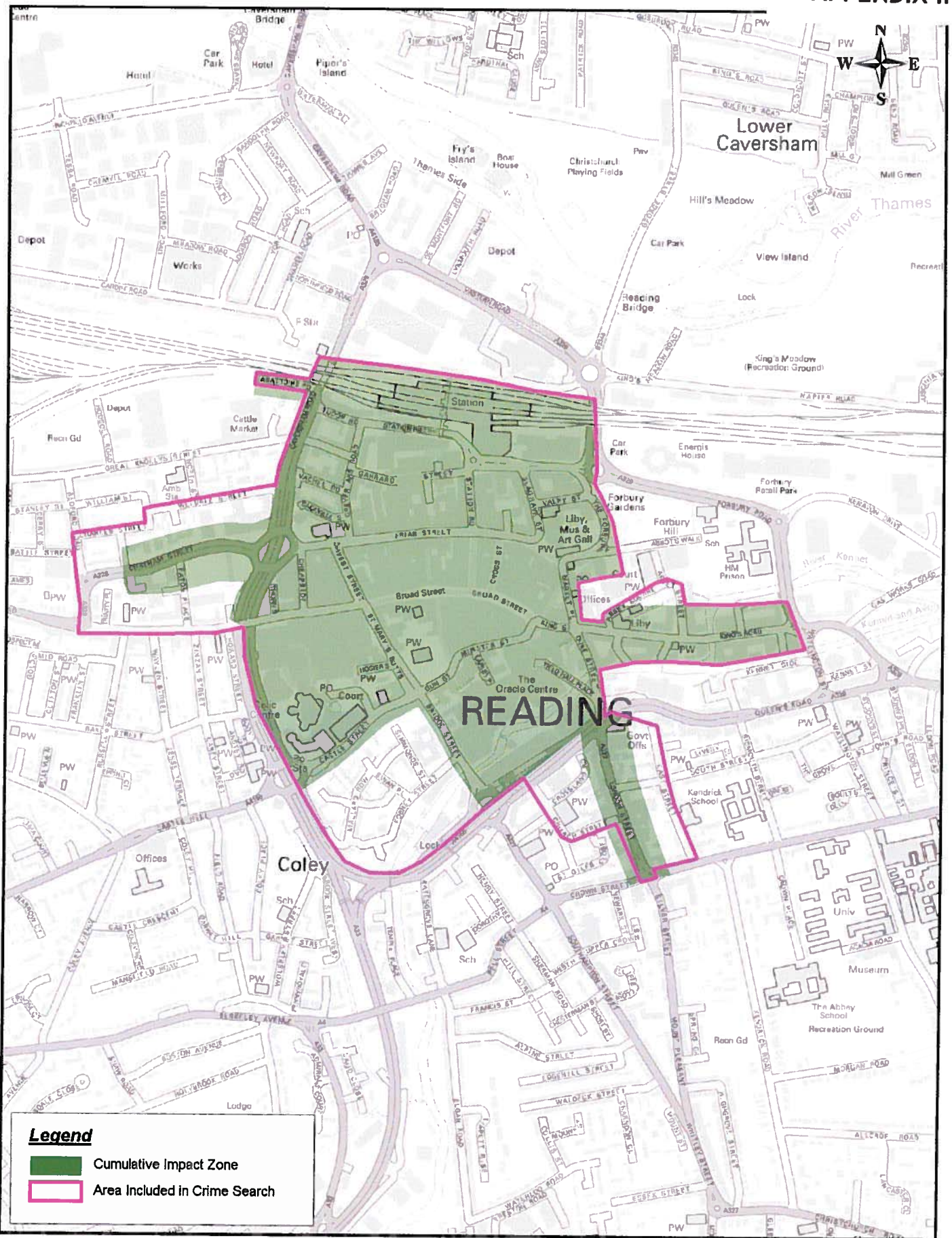
Yours faithfully


Poppleston Allen

READING BOROUGH COUNCIL

11 NOV 2013

LICENSING SECTION



Title: Cumulative Impact Zone Alternative
(64.42 Hectares)

Drg.No.:
Produced by GIS & Mapping Services

Date: 15/02/2010 Scale at A4: 1:10000
Ref: 35075\Cumulative Impact Zone 4.wor



Measures that should normally be included in an operating schedules for applications to grant or vary in the CIP.

- the adoption of a “Challenge 25” policy with acceptable proof of id as per existing Statement of Licensing Policy.
- all off sales to be made in sealed containers for consumption away from the premises.
- a smoking policy which includes an assessment of noise and litter created by premises users.
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital CCTV system by liaison with, and to a standard approved by Thames valley Police.
- policies for dispersal of customers which may include signage regarding taxi services’ telephone numbers and advice to respect neighbours and minimize noise
- systems to ensure any SIA doorstaff display appropriate badges when on duty and record all incidents of crime and disorder.

Items to which positive consideration would be given

- membership of a Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes.
- use of ‘townSafe’ radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection.
- records of regular checks of all parts of the premises in relation to drug use.
- systems in place to ensure details of barred clients are exchanged with other operators.
- giving an agreed minimum notice of special events (screening Of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events, Matters that might be recommended for appropriate restrictions -
- entry to premises by under 18s after certain times
- consumption of food and drink in smoking areas
- access to outside seating areas after certain times Areas of best practice in licensing.

The items listed below are forms of best practice, some of which would be more appropriate to off sales rather than on sales

- Awareness of the problem of proxy sales
- Signage
- Selling to underage people
- Staff training
- Challenge 25
- Pass scheme
- Voluntary restriction of high strength alcohol
- Lockable refuse bins emptied at appropriate times
- Regular staff training against the four licensing objectives and including conditions on licence
- Trading Standards Business Support
- Risk assessments

Recommended best practice for both on and off premises

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences.
- Signage on premises should set out legal duties.
- Voluntary restriction of high strength alcohol - operating schedules may be used to limit high ABV beers and ciders
- Staff training - in addition to personal licence holders training, staff must be adequately trained for duties.
- Challenge 25 would be the norm, particularly in the off licence Trade.
- Signage - proxy sale - deterrence.

Recommend best practice for late night food outlets

- Lockable refuse bins emptied at appropriate times
- Regular staff training against the four licensing objectives and including conditions on licence
- the installation of a digital CCTV system by liaison with, and to a standard approved by Thames valley Police.
- policies for dispersal of customers which may include signage regarding taxi services' telephone numbers and advice to respect neighbours and minimize noise
- systems to ensure any SIA doorstaff display appropriate badges when on duty and record all incidents of crime and disorder.