

LICENSING ACT 2003 HEARING ON TUESDAY 12 DECEMBER 2017 @ 17.30 HOURS

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

1. Premises:

Best Foods
129 Oxford Road
Reading
RG1 7UU

2. Applicants Requesting Review:

Reading Borough Council

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 Best Foods, 129 Oxford Road, Reading RG1 7UU.

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

The premises known as Best Foods currently have a premises licence pursuant to the Licensing Act 2003 which permits the sale of alcohol by retail off the premises from 0700hrs until 2300hrs from Monday to Sunday.

The premises operates as a supermarket with an off licence. The premises licence holder and designated premises supervisor at the time of this submission is stated as Mr Yogarajah Rajmohan.

On 7th September 2017 - the premises were found employing one (1) illegal worker.

On 21st January 2015 - the premises were found employing one (1) illegal worker.

During the visit of 7th September 2017, it was found that the staff did not know who the licence holder or designated premises supervisor were. None of the staff had been authorised in writing or verbally to sell alcohol. The mandatory condition attached to all licences (Annex 1 of the premises licence headed 'Supply of Alcohol') states that every supply of alcohol made under the premises licence must be made or authorised by a person who holds a personal licence. None of the current staff had been authorised in writing. None of the current staff knew who had authorised them to sell alcohol. Therefore, the sales of alcohol were unauthorised and the premises were asked to remove all alcohol from display.

A further six breaches of licensing legislation were found during the inspection of 7th September 2017. A prior visit to the premises on 25th July 2017 also revealed an alarming lack of co-operation by the staff and non-existent knowledge of any licensing matters - including the conditions detailed on the premises licence.

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

4. Date of receipt of application: 25 October 2017

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

5. Date of closure of period for representations: 22 November 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 which is attached at Appendix III.

the Environmental Health team which is attached at Appendix IV

the local NAG which 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 near the town centre in a mainly residential area.

The Premises Licence Holder is stated as: Mr Yogarajah Rajmohan

The Designated Premises Supervisor (DPS) is stated as: Mr Yogarajah Rajmohan

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

Licensable Activities authorised by the Licence

Sale of Alcohol by Retail - Off the Premises

<p>The times the licence authorises the carrying out of licensable activities</p> <p>Hours for the Sale by Retail of Alcohol</p> <p>Monday from 0700hrs until 2300hrs Tuesday from 0700hrs until 2300hrs Wednesday from 0700hrs until 2300hrs Thursday from 0700hrs until 2300hrs Friday from 0700hrs until 2300hrs Saturday from 0700hrs until 2300hrs Sunday from 0700hrs until 2300hrs</p>	
---	--

<p>Hours the Premises is Open to the Public</p> <p>Monday from 0700hrs until 2300hrs Tuesday from 0700hrs until 2300hrs Wednesday from 0700hrs until 2300hrs Thursday from 0700hrs until 2300hrs Friday from 0700hrs until 2300hrs Saturday from 0700hrs until 2300hrs Sunday from 0700hrs until 2300hrs</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.

Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU

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 Best Foods 129 Oxford Road	
Post town Reading	Post code (if known) RG1 7UU

Name of premises licence holder or club holding club premises certificate (if known) Mr Yogarajah Rajmohan
--

Number of premises licence or club premises certificate (if known) LP1000735
--

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)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

-
-
-
-

Please state the ground(s) for review (please read guidance note 2)

On 7th September 2017 – the premises were found employing 1 illegal worker.

On 21st January 2015 – the premises were found employing 1 illegal worker.

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 7th September 2017, it was found that the staff did not know who the licence holder or designated premises supervisor were. None of the staff had been authorised in writing or verbally to sell alcohol. The mandatory condition attached to all licences (Annex 1 of the premises licence headed 'Supply of Alcohol') states that every supply of alcohol made under the premises licence must be made or authorised by a person who holds a personal licence. None of the current staff had been authorised in writing. None of the current staff knew who had authorised them to sell alcohol. Therefore, the sales of alcohol were unauthorised and the premises were asked to remove all alcohol from display.

A further six breaches of licensing legislation were found during the inspection of 7th September 2017. A prior visit to the premises on 25th July 2017 also revealed an alarming lack of co-operation by the staff and non-existent knowledge of any licensing matters – including the conditions detailed on the premises licence.

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

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

The premises known as Best Foods currently have a premises licence pursuant to the Licensing Act 2003 which permits the sale of alcohol by retail off the premises from 0700hrs until 2300hrs from Monday to Sunday.

The premises operates as a supermarket with an off licence. The premises licence holder and designated premises supervisor at the time of this submission is stated as Mr Yogarajah Rajmohan.

The premises were visited on 7th September 2017 in a joint operation between the Licensing team, Thames Valley Police, Trading Standards 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 one illegal worker was found working and the details are as follows:

1. Sri Lankan male, who was encountered working illegally at the butchers counter and was escorted off the premises and detained.

On a previous visit to the premises on 21st January 2015, one illegal worker was found and the details are as follows:

1. Sri Lankan male, who was encountered working illegally at the butchers counter and was escorted off of the premises.

It is the job of any responsible employer to ensure that the correct right to work checks are carried out. The premises licence holder has employed two separate illegal workers at two separate times. Clearly, right to work checks are not being carried out.

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. The licence holder is 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 7th September 2017, the Licensing team and Thames Valley Police conducted a licensing inspection and found the following issues:

Condition 1 on the licence in relation to the use of an incident book: No incident book could be produced and there was none being used. This is a breach of Section 136 (1) of the Licensing Act 2003.

Condition 2 on the licence in relation to a Challenge 25 policy and procedures being in place to prevent under age sales could not be demonstrated as being complied with. None of the staff at the premises knew anything about this or what form of ID was acceptable. This is a breach of Section 136 (1) of the Licensing Act 2003.

Condition 3 on the licence in relation to the installation and use of CCTV could not be demonstrated as being complied with. No member of staff knew anything about the use of the system and could not demonstrate it was recording for 31 days. This is a breach of Section 136 (1) of the Licensing Act 2003.

Condition 5 on the licence in respect of the DPS displaying a copy of the premises' age verification policy was not being complied with. There was no age verification policy on display and the staff were unaware of it. This is a breach of Section 136 (1) of the Licensing Act 2003.

Condition 6 on the licence in respect of written and regular training for all staff could not be demonstrated as being complied with. No training could be produced for any staff member. This is a breach of Section 136 (1) of the Licensing Act 2003.

No valid Section 57 notice was found or could be produced. This is an offence under Section 57 of the Licensing Act 2003.

Further, it could not be demonstrated that any member of staff had been authorised to sell alcohol either in written format or verbally. When asked, the staff stated they did not know who authorised the sale of alcohol and the names stated on a written authorisation document no longer worked at the premises. This is a clear indication that sales of alcohol from the premises had not been authorised by the DPS in person (as he was not there) or that staff had been authorised to sell it by him. This is required by the mandatory condition attached to all licences therefore this is a further breach. The staff were asked to remove the alcohol from display to avoid committing offences under Section 136 (1) and Section 137 of the Licensing Act. The sale of unauthorised alcohol from the premises is an offence under the Licensing Act and the staff gave the enforcing authorities no confidence at all that they knew how to sell it responsibly or in line with the conditions on the premises licence.

It should be noted that after the conclusion of this extremely concerning licensing inspection that officers left business cards with the instruction that the DPS make contact immediately. To date,

no contact has been received - therefore raising serious concerns over the suitability of the DPS to manage the premises, maintain suitable control over it or his attitude towards his responsibilities. This is obviously in addition to the statutory right to work checks that seemed to have not been carried out resulting in the finding of 2 illegal workers on 2 separate occasions in 2015 and 2017.

A copy of the letter sent to the licence holder in respect of the licensing breaches found on 7th September 2017 can be found at **appendix RF-1**.

It was further noted after the inspection that the personal licence for the premises licence holder and DPS – Mr Yogarajah Rajmohan – contained the incorrect details on it and that the Licensing Authority have no record of ever being notified of a change of address. This is an offence under Section 127 of the Licensing Act 2003. A copy of the personal licence is attached at **appendix RF-4**.

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. The conditions were attached to the premises licence when it was granted in 2009 and the DPS and premises licence holder have been the same person during that period as well. Therefore, the licence holder should be fully aware of the conditions and be complying with them.

The premises were also visited on 25th July 2017 by the Licensing team, Community Alcohol Partnership Officer and Thames Valley Police. This was ostensibly to speak to licence holders along Oxford Road about not selling single cans of super strength alcohol and measures that retailers could put in place to prevent super strength alcohol being sold to street drinkers. On attendance at the premises, we encountered uncooperative staff with nobody wanting to admit to being in charge. Again, one of the staff members attempted to put officers on the phone to someone who claimed to be in charge. This offer of a telephone call was declined as unsatisfactory. Officers attempted to locate the relevant licensing documents (Part A/Part B) and these could not be located and staff did not know where they were. Again, nobody knew who was in charge. Nobody could tell officers who had authorised them to sell alcohol. Nobody knew who the DPS was. Again, a business card was left at the premises for the DPS to contact us urgently. No contact has ever been received and this is indicative of extremely poor management that can only undermine the promotion of the licensing objectives.

A further visit to this premises on 20th October 2017 identified that alcohol was still being displayed for sale behind the counter despite nobody having the correct authorisation to sell it. This is a further breach of Sections 136 (1), Section 136 (2) and Section 137 of the Licensing Act. It should also be noted that nobody from the premises or the licence holder has still contacted the licensing team or TVP in relation to the issues contained within the body of this review. We would submit that this is further evidence of the premises undermining the licensing objectives.

The way this premises is being run is totally unacceptable and the conduct of the premises licence holder and DPS in ensuring that staff are trained and that licence conditions are adhered to is poor to non-existent. This is of particular concern given the location of the premises and the problems associated with alcohol retailing along Oxford Road.

In summary, the offences outlined in this review application are some of the most serious outlined in the Licensing Act 2003. The employment of two 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.. The licence holder has shown a complete disregard for all manner of laws and has committed extremely serious criminal offences from the premises which he operates. This also applies to the licensing 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, Thames Valley Police 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 revoked.

List of appendices:

- Appendix RF-1 – Licensing inspection letter dated 16th September for inspection of 7th September
- Appendix RF-2 – Case law – East Lindsey District Council v Abu Hanif
- Appendix RF-3 – The premises licence granted in July 2009 with shop plan
- Appendix RF-4 – Copy of personal licence belonging to the licence holder and DPS

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

N/A

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

Please tick ✓ yes

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

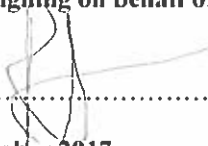
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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 25th October 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 Yogarajah Rajmohan
23 Yarnton Close,
Emmer Green,
Reading, Berkshire, RG4 8UW

PC 5787 Wheeler
Reading Licensing Dept

Reading Police Station
Castle Street
Reading
Berkshire
RG1 7TH

Tel: 101 (07973231273)
Email
simon.wheeler@thamesvalley.pnn.police.uk

Saturday 16th September 2017

Licensing Act 2003

Premises Licence Number: LP1000735

Premises: Best Foods

Premises Address: 129 Oxford Road, Reading, Berkshire, RG1 7UU

Dear Mr Rajmohan

On 7th September 2017 at 4.20pm I visited your premises to ensure you are complying with the above premises licence as part of a joint Police, Licensing Authority and Immigration inspection.

During this visit I was accompanied by Mr Richard French from the Reading Borough Council Licensing Department.

Whilst in attendance the person who identified themselves as being in charge of the shop was Peris Listone. However Mr Listone later provided me with the name of Nishanth Rajmohan and stated this person ran the business naming him as the boss and in charge of alcohol sales; and then calling him on the phone.

As part of my inspection I found the following conditions not being complied with:-

General

1. 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 incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded.

This condition was not complied with and no register was available on site.

2. The Premises Licence Holder shall ensure that a system is in place, and is used to prevent any customer who attempts to purchase alcohol and who appears to the staff member to be under the age of 25 years, without having

first provided identification. Only a valid British drivers license showing a photograph of the person, a valid passport or proof of age card showing the Pass hologram are to be accepted as identification.

This condition was not complied with.

3. The premises shall have installed prior to the premises selling alcohol, a digitally recorded CCTV system. 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.

This condition could not be proven as complied with.

5. The Designated Premises Supervisor will display in a prominent position a copy of their policy on checking proof of age.

An age verification policy was displayed however no staff members were aware of or understood the policy and clearly it was not being applied.

6. The Premises Licence Holder or Designated Premises Licence Holder shall ensure staff receive training on a regular basis 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.

This condition was in breach, no training was available and Mr Listone when asked if he had received training stated; "Never had it".

Mr Listone stated he knew nothing about Licensing and that Nishanth was the son of the Designated Premises Supervisor and in charge. Mr Listone also stated that he believed that Nishanth must be the person who authorised staff to sell alcohol although he and other members of staff had never been officially told this.

Of extreme concern when I spoke with Nishanth on the telephone was the fact that he stated he did not have a Personal Licence and had no idea himself who authorises the sale of alcohol. Nishanth stated he thought that maybe the shop manager who was off sick authorised the sale of alcohol. However when I asked for the managers name Nishanth stated he did not know this or actually whether the manager had a Personal Licence.

Two documents were displayed on the wall, a faded written alcohol authorisation document which could not be read and for which no current members of staff could be seen as contained within it or any authorising persons details provided.

The other document was an old faded Section 57 notice for which again no details could be seen.

The result of this inspection is that the majority of Licence conditions are not being complied with and no person could be identified within the business that

had authorised the sale of alcohol by any member of staff currently involved in the business.

Staff were told to remove and cover all alcohol on the premises due to the fact no alcohol sale authorisation could be proven and therefore I conclude that any sale of alcohol prior to our arrival was an unauthorised licensable activity.

You are reminded that the people legally responsible for the premises under the Licensing Act 2003 are the premises licence holder and the designated premises supervisor for which you are named as both.

Can you please ensure that all of the above points contained within this letter are rectified immediately.

Should you wish to discuss the issues, please telephone me on the above number.

Yours Faithfully

PC 5787 Simon Wheeler

Reading LPA Licensing Dept

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

Before:

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 appellant 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.

LICENSING ACT 2003
SCHEDULE 12
PART A

PREMISES LICENCE

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

Premises Licence Number	LP1000735
-------------------------	-----------

Premises Details

Trading name of Premises and Address	
Best Foods 129 Oxford Road Reading Berkshire RG1 7UU	
Telephone Number	01189 505289

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

Licensable Activities

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

Authorised Hours for Licensable Activities

The times the licence authorises the carrying out of licensable activities	
Hours for the Sale by Retail of Alcohol	
Monday	from 0700hrs until 2300hrs
Tuesday	from 0700hrs until 2300hrs
Wednesday	from 0700hrs until 2300hrs
Thursday	from 0700hrs until 2300hrs
Friday	from 0700hrs until 2300hrs
Saturday	from 0700hrs until 2300hrs
Sunday	from 0700hrs until 2300hrs

Opening Hours

Hours the Premises is Open to the Public

Monday	from 0700hrs until 2300hrs
Tuesday	from 0700hrs until 2300hrs
Wednesday	from 0700hrs until 2300hrs
Thursday	from 0700hrs until 2300hrs
Friday	from 0700hrs until 2300hrs
Saturday	from 0700hrs until 2300hrs
Sunday	from 0700hrs until 2300hrs

Alcohol

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

Sale of Alcohol by Retail - Off the Premises

Premises Licence Holder

Name, (registered) address of holder of premises licence

Name: Mr Yogarajah Rajmohan

Address: [REDACTED] Yarnton Close, Emmer Green, Reading, Berkshire, RG4 8UW

Additional Details

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

Name: Mr Yogarajah Rajmohan

Address: [REDACTED] Yarnton Close, Emmer Green, Reading, Berkshire, RG4 8UW

Telephone Number: 01189 505289

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: LP7000305

Issuing Authority: Reading Borough Council

This Licence shall continue in force from 22/07/2009 unless previously suspended or revoked.

Dated: 22 July 2009

Head of Environment & Consumer Services

Annex 1

Mandatory Conditions

Supply of Alcohol

To be applied where a premises licence authorises the supply of alcohol	
1	No supply of alcohol may be made under the premises licence:- <ol style="list-style-type: none">a) at a time when there is no designated premises supervisor in respect of the premises licence, orb) 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.

Responsible Drink Promotions (commencement date 01/10/2014)

- 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

General

1. 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 incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded.
2. The Premises Licence Holder shall ensure that a system is in place, and is used to prevent any customer who attempts to purchase alcohol and who appears to the staff member to be under the age of 25 years, without having first provided identification. Only a valid British drivers license showing a photograph of the person, a valid passport or proof of age card showing the Pass hologram are to be accepted as identification.
3. The premises shall have installed prior to the premises selling alcohol, a digitally recorded CCTV system. 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.
4. The Premise License holder, Designated Premises Supervisor or their nominee shall be an active member in the Local Oxford Road Pubwatch scheme if one is operative in the area.
5. The Designated Premises Supervisor will display in a prominent position a copy of their policy on checking proof of age.
6. The Premises Licence Holder or Designated Premises Licence Holder shall ensure staff receive training on a regular basis 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.

Annex 3

Conditions attached after a hearing by the Licensing Authority

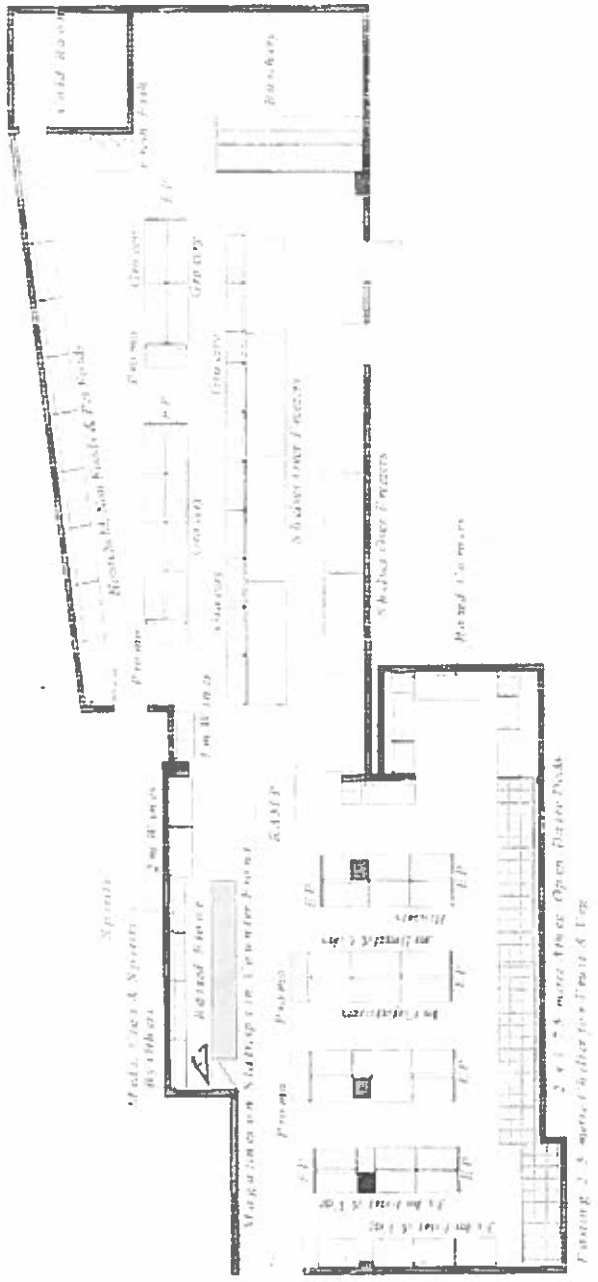
N/A

Annex 4

Plans

As attached plan dated 12/01/2009

AUTOMATIC FIRE EXTINGUISHER





SCALE: 1/4" = 1'-0"
 REFERENCE: 1. 12/13/31
 DATE DRAWN: 12/13/31
 DATE REVISION: 12/13/31
 DRAWING BY: J. H. B. S.

Prepared for: MOHAN @ OXFORD ROAD, READING

BEST FOODS
 129/131 OXFORD ROAD
 READING RG1 1TU

Record Number	339
Surname	RAJMOHAN
Forename	YOGARAJAH
Expiry date	<input checked="" type="checkbox"/> 09/10/2015
Image Captured By	ADMIN
ImageCaptured	<input checked="" type="checkbox"/>
DateCreated	<input checked="" type="checkbox"/> 10/10/2005
Last Amended	<input checked="" type="checkbox"/> 10/10/2005
General Info	<input type="checkbox"/> + ^
Address	READING
Start Date	<input checked="" type="checkbox"/> 10/10/2005
Licence No	LP7000305

Robert Smalley
Entitlement & Assessment Officer
Licensing

Reading Borough Council
Civic Offices Bridge Street Reading RG1 2LU
(please note new office address)

0118 9373762
Licensing@reading.gov.uk

PLEASE NOTE, AS OF 1ST MARCH 2017 LICENSING TELEPHONE LINES WILL ONLY BE AVAILABLE FROM 9AM TO 1PM DAILY

Are you thinking about applying for a new licence or varying your current one? Take advantage of our pre-application consultation:

Licensed Driver: <http://www.reading.gov.uk/taxilicences>

Division/Station : Reading Licensing Dept

From : PC 5787 Simon Wheeler

To : Reading Licensing Authority

Ref : Best foods, 129 Oxford Rd, Reading (LP1000735)
Tel.No.

Date : 20 November 2017

Subject :

Supportive review representation

To whom it may concern

I PC Simon Wheeler on behalf of the Chief Officer of Police for Thames Valley wish to provide this representation in support of the review process relating to Best Foods, 129 Oxford Road, Reading, Berkshire.

Our representation is based on this premises failure to uphold the licensing objectives by committing offences in relation to immigration and the employment of illegal workers, as well as carrying out unlicensable activity. Also the failure to comply with a number of conditions attached to their licence. Therefore this representation gives due regard specifically to the licensing objective relating to prevention of crime and disorder and also impacts on all three other licensing objectives.

On 25th July 2017 - Thames Valley Police (TVP) attended the premises in conjunction with the Community Alcohol Partnership officer (CAP) and Reading Borough Council (RBC) enforcement officers. The intention at this time was to discuss street drinking and alcohol related antisocial behaviour in the area. Unfortunately during what was intended to be an informal visit it became blatantly obvious that there were serious concerns in relation to this premises and its processes with regards to the retail of alcohol.

No staff member wished to communicate with us and we were left standing for a long period of time whilst attempting to identify who was in charge or responsible for alcohol sales.

No staff knew where Part A or B of the licence was held or indeed what the licence conditions were or who authorised the sale of alcohol. To describe the situation as a shambles unfortunately at this stage would be an understatement.

Having gained very little co-operation a business card was left with the staff that they were told was to be given to the designated premises supervisor (DPS) or whomever it was that is in control of the day to day operation of the alcohol sales to contact RBC immediately to rectify this situation.

On 7th September 2017 – Thames Valley Police re-attended the premises as part of a joint immigration and RBC licensing inspection process.

On entry to the premises immigration officers located one employee found to be an illegal worker.

Further to this during the inspection led by TVP a number of serious issues arose having spoken with the member of staff who was stated to be in charge at the time of the inspection; Mr Listone.

Mr Listone admitted knowing nothing about licensing and stated that the actual person he believed to be in control of the premises licence and the person who he thought authorised alcohol sales to be "Nishanth". The son of the named DPS Mr Yogarajah Rajmohan.

Mr Listone contacted Nishan via the telephone and handed PC Wheeler the telephone, during which time the following statements were made by Nishan.

1. Nishanth did not know anything about licensing and did not hold a personal licence.
2. Nishanth stated his father the DPS was in Sri Lanka and had left him in charge of the shop.
3. Nishanth stated he believed that the manager of the shop was the person who authorised the sale of alcohol, but could not provide the managers name or contact details as he did not know either and he was off work sick.

From this conversation it was clear that no member of staff or person that had been spoken to in relation to this premises was aware of or could provide evidence of any person providing the authorisation to sell alcohol.

Also it is worthy of note that an old faded out of date authorisation notice was displayed which did not contain the names of any of the current members of staff within the premises at the time or now working.

All conditions of the licence were found to be in breach except for condition (5) relating to an age verification policy. However as a caveat although a written policy was displayed not a single member of staff knew what the premises age verification policy was and it was not being applied!

Full details of the inspection can be seen within **APPENDIX TVP 1, 3 & 4**

In conclusion it was confirmed that in effect all conditions of the licence were not being complied with and no person was aware of any authority being given for them to sell alcohol. Therefore, they were immediately instructed to cease the sale of alcohol as they were carrying out unlicensable activity. Staff were told to remove or at a minimum cover fully all alcohol within the premises as it could no longer be sold.

On 16th September 2017 – TVP sent a formal letter to the PLH/DPS Mr Rajmohan detailing the issues discovered at the premises during the inspection on 7th September 2017 and requiring immediate rectification.

To date no contact has been made with TVP by Mr Rajmohan.

On 20th October 2017 – TVP visited the premises again to ensure that all alcohol had been removed from sale or to ensure that Mr Rajmohan had rectified the issues pointed out in his letter and ensured proper authority to sell alcohol had been provided.

Again Mr Rajmohan was not available, no changes or rectifications had been put in place and apart from a pull down material shutter in their refrigerator area which only partially obscured the alcohol displayed in their chiller cabinet, all other alcohol was still displayed for sale.

Images were taken from within the store to show the alcohol still available for purchase **APPENDIX TVP 2** refers.

In conclusion the ownership of this premises appear to have willfully and deliberately avoided taking any responsibility for the sale of alcohol, that has led to both the undermining of the licensing objectives but also the committing of criminal offences.

No steps have been taken to ensure staff are authorised to sell alcohol or trained in any aspect of the responsible retailing of alcohol, or indeed to comply with any of their licensing conditions.

Further to this evidence suggests that even when it was discovered that there was no authorisation to sell alcohol that the premises for over a month after being told to cease alcohol sales still had alcohol on display for sale. This is both unlicensable activity but also a further offence.

Finally, the employment of an illegal worker is also a very serious offence and for which is specifically now regarded as such within the Licensing Act 2003 and requires consideration for serious action.

For these reasons Thames Valley Police respectfully recommend that the Licensing Sub-Committee take the only appropriate and proportionate step available to them in a situation as serious as this and revoke the licence as the only possible means to promote the licensing objectives.

Appendices List

- TVP 1 – 2 x images of documents on display at the premises during the inspection on 7th September 2017.
- TVP 2 – 5 x images taken on 20th October 2017 showing alcohol still on display and apparently available for purchase.
- TVP 3 – Hand written inspection sheet completed on 7th September 2017 by PC Wheeler.
- TVP 4 – Letter from Thames Valley Police to the PLH/DPS advising of the inspection on 7th September 2017.



Mr Yogarajah Rajmohan
[REDACTED]
[REDACTED]
Reading, Berkshire, [REDACTED]

PC 5787 Wheeler
Reading Licensing Dept

Reading Police Station
Castle Street
Reading
Berkshire
RG1 7TH

Tel: 101 (07973231273)

Email:

simon.wheeler@thamesvalley.pnn.police.uk

Saturday 16th September 2017

Licensing Act 2003

Premises Licence Number: LP1000735

Premises: Best Foods

Premises Address: 129 Oxford Road, Reading, Berkshire, RG1 7UU

Dear Mr Rajmohan

On 7th September 2017 at 4.20pm I visited your premises to ensure you are complying with the above premises licence as part of a joint Police, Licensing Authority and Immigration inspection.

During this visit I was accompanied by Mr Richard French from the Reading Borough Council Licensing Department.

Whilst in attendance the person who identified themselves as being in charge of the shop was Peris Listone. However Mr Listone later provided me with the name of Nishanth Rajmohan and stated this person ran the business naming him as the boss and in charge of alcohol sales; and then calling him on the phone.

As part of my inspection I found the following conditions not being complied with:-

General

1. 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 incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded.

This condition was not complied with and no register was available on site.

2. The Premises Licence Holder shall ensure that a system is in place, and is used to prevent any customer who attempts to purchase alcohol and who appears to the staff member to be under the age of 25 years, without having

first provided identification. Only a valid British drivers license showing a photograph of the person, a valid passport or proof of age card showing the Pass hologram are to be accepted as identification.

This condition was not complied with.

3. The premises shall have installed prior to the premises selling alcohol, a digitally recorded CCTV system. 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.

This condition could not be proven as complied with.

5. The Designated Premises Supervisor will display in a prominent position a copy of their policy on checking proof of age.

An age verification policy was displayed however no staff members were aware of or understood the policy and clearly it was not being applied.

6. The Premises Licence Holder or Designated Premises Licence Holder shall ensure staff receive training on a regular basis 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.

This condition was in breach, no training was available and Mr Listone when asked if he had received training stated; "Never had it".

Mr Listone stated he knew nothing about Licensing and that Nishanth was the son of the Designated Premises Supervisor and in charge. Mr Listone also stated that he believed that Nishanth must be the person who authorised staff to sell alcohol although he and other members of staff had never been officially told this.

Of extreme concern when I spoke with Nishanth on the telephone was the fact that he stated he did not have a Personal Licence and had no idea himself who authorises the sale of alcohol. Nishanth stated he thought that maybe the shop manager who was off sick authorised the sale of alcohol. However when I asked for the managers name Nishanth stated he did not know this or actually whether the manager had a Personal Licence.

Two documents were displayed on the wall, a faded written alcohol authorisation document which could not be read and for which no current members of staff could be seen as contained within it or any authorising persons details provided.

The other document was an old faded Section 57 notice for which again no details could be seen.

The result of this inspection is that the majority of Licence conditions are not being complied with and no person could be identified within the business that

had authorised the sale of alcohol by any member of staff currently involved in the business.

Staff were told to remove and cover all alcohol on the premises due to the fact no alcohol sale authorisation could be proven and therefore I conclude that any sale of alcohol prior to our arrival was an unauthorised licensable activity.

You are reminded that the people legally responsible for the premises under the Licensing Act 2003 are the premises licence holder and the designated premises supervisor for which you are named as both.

Can you please ensure that all of the above points contained within this letter are rectified immediately.

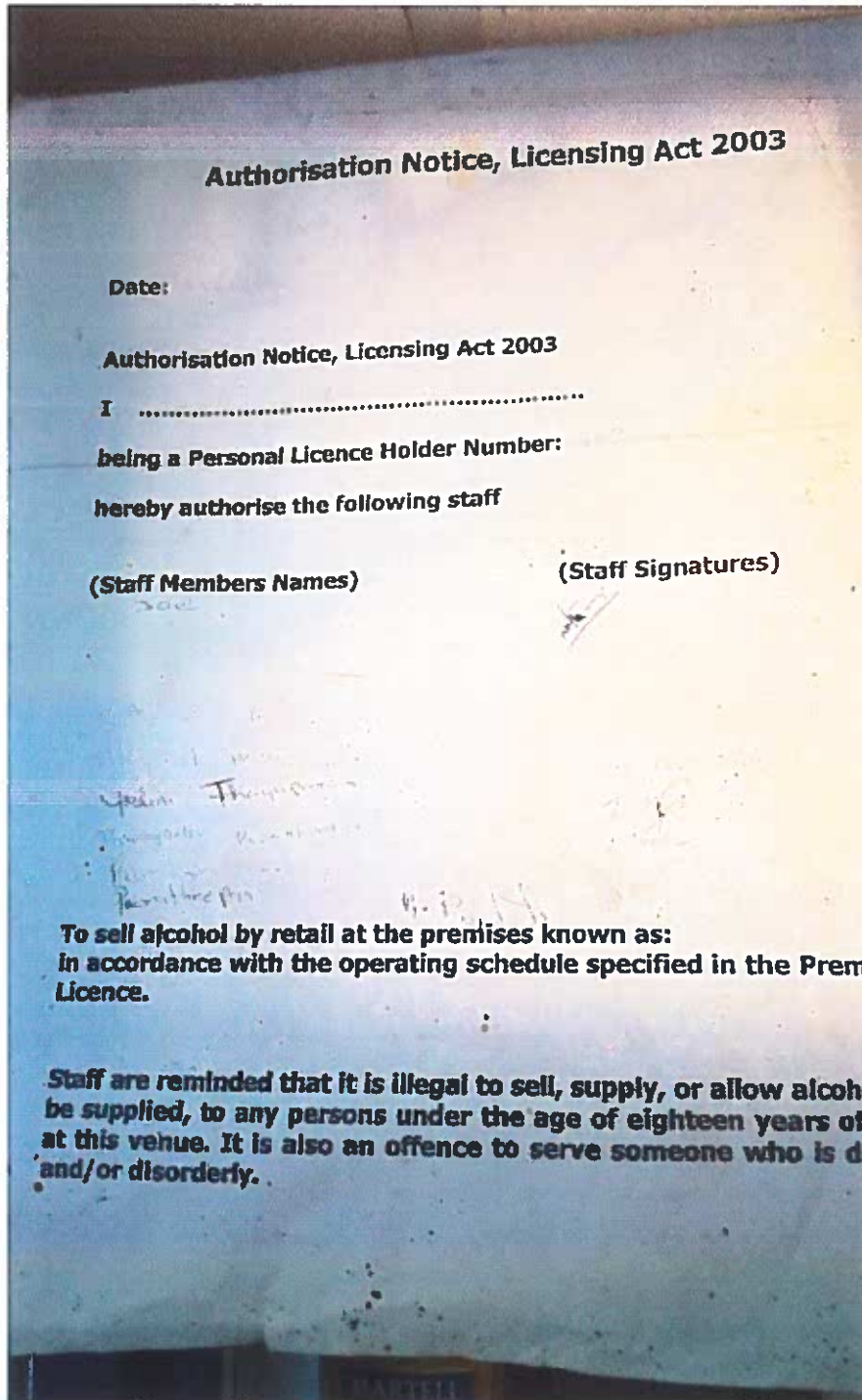
Should you wish to discuss the issues, please telephone me on the above number.

Yours Faithfully

PC 5787 Simon Wheeler

Reading LPA Licensing Dept

2 x images of documents on display at the premises during the inspection on 7th September 2017.



SECTION 5' LICENSING ACT 2003

Under section 57 of the Licensing Act 2003

I, _____, being the Designated Premise Supervisor for:

.....
Best Foods Supermarket
.....
.....
.....
.....
.....

Declare that in my absence I hereby nominate:

.....
As my nominated deputy who will be responsible for the custody of the Premise Licence part A and will be responsible for the production of that licence if requested by a constable or proper officer of the Local Authority.

Signed:

.....
Designated Premise Supervisor

Best Foods Supermarket
Specialist in Asian, African
and Continental Food

Date:

129/131 Oxford Road
Reading
RG1 7UU
Tel: 01189 605289

5 x images taken on 20th October 2017 showing alcohol still on display and apparently available for purchase.









Licensing Team
Reading Borough Council
Bridge Street, RG1 2LU
Tel: 01189 37 37 62
licensing@reading.gov.uk

Licensing Dept
Reading Police Station
Castle Street, RG1 7TH
Tel: 101

PREMISES – RECORD OF INSPECTION DATED:

Licence No	LP1000735
Name	BEST FOODS
Address	129 OXFORD ROAD READING, RG1 7UH
Type	Premises Licence Club Premises Certificate

Licence Inspection

Summary on Display: Yes No Correct Part A/Conditions held at Premises: Yes No

Premises Licence Holder: VOGARAJAH RAJMOHAN DPS: AS PLH

DPS as per Licence: Yes No DPS Present? Yes No

Correct home address Yes No UNKNOWN

PL valid Yes No UNKNOWN

If No, Reason: _____ Authorised Person: ?

Licensable Activities (Carried On)

Regulated Entertainment: Plays | Films | Indoor Sporting Events | Boxing/Wrestling | Live Music | Recorded Music | Performance of Dance | Anything Similar

Are there any gaming machines? If so, how many? N/A

Gaming permit produced and correct? N/A

Late Night Refreshment: Yes No Sale/Supply of Alcohol: Yes No Location: On Off Both

Does the Licence/Certificate permit activities carried on? Yes No

Conditions of Licence/Certificate

All conditions in breach except for condition 5 regarding age verification - No evidence that this is being

TOLD NOT TO SERVE ALCOHOL AT AUTHORIZATION NOT PROVED

Summary of Key Points Discussed

NO PROXIMATE AUTHORIZATION FOR SALE OF ALCOHOL OR PERSONAL LICENCE HOLDER CAN BE SHOWN.

NO MEMBER OF STAFF KNOWS HOW THEY HAVE BEEN AUTHORIZED AND AUTHORIZATION DOCUMENT IS ILLEGIBLE

Document Checklist

Age policy operated Section 57 Training Records Authorisation List

Awareness of the Licensing Objectives by Licence Holder/DPS: A - Good | B - Fair | C - Bad (Circle if Appropriate)

Inspection Outcome: Satisfactory Unsatisfactory Staff member

Lead Authority Inspecting Officer(s): PL 5787 WHEELER

Signature of licensee or representative(s): P. LITTLE

Date of inspection: 07/09/2017



CONTINUATION SHEET OF ISSUES DISCUSSED:

Misc:

Alcohol suppliers U/K
 Fire risk assessment U/K. NO PAPERWORK
 Staff training U/K
 Best practice NONE
 Cctv time/date U/K.

NISHANTH RAMMOHAN

Personal licence "no" =

Who actually alcohol sale - Manager who is ill
 (Don't know his name) !!
 Is manager personal licence holder? No. See.

Training records - no. See.

PERSON STATED THAT PERSON IN CHARGE IS NISHAN (SON
 OF DEE + PLY) AS ABOVE NR KNOW NOTHING ABOUT
 LICENSING; STATED FATHER IN SRI LANKA AND PERSON
 (MANAGER) IN CHARGE LIKELY AUTHORISES ALCOHOL SALES.
 THE MANAGER IS OFF SICK AND NR DOESN'T EVEN
 KNOW HIS NAME !!!

LISTONE PERIS -

TRAINING TO SEE ALCOHOL? - NEVER HAD IT

PREVIOUSLY CANCELLED BY MR FINNEN NO CONTROL
 AT THAT POINT

DIAG EXAMINED ALCOHOL CASE UNIT CEASE

Narancic, Peter

From: Menghis Semhar <Semhar.Menghis1@homeoffice.gsi.gov.uk>
Sent: 17 November 2017 14:03
To: French, Richard
Subject: RE: 2 x Review Applications - Reading Borough Council

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

Please see our reps below

On 07/09/2017-Best Foods, 129 Oxford Road, Reading, RG1 7UU was visited. Entry was gained under S.179 of Licensing Act 2003 (as amended by 2016 IA) at 16.20 hrs. 3 staff cleared, 1 x male at butcher's counter was found to be a previously served clandestine FAS double absconder who had no permission to work in the UK. Civil penalty referral notice to be served on owners of shop. No right to rent action as criteria not met. The male was arrested and detained.

On 21/01/2015-Address visited and warrant executed at 15.41hrs, two female members of staff encountered towards the front of the shop – one being behind the till. One female was cleared having valid leave as Tier 2 dependent, the other female was cleared as a curtailed student leave on code 2 conditions with her 60 days due to expire on 16/03/2015. Two males were encountered at the back of the shop, one serving at the meat counter, the other stacking shelves. The first male was cleared as having leave as a Tier 2 Dependent until 31/05/17 and the last male was discovered to have been previously served as EWOL on 29/04/08, and had made a claim for asylum. Further submissions had been made for this claim in Oct 2014. Subject provided ARC card which clearly stated no employment. Subject was otherwise adhering to conditions of TR and so was not arrested but escorted from the premises. Referral notice served to one of the female members of staff. Referral notice served with one name on it.

There is a penalty for £21,388.82 outstanding.

[REDACTED]

Semhar Menghis
Home Office
Interventions and Sanctions Directorate | The Central Team | Immigration Enforcement
Apollo House | 3rd Floor | 36 Wellesley Rd | Croydon | CR9
2BY☎: 02087608134✉:Semhar.menghis1@homeoffice.gsi.gov.uk

From: French, Richard [mailto:Richard.French@reading.gov.uk]
Sent: 25 October 2017 12:31
To: ISD Alcohol Licensing; Wheeler Simon; 'licensing@thamesvalley.pnn.police.uk'; Planning Administration;

Name of Officer	Francisca Makombe
Type of Application	Review of Premises Licence - Licensing Act 2003
Name of Premises	Best Foods
Address	129 Oxford Road
	Reading
Postcode	RG1 7UU
Content of Application:	
Review of premises licence under Licensing Act 2003 submitted by the Licensing Authority for Best Foods at 129 Oxford Road, Reading, RG1 7UU.	
Environmental Health Officer's Comments:	
Environmental Health/Food & Safety wish to make representation in support of the licensing team's review of Best Foods located at 129 Oxford Road, Reading, RG1 7UU because the Food & Safety Team are of the opinion that the premises undermines the promotion of the licensing objectives - in particular that of public safety.	
<u>Background</u>	
The Food & Safety Team sit within the Environmental Health Department and have a duty to ensure the public health and safety within the borough. The Food Safety Team within RBC have several areas of responsibility in order to do this, these are:	
<ul style="list-style-type: none"> • Food Safety <ul style="list-style-type: none"> ○ undertaking statutory inspection and enforcement of food businesses registered within the borough; ○ Investigation of food complaints and food alerts which originate within the borough ○ Investigation of food borne illness • Health and Safety <ul style="list-style-type: none"> ○ Investigation of accidents, dangerous occurrences and near misses in relation to the health, safety and welfare of employees and the wider public arising from businesses within the area; 	

The following criteria are a summary of legal requirements for all food businesses:

- Implementation of a food safety management system - this includes identification, control and management of risks to food safety. This should be a written system subject to periodic review and will require monitoring of critical controls. The legislation permits for flexibility which means that low risk premises handling minimal high-risk foods, e.g. fresh milk, do not need to implement the same system that a high risk manufacturer of cook-chill foods would;
- Staff must have received training or instruction and supervision regarding food hygiene matters;
- Provide hand washing facilities - hot water, soap and hygienic hand drying;
- Provision of food and equipment washing facilities;
- Surfaces, walls and floors should be smooth, impervious and easy to clean;
- Food must be able to be kept at the appropriate temperature;
- Premises and foods should be free from pests;
- Premises must be maintained in a clean condition;
- Food must be protected from contamination
- Staff should demonstrate good personal hygiene to prevent food from contamination;
- Traceability - Businesses must be able to demonstrate where food has come from and where it is going to (one step either way)
- The layout and design of premises must prevent accumulation of dirt and permit good hygiene practices including prevention of contamination;
- Suitable ventilation to prevent airborne contamination to food or clean areas
- Toilet facilities must be provided, they must not open directly into a food room;
- Separate storage of cleaning chemicals
- Drainage must be suitable and adequate for the business

The Food & Safety team follow the relevant enforcement codes and policies when determining action to be taken. This is usually escalated over time however depending on conditions found it may be necessary to take more forceful action at an earlier stage. Typically businesses will receive the following enforcement action where deemed necessary:

- Informal action - written report form, verbal recommendations;
- Formal written action - letter
- Legal notices - Improvement Notice

- Legal action - prosecution, simple caution

Officers also have available to them Prohibition notices to take immediate action where there is an imminent risk to health or risk of injury in terms of health and safety. In relation to food matters, a Hygiene Emergency Prohibition Notice can be served where an officer believes that without such action there is a high likelihood that harm to a consumer could result.

Best Foods

The food business, Best Foods was first registered with the Council in 2009 under the ownership of Yogarajah Rajmohan whom is the known licence holder and DPS. The premises is known to the Food & Safety team as a poor performing business and a number of interventions have been carried out over time which have unfortunately achieved little long term improvement.

Most recently a routine food hygiene inspection was carried out on the 20th September 2017 with a follow-up revisit on the 27th October 2017. On the 20th September the premises was rated 1 out of 5 indicating that a major improvement to the premises was needed with regard food hygiene matters. At the time of inspection evidence of major non - compliance with legal requirements was found:

There was evidence of poor management of staff, there was no food safety management system in place for the business and there was no evidence of formal staff training. At the time of inspection there was no manager on site and the food business operator was not present. In the absence of formal training this means that there was no supervision available to staff for food hygiene matters which are legally required. The council had previously provided the business with a retail pack, on several occasions, which provides an adequate management system for this retail environment, this had not been completed. A document known as 'Safer Food Better Business' is a nationally available food safety management system which would be suitable for food retailers, this document is free of charge and can be downloaded online, packs are also available in the Council offices should business request. This had not been obtained by the business. A review of previous council interventions indicates that there has not been a completed food safety management system in place throughout ownership of the premises. This demonstrates that despite multiple attempts to help the business comply they continue unwilling to meet the requirements of the law. Businesses are legally required to have a food safety management system in place, based on the principles of hazard analysis, in order to demonstrate that they have identified, understand and controlled the hazards on site in order to ensure public safety.

There was evidence of poor standard of equipment cleaning and housekeeping. It was evident that cleaning was not been carried out, as the store was overly stocked with some items stocked directly on the floor and there were some old rat droppings found on shelving in the front section of the premises. From their pest control contractors report they failed to follow instructions from them such as cleaning food debris underneath racking and fridges, clearing out waste outside to minimise flies and picking up waste outside the front of the building and not to stock products directly on the floor. Food businesses are required to maintain their premises in a clean condition and for it to be designed and laid out so that it can be cleaned. Businesses are required to prevent the entrance of pests to food premises and not to allow contamination of food by pests or other means. Presence of pest droppings indicates that they have not adequately proofed their premises

and have exposed food to risk of contamination.

There was no hot water to the wash hand basin within the staff toilet. Staff must be able to thoroughly wash and dry their hands after using the toilet and be able to demonstrate good personal hygiene to prevent contamination to food during preparation and handling.

There was evidence of structural disrepair of flooring and ceiling. Missing floor/ceiling tiles are likely to cause accumulation of dirt if not repaired. The rear area had a large population of flies i.e. near waste provisions; this could lead to cross contamination of food items in the store if not controlled and further demonstrates failure to pest proof the premises.

At the end of inspection the premises was issued a report form outlining legal requirements to be carried out. A revisit to the premises was carried out on 27 October 2017, at the time of revisit some improvement in cleaning had been found however further cleaning was still required, waste was not adequately stored so as to prevent attracting pests to the premises and structural repairs were outstanding.

The premises has a history of poor compliance and a large number of complaints relating to poor hygiene conditions have been received by the Food & Safety Team, I outline a brief summary of interventions below:

In 2016 the premises was inspected and given a food hygiene score of 1 out of 5 indicating that major improvement is required. The inspecting officer found there to be no training in place, no food safety management system, no provisions to monitor food temperatures, failure to adequately manage pests, poor cleaning throughout, and poor equipment cleaning. A revisit was carried out and inadequate progress to rectify these matters had been completed.

In 2013 the premises was inspected and given a food hygiene score of 2 out of 5 indicating that improvement was required. Poor cleaning was found throughout the premises; there was no evidence of staff training and incorrect storage of food. The band saw was found being operated without guarding which presents a risk of injury and amputation to users.

In 2011 the premises was inspected and given a food hygiene score of 0 out of 5 indicating that Urgent Improvement was necessary. Rat activity was evident at the time of inspection and a deep clean of the whole premises was required. There was no evidence of food hygiene training and out of date food, which is unsafe, was removed from sale. There was no temperature monitoring in place and poor management with high fly activity. Subsequent revisits were carried out and a health and safety prohibition notice was served in 2012 due to use of a unguarded band saw which could lead to injury or amputation of users.

In 2010 the premises was issued 2 Hygiene Improvement Notices requiring hot water to be provided to the premises and for a food safety management system to be implemented. At the time of these interventions the owner was also operating butchery from within the premises and had not taken measures to control or manage the risk of cross-contamination that handling of raw meat presents to other food products.

In 2009 the premises was inspected and issued a food hygiene score of 0 out of 5

indicating that Urgent Improvement was necessary.

Summary and Recommendation:

The Food & Safety team have serious concerns regarding the management of this premises and it's undermining of the licensing objectives namely the objective of public safety. Since Mr Rajmahan has been responsible for Best Foods there have been a number of interventions carried out at the premises in order to safeguard public safety. Despite these interventions the premises continues to not comply with food legislation and has not adequately addressed the matters that have been brought to their attention. This aside the food business operator is responsible for adhering to the legal requirements. The premises has been and continues to be poorly managed and presents a risk to public safety.

The following are attached:

Inspection form and report form dated 20/09/2017

Date Received		Date Due	22/11/2017
----------------------	--	-----------------	------------

Date	22	11	2017
-------------	----	----	------

Name: Best Foods

Insp Date: 20/9/2017



Address: 129 Oxford Road, Reading

Announced inspection? Y N Officer: Fm1

FLARE DATABASE CODES INU Type (R) routine inspection; S- V&S visit (Partial Inspection); X: Non Official Control (educa/intel) BC Cat D/E alternate with OOC; J ceased trading (food premise ceased trading 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, F55-Revisit, Code-food reg sent/left/checked (G48) 2nd person, FT1-leaflets left/sent, 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; FAR Sous vide; FAS-Sushi

Item	Detail	Description	Scheduled Date	Actual Date	Officer	Time
1	R	Routine inspection				
2	F50	FH written warning IRF		20/9/17	Fm1	1230
3	G48	A41 2nd Person		20/9/17	Fm1	1230
4	F35	Revisit	26/10/17	20/9/17	A91	1230

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	Preparation High Risk Foods
40/D	Manufacture high Risk foods
METHOD OF PROCESSING	
(0/A)	None
0/A	High Risk Activities, Cook/Chill foods; Air drying ie. biltong; low acid foods; add salt or preservatives; sushi, rare burgers; vacuum & sous vide packing; Retail & small producers of cooked meats
OR	
20/B	
CONSUMERS AT RISK	
0/A	Very Few
(5/B)	Few
10/C	Intermediate
15/D	Substantial
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	Stock taking is poor
(10/C)	Stock on the floor
15/D	
20/E	
25/F	
STRUCTURAL (see COP)	
0/A	Reason:
5/B	Dirty premises
10/C	Structural defects - ceiling
15/D	No running hot water
(20/E)	Evidence of gnat droppings
25/F	Rear area dirty
CONFIDENCE IN MANAGEMENT (see COP)	
0/A	Reason:
5/B	No manager on site
10/C	Retail pack not completed
(20/D)	Pest control not
30/E	adhered to
(0/A)	Significance of Risk of food being contaminated.
OR	
20/B	
TOTAL	
6	5
B	A
B	A
C	E
D	A

Inspection Summary

File Comments from last visit incl any complaints to follow up since last insp:
 11/5/17 Prohibition notice 20/2/17 Band saw Fsm's
 10/5/20 HWS - NO washbasin 20p cleaning
 NO Fsm's 2010 Pest control
 NO running water 2010

Risk Rating of Premises of past 4 FH? 0

Owners name on existing food reg: Yogargjan Rajmohan

PAP for FH? Y N PAP name?

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

Range of foods incl online sales:
Fresh veg's, fruit, frozen fish, dry/tinned goods

Method of processing? None

Preferred language(s): English

Number of customers/meals: min max

Premises used by other bodies? Y N Who?: Selva Sea Food Butchers

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. This is an S type inspection. Highlight which areas audited i.e. food hygiene, structural, CIA or audit

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

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

Suggested areas for focus on for next partial inspection:
Cleaning
Pest control
Structure } Reoccurring issues

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

Sampling to be undertaken during next visit: Y N

Discussion /submission to PAP Y N

Change in FHRS rating (if zero/one rating has revisit been scheduled) Y N

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

5 given

Qualitative Review : Name & Signed: ADRECALA GUEZ Position: SENO Date: 2/10/17

Comments:

18833

Part 1: Suppliers:

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

Exotic Superstore - Veggies
 Diamond Food and Fish
 Prawn, Banana, Curry leaves - Tropic International Pvt Ltd
 Aam - Cash and Curry Water d

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) In house 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	Cert Y/N
A=Handle LRFs & wrapped food	a Ashwini Nark				<input checked="" type="checkbox"/>
B=Handle open HRFs	b Lison Ferris				<input checked="" type="checkbox"/>
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:
 Has some awareness of stock taking, Temperature Control
 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)
 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"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Storage (chill/ frozen)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Preparation						
Cooking & Reheating						
Cooling						
Hot holding						
Cold Service						
Delivery Transport						

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

3.18 General Comments on FSMS

Retail Pack on site (only completing the temperature records but not signing off the other parts of the pack.

3.19 Overall HACCP Compliant (Article 5): Y/N Proposed Action if N: Manager to sign the Retail Pack

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?	✓	4.12 Windows constructed to prevent accumulation of dirt?	N/A
4.2 Layout of premises permits GHP?	✓	4.13 Equipment in good repair/condition?	N/A
4.3 Drainage satisfactory?	✓	4.14 Food containers in good repair/condition? Cleaned & disinfected if reused? <input checked="" type="checkbox"/>	N/A
4.4 Lighting suitable?	✓	4.15 Food packaging stored in clean area? Dirty Storage <input checked="" type="checkbox"/>	⊗
4.5 Ventilation satisfactory?	✓	Pest Prevention & Control	
4.6 Suitable sanitary accommodation? Ventilated lobby? No Hot water in WC <input checked="" type="checkbox"/>	⊗	4.16 Structure ok? No proofing required. Door opened <input checked="" type="checkbox"/>	⊗
4.7 Provision of suitable changing facilities?	✓	4.17 No Signs of infestation? old droppings <input checked="" type="checkbox"/>	⊗
Food Room Requirements			
4.8 Adequate number of wash hand basins with hot & cold water, soap & hand drying facilities?	✓	4.18 Pest control contractor? Rokill files Name: 31812017 Frequency: Quarterly Type: Rodents/ Cockroaches/ Flies <input checked="" type="checkbox"/>	✓
4.9 Adequate facilities for: Cleaning utensils/equip? (H+C water, 2 sinks or 1+ dishwasher (full cycle uninterrupted) or equivalent?) <input checked="" type="checkbox"/> Washing food? (if dual use, system for cleaning?) N/A	✓	4.19 Log book/Diary examined? Last visit date: 3/8/2017	✓
4.10 Ceilings & overhead fixtures prevent accumulation of dirt, formation of mould/condensation & shedding of particles? <input checked="" type="checkbox"/>	⊗	4.20 Any actions from checks addressed? <input checked="" type="checkbox"/>	⊗
4.11 Are the following in sound condition & easy to clean/disinfect?		4.21 Or is in house system suitable? Frequency of checks? Recorded? NU <input checked="" type="checkbox"/>	⊗
Floors <input checked="" type="checkbox"/>	⊗	Vehicles	
Walls <input checked="" type="checkbox"/>	⊗	4.22 Vehicle seen, clean, good repair and condition? Note registration of vehicle:	
Doors <input checked="" type="checkbox"/>	⊗	4.23 Adequate temp controlled storage space?	
Food contact surfaces <input checked="" type="checkbox"/>	⊗	4.24 Designated areas for raw and RTE	

Part 5: Operational			
Cleaning			
5.1 Premises clean? <input checked="" type="checkbox"/>	⊗	5.13 Contaminated e.g. raw meat cardboard used/disposed of appropriately?	N/A
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?	N/A
5.3 Food contact surfaces & equipment clean? (Remember ice machine & soda gun) <input checked="" type="checkbox"/>	⊗	5.15 Staff aware of food allergens and appropriate controls?	N/A
5.4 All hand contact surfaces clean? <input checked="" type="checkbox"/>	⊗	Stock Control	
5.5 Suitable chemicals and materials for cleaning? List: Mr Muscle <input checked="" type="checkbox"/>	⊗	5.16 Products date labelled where necessary?	✓
5.6 Disinfectant/Sanitiser meet BS EN 1276:1997 or BS EN 13697:2001? <input checked="" type="checkbox"/>	⊗	5.17 Manufacturers & in house dates all ok? <input checked="" type="checkbox"/>	⊗
5.7 Cleaning chemicals properly stored? <input checked="" type="checkbox"/>	✓	Personal Hygiene	
5.8 Cleaning schedule in place & implemented? <input checked="" type="checkbox"/>	⊗	5.18 Good standards of personal hygiene observed? Discussed	
5.9 Two stage cleaning? Visibly clean then disinfect, consider contact time, correct dilution <input checked="" type="checkbox"/>	⊗	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 Discussed	
5.10 Suitable cloth management? - Sep cleaning cloths, sponges, mops? - Are reusable cloths machine washed machine wused? <input checked="" type="checkbox"/>	✓	5.20 Aware of appropriate glove use?	N/A
Food Contamination			
5.11 All foods covered? <input checked="" type="checkbox"/>	✓	5.21 Staff fit to work & know 48 hr rule?	⊗
5.12 Appropriate controls to prevent cross-contamination e.g. - Different equip? (unless disinfected in dishwasher) - No dual use of complex equipment unless dismantle - Dual use of easy clean equipment – cleaning safely - 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?	✓	5.22 Changing 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?	N/A ⊗ N/A ⊗
		Complaints/Incidents	
		5.26 Procedures/recent complaints all ok?	N/A
		5.27 How are customer complaints handled?	N/A
		Pest Control Recommendation Clean waste outside on floor Clean large amount of food on floor Stock on floor Flies (outside)	

71 Rokill Pest Control Services
01472 660001

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) - Separation of raw meat/fish & eggs - Disposal via approved contractor - Detailed records kept (what collected, weight, destination, transport, date - NB - Kept for 2 years)	
5.29 Cooking oil? Stored properly. No spillage. Collected by authorised collector			
5.30 Outside bin area tidy? etc	(X)	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?	✓	6.4 Able to demonstrate conformance with 2hr rule for hot hold?	N/A
6.2 Is cooling done safely?	N/A	6.5 Devices for temperature monitoring?	✓
6.3 Does the business prepare fish to consume raw /lightly cooked e.g. sushi/sashimi? (Check that fish is frozen at -20°C for at least 24 hrs?) Documentation from FBO carrying out freezing process? Detail in comments box. Does not apply to FARMED salmon, Atlantic halibut, rainbow trout. Has to be these fish +FARMED +cultured from embryos + fed on parasite free diet	NO	6.6 Use of independent thermometer? (Probe and/or storage thermometers)	✓
		6.7 Adequate sanitisation?	N/A
		6.8 Thermometer calibration?	(X)

6.11 Officers Temperature Checks

Equipment	Location	Temp °C	Product	Location	Temp °C
a. Chiller	shop	7	d. freezer		-34
b. freezer	shop	-28	e		
c. freezer	shop	-22	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	N/A	7.7 Supplier control and approval system?	✓
7.4 Discuss if approval required? (supply to other businesses)	NO	7.8 No SRM on premises (only blue strips on labels of bovine carcasses)	N/A
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? NO			

7.10 Imported Foods

Are there any imported foods? Yes

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.		
b.		

7.11 Notes/Diagrams

Paan leaves - Export by Meridian focus (Thailand) Co Ltd
 Scientific Name: Piper Betel Linn - Watford

Banana leaves: Tropic Inter put Ltd
~~Exotic Market~~ Best Quality Tropical Pro

Curry Leaves: ~~Exotic Market~~ Best Quality Tropical Product

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 Best Foods Business Type Retail

Address 124 Oxford Road, Reading

Registered Office Address As above

Email..... Tel/mobile.....

Person Seen Ashwin Nark Position Assistant

Name of Food Business Operator/Dutyholder..... Rina Area

Business days & hours 7am - 11pm Areas Checked Shop, Basement, Staff io, Retail Pack

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

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

L/R	S/FH/CIM	FStd/H&S	Comments
L	FS		There was some evidence of pest activity (old rat droppings) throughout to remove food debris which could attract pests (immediately).
L	S		You need to clean the premises using a two stage cleaning, Clean using hot water and soap and then disinfect using a British standard sanitiser e.g CleanPro or Jangro (immediately)
L	SIM		The Pest control contractor has mentioned in this report that under the equipment there is food debris and that stock is directly on the floor.

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

Food Hygiene Rating Criteria Assessed	SCORE						Your Premises Rating is
	Good				Poor		
Compliance with food safety procedures	0	5	10	15	20	25	1
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 F. Marouf Signature F. Marouf Designation EMO

2nd Officer Name A. Nark Signature..... Designation Senior PO

Date & Time 20/1/14 1.250 am/pm. Telephone No: 0118 937..... 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 Ashwin Nark Name Ashwin Nark Job Title Shop Assistant

Note: This report describes those matters requiring attention. The report only covers the areas inspected at the time of the visit. Any queries about 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 Licensing, Food & Safety Manager at: Environmental Health (Food & Safety), Reading Borough Council, Civic Offices, Bridge Street, Reading. RG1 2LU or email: consumerprotection@reading.gov.uk

CONTINUATION SHEET

Name of Premises Best Foods Address 129 Oxford Rd, Reading

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	
		continued: -
L	S/FH	You must not stock food directly on the floor. The shop is overly stocked. You must store food items appropriately on the designated shelves. Excess stock must be stored in the storeroom. This is to facilitate cleaning immediately
L	S	The storeroom in the basement was dirty and disorganised. Thoroughly clean and organise accordingly (immediately).
L	S	The kitchen area, toilet was dirty and disorganised. Thoroughly clean and organise accordingly. (immediately).
L	S	There was no running hot water in the toilet. Repair or reinstate hot water (immediately)
L	S	The ceiling tiles must be replaced (4 weeks)
L	FH	Noted one of your staff members removing a lot of items that were passed their past use date. You must do stock taking regularly and train staff to do this (immediately).

Action Proposed: See Sheet One

Name of Officer Frankie Makoua Signature F Makoua Date & Time 20/9/2017

I have taken note and understand all aspects of work discussed with the Inspecting Officer 17.50

Signed [Signature] Job Title Shop Assistant

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

Narancic, Peter

From: [REDACTED]
Sent: 08 November 2017 17:36
To: Licensing
Subject: Best Foods, Premises License review - RF dealt

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

Dear Licensing Team

Please note the following representation on behalf of the Oxford Road Neighbourhood Action Group with respect to the application for premises license review relating to Best Foods, 129 Oxford Road, Reading.

The Oxford Road Neighbourhood Action Group ("The NAG") deals regularly with concerns from local residents relating to alcohol-related Anti-Social Behaviour, which manifests itself in the presence of noisy street drinkers, urination and worse in the streets and minor acts of criminal damage. Much of the alcohol consumed in the street is purchased from off-licenses along Oxford Road.

The NAG wholeheartedly supports the Licensing Authority and TVP in their licensing enforcement activity.

It is vital that the operators of off-licenses in the area are aware of the conditions of their licenses, and understand their role in the promotion of the licensing objectives. It is plain that in the case of Best Foods, there is no such awareness and indeed, an apparent disregard of their obligations.

It is particularly worrying that no visible age verification scheme is in operation, and that staff are not properly authorised and trained in the sale of alcohol, and as such could not be relied on to refuse sale of alcohol to intoxicated persons - which is a vital step in reducing street drinking.

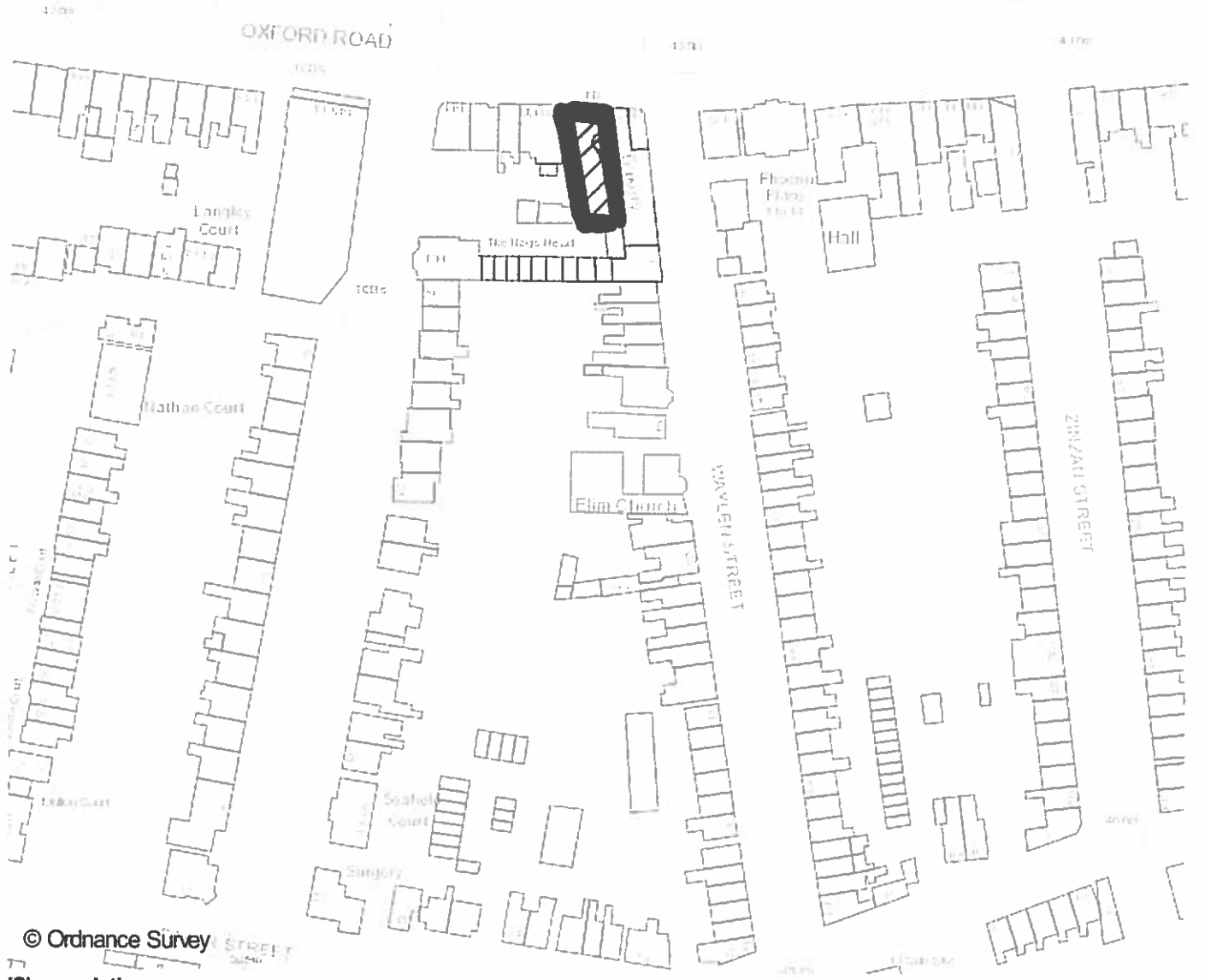
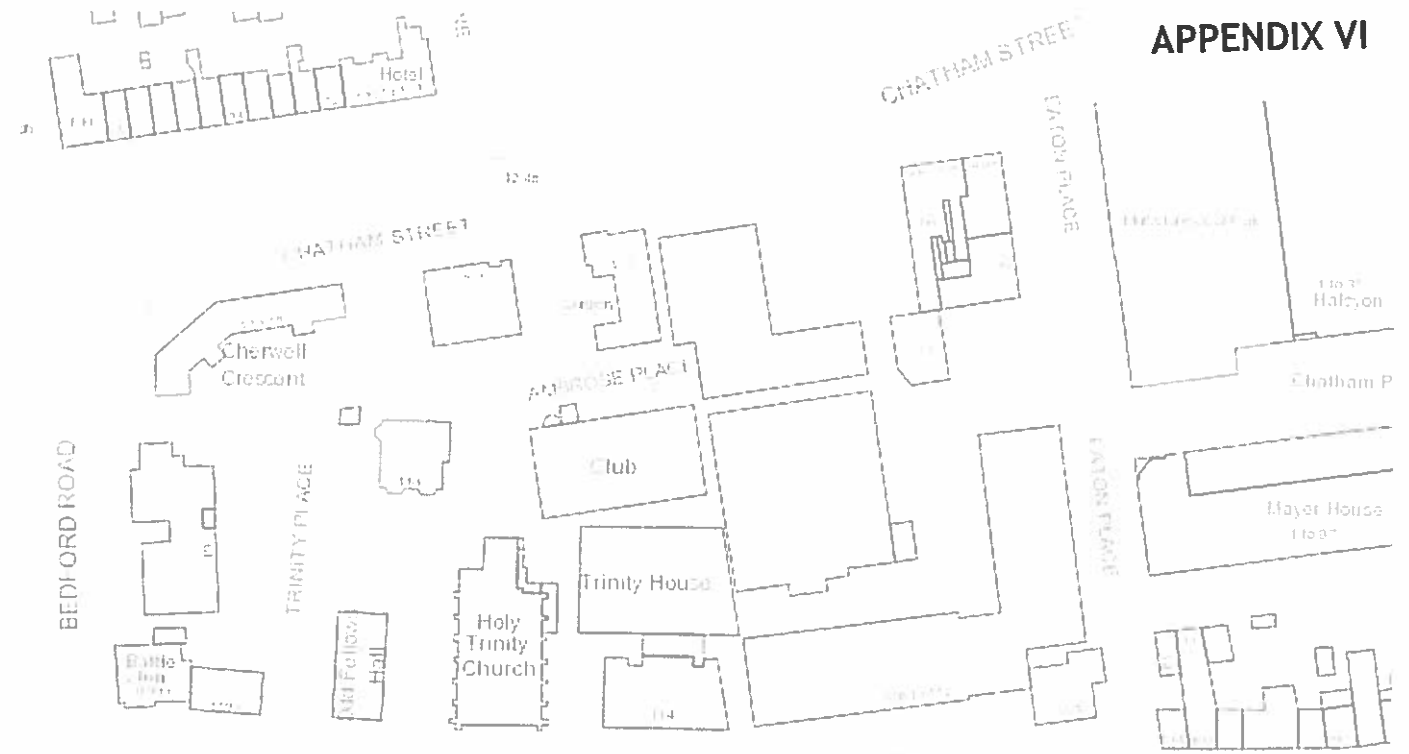
The licensing objectives of the protection of children from harm, and the prevention of crime and disorder are not being upheld in this case.

As a result of these failures, and the licensee's apparent disregard of his obligations, the NAG supports the licensing authority's application for the premises license to be revoked.

Regards

Peter Bowyer
Chair, Oxford Road NAG

APPENDIX VI



© Ordnance Survey

iShare printing

Scale: 1:1417

Printed on: 20/11/2017 at 10:55 AM



© Crown copyright and database rights 2017 Ordnance Survey 100019672

LICENSING ACT 2003
SCHEDULE 12
PART A

PREMISES LICENCE

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

Premises Licence Number	LP1000735
--------------------------------	------------------

Premises Details

Trading name of Premises and Address	
Best Foods 129 Oxford Road Reading Berkshire RG1 7UU	
Telephone Number	01189 505289

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

Licensable Activities

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

Authorised Hours for Licensable Activities

The times the licence authorises the carrying out of licensable activities	
Hours for the Sale by Retail of Alcohol	
Monday	from 0700hrs until 2300hrs
Tuesday	from 0700hrs until 2300hrs
Wednesday	from 0700hrs until 2300hrs
Thursday	from 0700hrs until 2300hrs
Friday	from 0700hrs until 2300hrs
Saturday	from 0700hrs until 2300hrs
Sunday	from 0700hrs until 2300hrs

Opening Hours

Hours the Premises is Open to the Public

Monday	from 0700hrs until 2300hrs
Tuesday	from 0700hrs until 2300hrs
Wednesday	from 0700hrs until 2300hrs
Thursday	from 0700hrs until 2300hrs
Friday	from 0700hrs until 2300hrs
Saturday	from 0700hrs until 2300hrs
Sunday	from 0700hrs until 2300hrs

Alcohol

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

Sale of Alcohol by Retail - Off the Premises

Premises Licence Holder

Name, (registered) address of holder of premises licence

Name: Mr Yogarajah Rajmohan

Address: [REDACTED]

Additional Details

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

Name: Mr Yogarajah Rajmohan

Address: [REDACTED]

Telephone Number: 01189 505289

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: LP7000305

Issuing Authority: Reading Borough Council

This Licence shall continue in force from 22/07/2009 unless previously suspended or revoked.

Dated: 22 July 2009

Head of Environment & Consumer Services

Annex 1

Mandatory Conditions

Supply of Alcohol

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

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

Film Exhibitions

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

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

Door Supervisors

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

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

Responsible Drink Promotions (commencement date 01/10/2014)

- 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) “valued 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

General

1. 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 incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded.
2. The Premises Licence Holder shall ensure that a system is in place, and is used to prevent any customer who attempts to purchase alcohol and who appears to the staff member to be under the age of 25 years, without having first provided identification. Only a valid British drivers license showing a photograph of the person, a valid passport or proof of age card showing the Pass hologram are to be accepted as identification.
3. The premises shall have installed prior to the premises selling alcohol, a digitally recorded CCTV system. 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.
4. The Premise License holder, Designated Premises Supervisor or their nominee shall be an active member in the Local Oxford Road Pubwatch scheme if one is operative in the area.
5. The Designated Premises Supervisor will display in a prominent position a copy of their policy on checking proof of age.
6. The Premises Licence Holder or Designated Premises Licence Holder shall ensure staff receive training on a regular basis 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.

Annex 3

Conditions attached after a hearing by the Licensing Authority

N/A

Annex 4

Plans

As attached plan dated 12/01/2009