

LICENSING ACT 2003 HEARING TUESDAY 24 APRIL 2018 @1700HRS

APPLICATION FOR THE GRANT OF A PREMISES LICENCE

1. Premises:

Grand Palace
43-45 Oxford Road
Reading
RG1 7QG

2. Applicant:

Oxford Delight Limited
19 London Road
Reading
RG1 5BJ

3. Premises Licence:

There is currently no premises licence in place. The previous licence for the China Palace was revoked by the Licensing Committee on 14 November 2017 due to a number of issues which included the employment of illegal workers. The premises licence holder did not appeal the decision and the licence lapsed on 18 December 2017. The premises are located in the town centre within the Councils' Cumulative Impact Area.

4. Proposed licensable activities and hours:

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

Sale of Alcohol (On the premises)

Monday to Sunday 12:00 to 03:00 hours

Late Night Refreshment (On the premises)

Monday to Sunday 23:00 to 03:00 hours

Regulated Entertainment

Monday to Sunday 23:00 to 03:00 hours

Provision of Films

Monday to Sunday 12:00 to 03:00 hours

Hours open to the public

Monday to Sunday 12:00 to 03:30 hours

5. Temporary Event Notices

In considering any application the Licensing Authority should be aware of the possible use of Temporary Event Notices to extend entertainment activities or hours of operation. A premises may extend the hours or scope of their operation by the use of Temporary Event Notices. Up to 15 events per year can be held under this provision at a particular premises. These

events may last for up to 168 hours provided less than 500 people are accommodated and provided the total number of days used for these events does not exceed 21 per year.

6. Date of receipt of application: 6 March 2018

A copy of the application form is attached as [Appendix PN1](#)

7. Date of closure of period for representations: 3 April 2018

8. Representations received:

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

Reading Borough Council Licensing Team. A copy is attached at [Appendix PN2](#)

Reading Borough Council Environmental Health team. A copy is attached at [Appendix PN3](#)

Thames Valley Police. A copy is attached at [Appendix PN4](#)

Home Office Immigration. A copy is attached at [Appendix PN5](#)

A representation from Reading Borough Council Environmental Protection (Noise) team was received however was withdrawn following agreement of conditions with the applicant. A copy of these conditions are attached at [Appendix PN6](#)

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

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

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

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

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

The Council's Licensing Policy Statement:

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.

8. Cumulative Impact And Need

8.1 Cumulative Impact Policy (CIP)

8.1.1 "Cumulative impact" for the purposes of this policy means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, this may include the potential impact on crime and disorder or public nuisance on an area that a large concentration of licensed premises may have.

8.1.2 The cumulative impact of licensed premises is a proper matter for the Authority to take into account in discharging its licensing functions and in developing its licensing policy statement. This should not however be confused with 'need' which relates more to the commercial demand for a particular type of premises e.g. a pub, restaurant or hotel. The issue of 'need' does not form part of this licensing policy statement.

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

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

8.1.6 It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. Proper regard will be

had to those differences and the impact they are likely to have on the local community.

8.1.7 The Authority is keen to stress that as well as the licensing function there are a number of other mechanisms for addressing issues of unruly behaviour which occur away from licensed premises. These include:

- (a) planning controls;
- (b) ongoing measures to provide a safer and cleaner environment in partnership with local businesses and others;
- (c) the provision of CCTV surveillance in the town centre, provision of taxi ranks, provision of public toilets, street cleaning and sweeping;
- (d) powers to designate parts of the Borough as places where alcohol may not be consumed publicly;
- (e) confiscation of alcohol from adults and others in designated areas;
- (f) the prosecution of any personal licence holder or member of staff at who is selling alcohol to people who are drunk;
- (g) police enforcement of the law with regard to disorder and anti-social behaviour;
- (h) police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise;

8.1.8 The Authority will address a number of these issues through the Reading Community Safety Partnership in line with the strategic objectives for crime and disorder reduction within the Borough.

8.1.9 The effect of keeping the cumulative impact policy, is to create a rebuttable presumption that applications for new premises licences and club premises certificates or material variations, will be refused, if relevant representations are received. A rebuttable presumption is not a presumption that is absolute; it is a presumption that may be overturned if sufficient evidence can be provided against the presumption. Appendix C to this reports list a number of policies and conditions that could be included in an operating schedule and considered by the council.

8.1.10 Applications, which are unlikely to have a negative effect on the licensing objectives, are unlikely to illicit relevant representations. They, therefore, are unlikely to progress to a hearing, with the consequence that they are likely to be granted by officers under delegated powers.

8.1.11 Where during the application for the grant or variation of a premises licence or club premises certificate, responsible authorities or interested parties are concerned that the licensing objectives will be impacted upon,

there are likely to be relevant representations, which would lead to the application proceeding to a hearing. If at that hearing, an applicant is able to rebut the presumption of refusal by demonstrating there will be no negative impact on the licensing objectives, a licence can still be granted. However, if the presumption cannot be rebutted, the application is likely to be refused.

8.2 Reasons for the CIP approach

8.2.1 The cumulative impact policy is a highly significant measure, because it creates a presumption against a particular form of economic development, and therefore, as a matter of good regulation a policy should not be renewed unless there is a sound reason to do so.

8.2.2 The Council has undertaken research in respect of Reading town centre that has identified high concentrations of licensed premises and high levels of crime for offence types that are associated with the night-time economy, alcohol and licensed premises.

8.2.3 Of the high number of licensed premises in Reading town centre, the majority are well run. However, the sheer volume and concentration of premises is having a negative impact on the licensing objectives.

8.2.4 As a result, the Council, acting as the Licensing Authority for Reading, after considering evidence of crime and looking at concentrations of licensed premises in the borough, is satisfied that it is appropriate to keep a CIP in the town centre in order to promote the licensing objectives.

8.2.5 The Council and partner organisations already employ a range of mechanisms designed to prevent or limit the cumulative impact of any problems arising from premises and their customers behaving inappropriately or unlawfully once away from the premises. The measures currently employed include the provision of night bus services, the use of Taxi Marshals to supervise and control taxi ranks, the presence of Street Pastors in the town centre late at night at weekends to assist people who may be in difficulty, extensive CCTV coverage and monitoring of the town centre, regular joint operations to detect illegal taxis, active use of dispersal orders to improve the town centre environment, and the provision of 'Urilift' toilet facilities in the town centre for people visiting the town centre at night, in an attempt to cut down street urination.

8.3 Reading Central CIP Area

8.3.3 The council considers it appropriate to continue with the existing CIP. However, due to the redevelopment of Reading railway station and changes to pedestrian flows, the area north of the railway station which includes Vastern Road and Caversham Road may be considered as a possible extension to the town CIP. Should evidence emerge of a rise in crime and disorder in that area, the council will apply for an extension to the CIP following the Secretary of State's guidance in such matters.

8.4 General Approach to applications within the CIP area

8.4.1 The Secretary of State's Guidance under the Licensing Act 2003 suggests that Local Authorities can, within a cumulative impact area, adopt a policy of refusing all new licences subject to relevant representations and the rebuttable presumption as outlined at paragraph 8.1.9 above being made. It is not the Council's intention to adopt such a broad approach. To do so may operate disproportionately against some types of premises that are unlikely to undermine the licensing objectives and others which can operate without so doing earlier in the evening. The policy therefore takes a more targeted approach by focusing on certain types of operation and those that only operate beyond midnight. For certain types of premises which are not normally associated with undermining to the licensing objectives, the policy is neutral or even positive.

8.4.2 This policy has regard to Secretary of State's Guidance which does not support fixed terminal hours. The policy creates a presumption against some premises operating beyond a certain hour and this is an appropriate and proportionate response to the particular circumstances in the proposed Reading Central CIP area. This is considered preferable than refusing applications outright.

8.5 Application of this policy

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

8.5.2 The policy will only be applied where there have been relevant representations. Where there are no relevant representations, it is the duty of the licensing authority to grant the application subject to the conditions in the operating schedule and the mandatory conditions imposed by law.

8.5.3 The policy takes a different approach to different types of premises. In the case of applications for hybrid premises that would fall into more than one type, the predominant use will be taken for the purposes of the policy.

8.6 The Policy

8.6.1 Restaurants: where applications are made for restaurants to sell alcohol ancillary to the consumption of full table meals, it is not envisaged that negative impact on the licensing objectives would result and therefore the Authority will look favourably upon such applications.

Currently the crime statistics indicate that crime levels increase

8.6.8 Bars/Clubs/music and dancing venues: - Subject to

the rebuttable presumption as outlined at paragraph 8.1.9 above, the policy is to refuse applications for such premises. Experience has shown that venues which serve alcohol, often at low prices; provide limited seating for customers; provide facilities for music and dancing; and which are alcohol rather than food-led, have the strongest potential to have a negative impact on the licensing objectives and to add to cumulative impact. Applicants seeking to operate in the CIP area will need to demonstrate that detailed measures proposed in the operating schedule will result in no increase in crime and disorder.

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

Licensing Objectives and Aims:

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

They include:

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

Steps to promote the licensing objectives:

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

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

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

Section 8.40 states that applicants are expected to include positive proposals in how they will manage any potential risks. Where specific

policies, such as Cumulative Impact exist, the applicant should demonstrate within the operating schedule an understanding on how their proposals may impact that area.

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

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

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

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

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

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

The role of responsible authorities

9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

Representations from the police

9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with

regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

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.

Licensing Act 2003

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

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

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

Lic/grandpalacegrant24.04.2018/pn



Reading
Application for a premises licence
Licensing Act 2003

For help contact
licensing@reading.gov.uk
Telephone: 0118 937 3762

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

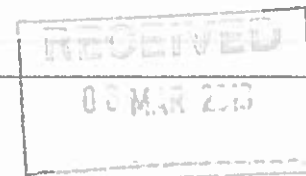
* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number



Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Director

Home country

United Kingdom

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Admin Building, Champion Business Park

Street

Arrowe Brook Road

District

City or town

Wirral

County or administrative area

Postcode

CH49 0AB

Country

United Kingdom

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Grand Palace

Street

43-45 Oxford Road

District

City or town

Reading

County or administrative area

Postcode

RG1 7QG

Country

United Kingdom

Further Details

Telephone number

Non-domestic rateable value of premises (£)

68,500

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c 14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

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

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

private limited company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /

* Nationality Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

- Grand Palace Restaurant will occupy three floors of 43-45 Oxford Road, Reading but use only the ground and first floor for licensable activity.
- The restaurant is under completely new ownership and management from the previous operator whose premises licence was revoked in 2017.
- The business will operate as an upmarket restaurant and bar catering for Chinese cuisine.

Continued from previous page...

The sale of alcohol for consumption on the premises will be primarily to complement the provision of food.

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the exhibition of films take place indoors or outdoors or both?

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

Indoors

Outdoors

Both

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

exhibition of moving images as part of karaoke system

State any seasonal variations for the exhibition of film

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Continued from previous page...

Standard Days And Timings

MONDAY

Start 23:00

End 03:00

Start

End

TUESDAY

Start 23:00

End 03:00

Start

End

WEDNESDAY

Start 23:00

End 03:00

Start

End

THURSDAY

Start 23:00

End 03:00

Start

End

FRIDAY

Start 23:00

End 03:00

Start

End

SATURDAY

Start 23:00

End 03:00

Start

End

SUNDAY

Start 23:00

End 03:00

Start

End

Give timings in 24 hour clock, (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Will the performance of live music take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Karaoke including amplification

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

SUNDAY

Start 23:00

End 03:00

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

amplified music to complement karaoke

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes

No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes

No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

none

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start 12:00

End 03:30

Start

End

WEDNESDAY

Start 12:00

End 03:30

Start

End

THURSDAY

Start 12:00

End 03:30

Start

End

FRIDAY

Start 12:00

End 03:30

Start

End

SATURDAY

Start 12:00

End 03:30

Start

End

SUNDAY

Start 12:00

End 03:30

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

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

a) General - all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

The licence holder, DPS, management and staff are mindful of the Cumulative Impact concerns of this part of Reading and will endeavour to create a business that offers no additional risk to the area and will act as a model of best practice and social responsibility to other premises that have caused or contributed to the council's restrictions. They will work in partnership with the authorities and local people alike in this respect. The staff will be fully authorised, equipped, trained and motivated in the task of promoting the licensing objectives. There will be:

- A written notice of 'authority' record for all staff who sell alcohol
- Adequate training for staff and records kept for inspection
- Contact details of the Designated Premises Supervisor available to staff and to the authorities
- Alcohol will be sold primarily to complement the provision of food

b) The prevention of crime and disorder

The management and staff will take all necessary steps to ensure that the premises remain free from crime and disorder and neither cause or contribute to crime & disorder in the area. This will include:

- Staffing levels maintained appropriately to ensure adequate security.
- High value items stored securely
- A policy of zero-tolerance to drugs and weapons at the premises
- A CCTV system shall be designed and installed in accordance with the recommendations of Thames Valley Police and the Licensing Authority.
- This system shall be in operation at all times when licensable activities are taking place.
- CCTV Recordings will be available for a minimum period of 28 days and handed to the police or duly authorised officers of the council upon request
- The CCTV system shall be secure and under the control of the premises licence holder or other named individual.
- Staff being trained on all security issues including how to identify and refuse service to customers that are drunk or appear to be drunk.
- Alcohol will not be allowed to leave the premises.

c) Public safety

The management and staff will have an effective policy to maintain a safe venue for customers and staff. Any risk to safety will be assessed before the premises are opened to the public each day and throughout the hours of operation. The DPS will liaise with the authorities to ensure that all aspects of public safety are adhered to. The policy will include:

- Ensuring that the entrance and any walkways within the premises are kept free from obstruction
- Appropriate fire fighting equipment being installed and maintained at the premises and staff trained in its use.
- Fire risk assessments being undertaken and acted upon in accordance with current recommendations and requirements.
- Effective lighting maintained and operated to ensure the safety of the public and staff

d) The prevention of public nuisance

The Licence holder, DPS and staff are mindful of the need to reduce the impact of any nuisance caused by the operation of the premises, will constantly assess the risk of public nuisance and take immediate steps to eliminate the problem. Conditions include:

- No light on or from the property shall be provided where that light causes a nuisance to nearby residents or businesses
- The premises and public areas nearby are kept free from litter associated with the operation of the business
- Satisfactory arrangements will be put in place to supervise an orderly dispersal of customers when leaving the property to ensure the minimum of noise and disturbance to local residents and businesses.
- Notices will be appropriately displayed, in a place where they can be easily read, asking customers to leave the premises and the area quietly and to dispose of waste responsibly
- Deliveries to and waste removal from the site are undertaken at a time and in a manner that does not cause disturbance
- Live or recorded music from regulated entertainment shall not be audible at the nearest noise sensitive property, so as to cause a disturbance to local residents or businesses
- The premises licence holder or his/her representative shall conduct regular assessments of the noise coming from the

Continued from previous page...

premises on each occasion they are used for regulated entertainment. Appropriate steps shall be taken to reduce the level of noise where it is found to be heard at the facade of the nearest residential property.

- Any complaints received about noise shall be logged and any appropriate remedial action taken as a matter of urgency.

e) The protection of children from harm

The premises will be promoted as family friendly and suitable for all ages. There will be no inappropriate entertainment, promotions, activities or behaviour tolerated at the premises that might put children at risk. There will be an effective age verification policy in accordance with the mandatory code. This policy will be one of Challenge 25 for age-restricted products and include:

- The display of notices relating to the policy within the premises.
- ~~These notices will indicate that any customer not appearing to have reached the age of 25 will be required to produce~~ appropriate identification proving that they have turned 18 before being sold alcohol.
- Appropriate ID will be a valid passport, photo driving licence, PASS accredited proof of age card or other reliable photo-ID that is recommended and approved for acceptance by the police or other authorities.
- Staff shall be trained in aspects of responsible alcohol retailing and in particular the Protection of Children including the Challenge 25 policy.
- Staff training will occur before a staff member is authorised to sell alcohol within the premises.
- Staff training records will be available for inspection by the police or other responsible authority upon request.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK (please see note below about which sections of the passport to copy).
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A ~~Certificate of Application, less than 6 months old,~~ issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

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

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- **Plays:** no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

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- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. The fee payable will be based on the rateable value of the property. Band A - 0 - 4300 - Fee Payable - 100 Band B - 4301 - 13,000 - Fee Payable - 190 Band C - 13,001 - 87,000 - Fee Payable - 315 Band D - 87,001 - 125,000 - Fee payable - 450 Band E - 125,001 and over - Fee payable - 635 Additional fees apply to outdoor events.

Fee amount (£)

315.00

DECLARATION

Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership) I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15)

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name

Michael Nickson

Capacity

Authorised Agent for Applicant

Date

06 / 03 / 2018
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

• Save this form to your computer by clicking file/save as...

• Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/reading/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

Continued from previous page...

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

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

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Next >

Consent of individual to being specified as premises supervisor

Ming Zhong Shi (b. [REDACTED])

.....
[full name of prospective premises supervisor]

of

[REDACTED]

Reading

[REDACTED]

.....
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

The grant of a premises licence

.....
[type of application]

by

Oxford Delight Ltd

.....
[name of applicant]

relating to a premises licence

.....
[number of existing licence, if any]

for

Grand Palace
43-45 Oxford Road
Reading
RG1 7QG

.....
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Oxford Delight Ltd

(name of applicant)

concerning the supply of alcohol at

Grand Palace
43-45 Oxford Road
Reading
RG1 7QG

(name and address of premises to which application relates)

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

Personal licence number

Application is pending

LP700 3045

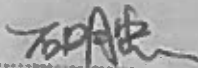
(insert personal licence number, if any)

Personal licence issuing authority

R.B.C

(insert name and address and telephone number of personal licence issuing authority, if any)

Signed



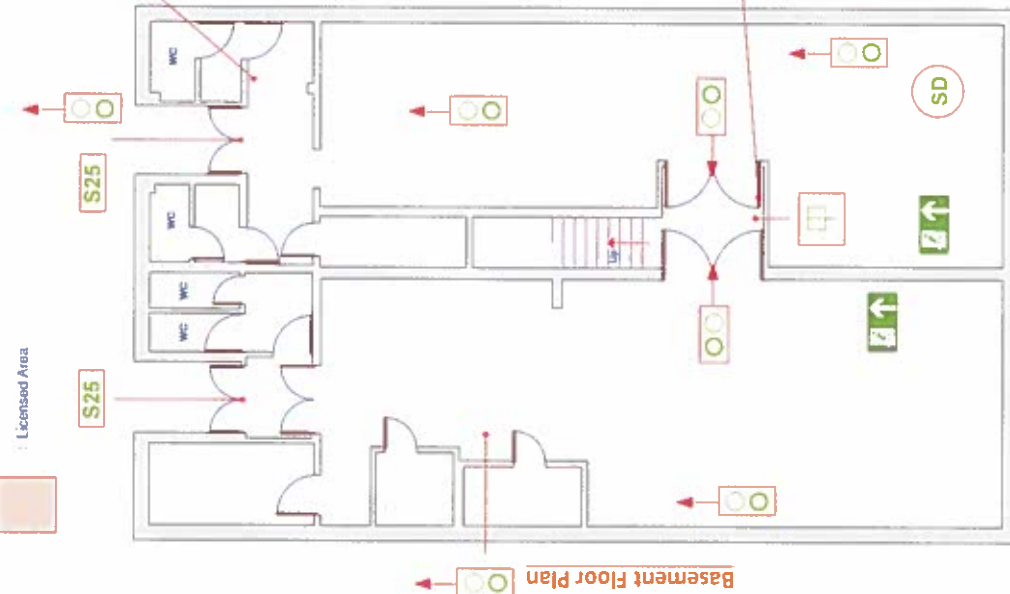
Name (please print)

Ming Zhong Shi

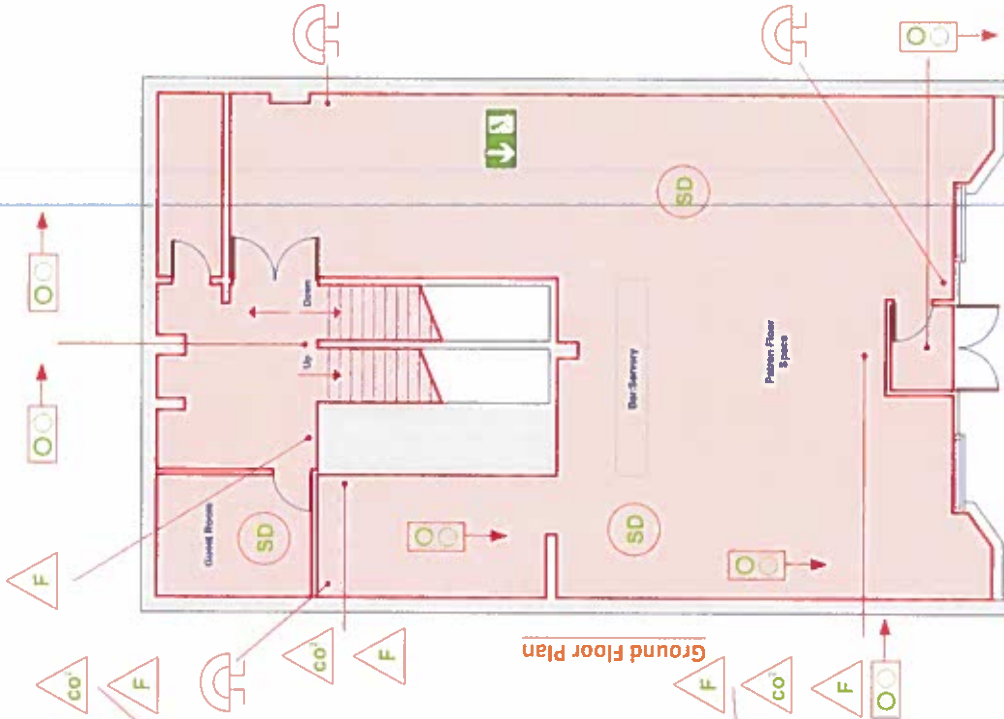
Date

04/03/18

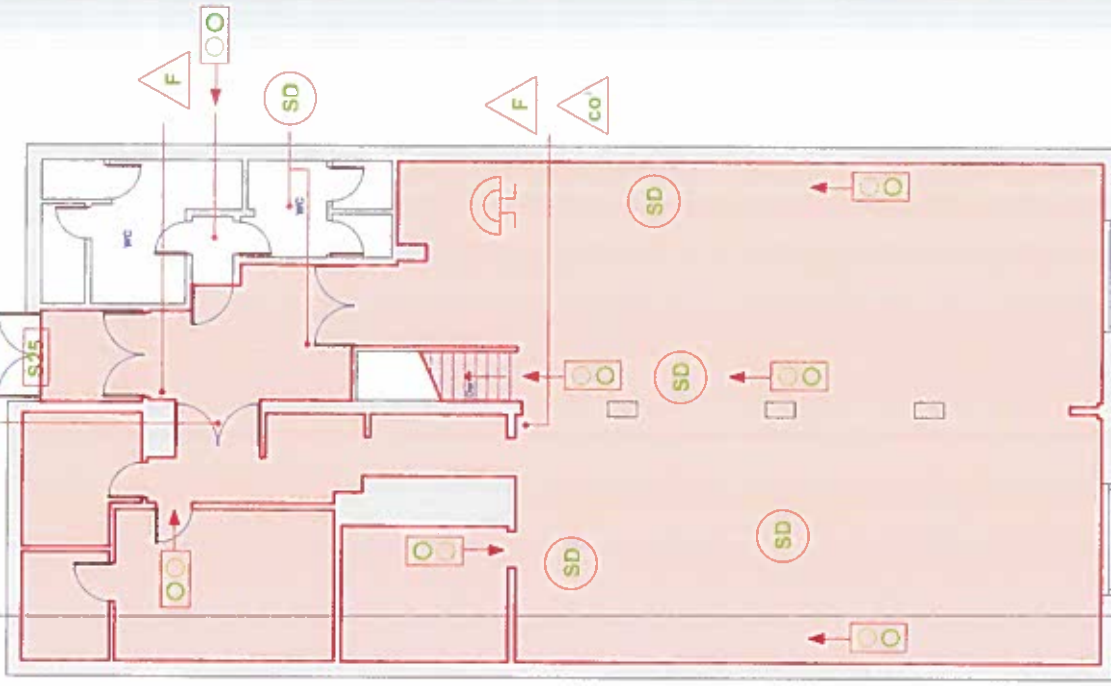
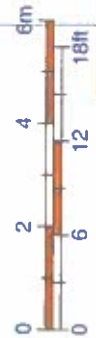
- Smoke Detector
- Fire Extinguisher - Foam
- Fire Ext Sign Directional
- Push Bar To Open
- Illuminated Direction Ext Box
- Sounder
- Fire Extinguisher - CO2
- Licensed Area



Basement Floor Plan



Ground Floor Plan



First Floor Plan

Licensed Floor Area
 Licensed Ground Floor Area 138 Ims
 Licensed First Floor Area 175 Ims
 Total Licensed Floor Area: 313,9ms

Notes:
 This drawings have been produced to the standards set out within the Licensing Act 2003
 No decision may be made from the details shown on this drawing without the written permission of UK Surveyors. Any discrepancy found between this drawing and any other document should be referred immediately to UK Surveyors
IF IN ANY DOUBT PLEASE ASK
 All rights described in chapter IV of copyright, design and Patents Act 1988 have been generally assigned

Drawing No: 003320	Drawing Title: Premises Licensing Plan	Property: 43 - 45 Oxford Road Reading RG1 7QG	Date: 26/02/2018	Sheet: 1 of 1
			Drawn By: BT Enquiries: enquiries@uksurveyors.net Website: www.uksurveyors.net	
UK Surveyors Ltd CAD Drafting · Planning · Building Regulations · Building Surveying · Alcohol Licensing				

Name of Officer	Richard French						
Type of Application	Grant of Premises Licence - Licensing Act 2003						
Name of Premises	Grand Palace (formerly China Palace)						
Address	43-45 Oxford Road						
	Reading						
	RG1 7QG						
Licensable Activities	Provision of films; Live Music; Recorded Music						
	Late night refreshment and Sale of Alcohol - all until 0300hrs						
	Opening Hours - until 0330hrs						
Finish Times	Mon	Tue	Wed	Thu	Fri	Sat	Sun
	0330	0330	0330	0330	0330	0330	0330
Content of Application:							
<p>The application was submitted on behalf of Oxford Delight Ltd (Companies House registration number 11091840) on 6th March 2018. The applicant has applied for live music and recorded music from 2300hrs to 0300hrs; late night refreshment from 2300hrs and the provision of films and sale of alcohol from 1200hrs until 0300hrs the following morning. The premises are within the Council's Cumulative Impact Area.</p>							
Licensing Officer's Comments:							
<p>The licensing team wish to make representation against the application submitted on behalf of Oxford Delight Ltd to licence the premises known as Grand Palace at 43-45 Oxford Road, Reading for the following reasons:</p>							
<p>1. The application is contrary to the Council's Cumulative Impact Policy as prescribed in the Licensing Policy. The applicant has not rebutted the presumption of refusal.</p>							
<p>2. An inspection was carried out as per Section 59 of the Licensing Act 2003 that demonstrated that previously highlighted issues around compliance and safety had not been rectified despite years of intervention from enforcing authorities.</p>							
<p>3. The inspection carried out as per Section 59 of the Licensing Act 2003 on 28th March 2018 calls into question a number of statements made within the applicant's operating schedule in relation to their proposals to promote the licensing objectives at the premises if a licence were granted.</p>							
<p>4. The inspection carried out as per Section 59 of the Licensing Act 2003 on 28th</p>							

March 2018 highlighted that the premises - at the time of this submission - were under the same ownership and management that had previously had a premises licence revoked for employing 11 illegal workers over a period of three visits by enforcing authorities and had a very long history of lack of compliance with licensing legislation.

5. The proposed licence holder and DPS seemingly has a conviction for being an illegal entrant into the country - clearly undermining the prevention of crime and disorder licensing objective.

6. The proposed licence holder and DPS currently owns another premises in Reading which was found to be non compliant with licensing legislation. Of further concern, two illegal entrants were found in this premises. Given the historic concerns with illegal working at 43-45 Oxford Road, this is of concern.

7. The application states that the premises will be an upmarket restaurant and bar and proposes to have regulated entertainment (live music/recorded music) only between the hours of 2300hrs and 0300hrs. This clearly undermines the licensing objective of preventing public nuisance given how residential the town is becoming. No explanation is given as to why this is the case and why, in essence, the premises is staying open late operating as a late night drinking establishment with regulated entertainment.

8. The Fire Authority has notified the licensing authority that the premises is still subject to a deficiency notice which would potentially impact on public safety.

All of the above reasons significantly undermine the promotion of the licensing objectives - notably, the prevention of crime and disorder; the protection of children from harm; the prevention of public nuisance and public safety.

When looking to grant a premises licence, the licensing authority and other Responsible Authorities have to determine what the likely effect of granting any licence would be on the promotion of the licensing objectives. This is consistent with section 18 (6) and 59 (1) of the Licensing Act 2003. The licensing objectives are prospective as outlined below and given all of the above reasons and the rationale given for them below, respectfully submit that the entire application be refused.

The approach of the Licensing Team:

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

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

Section 18 (6) of the Licensing Act 2003 states that representations should be about the **likely effect** of the grant of a licence on the **promotion** of the licensing objectives.

Therefore as outlined in the Court of Appeal Licensing case Hope and Glory v City of Westminster (2011) EWCA Civ31 - *licensing decisionsinvolve an evaluation of what is to be regarded as reasonably acceptable in a particular location...(this) is essentially a matter of judgement rather than a matter of pure fact*'.

Further, in the High Court case of East Lindsey District Council v Abu Hanif (2016) EWHC 1265 (admin) Mr Justice Jay reaffirmed the position that Licensing authorities need not wait for the licensing objectives to be undermined before it takes action on a licensing application. Mr Justice Jay stated that *'the prevention of crime and disorder requires a prospective consideration of what is warranted within the public interest having regard to the twin considerations of prevention and deterrence'*.

The Secretary of State's Guidance (latest edition of April 2017) at paragraphs 8.38 to 8.46 specifically outline what an applicant should address in order to be able to demonstrate that the proposed use of the premises for licensable activities would not undermine the licensing objectives. Section 8.38 states that applicants are expected to have regard to the Council's Statement of Licensing Policy. This would have provided the applicant early sight of what the expectations of the Licensing Authority are and to demonstrate they have taken cognisance of the issues within the locality they propose to operate in.

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

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

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

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

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

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

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

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

Cumulative Impact: The approach of Reading Borough Council

The Cumulative Impact Policy and designated area were introduced due to a high concentration of licensed premises within the town centre and the impact these premises were having on the promotion of the Licensing objectives. The policy, stated within Section 8 of the Council's Statement of Licensing Policy, details the rationale of this approach. It also creates a rebuttable assumption that applications for the grant or variation of a premises licence or club premises certificate within the Cumulative Impact Area will be refused or limited - if relevant representations are received - unless the applicant is able to demonstrate within their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. This is detailed within Sections 8.1.9 to 8.1.11 and is entirely consistent with the relevant paragraphs of Chapter 14 of the Secretary of State's Guidance to the Licensing Act 2003. 8.5.1 of the Council's Statement of Licensing Policy states that it will apply to all applications for premises licences and club premises certificates as well as material variations within the Reading Central CIP Area. Material variations include increases in hours, increases in capacity (licensable area) and any other variation that are likely to add to the overall cumulative impact in the area.

One further point to make on Cumulative Impact is with reference to the stated case of R (on the application of Portsmouth City Council) v 3D Entertainment Group (CRC) Ltd [2011] EWHC 507 (Admin). The Learned Judge Supperstone within paragraph 11 of the judgement stated that Magistrates had erred in law by incorrectly applying Portsmouth's Cumulative Impact Policy in a way that required the Council and Police to abduce evidence that there would be a negative cumulative impact. He went on to state in paragraph 18 of the judgement that the burden was entirely on 3d Entertainment Group to persuade the Licensing Authority that the operating schedule was such that there would be no cumulative impact. In short therefore, the onus is on the applicant to rebut the Council's Cumulative Impact Policy if applying for a grant or variation within the cumulative impact area and this should primarily be done through the operating schedule of the submitted application form. The applicant in this matter has not rebutted the policy.

The application

I have stated above on pages 1 and 2 of this representation the multitude of reasons why we believe this application should be refused in it's entirety and I will now elaborate on those reasons:

Cumulative Impact (point numbered 1 on page 1)

As stated above, the Cumulative Impact policy was introduced in Reading town centre as a means to tackle the issues that arise from such a high concentration of licensed premises within such a small area. Because of the high levels of crime within the town centre and in an effort to prevent further stress being placed upon the town, applicants would have to demonstrate that they can rebut the presumption of refusing a grant or variation of a premises licence. If relevant representations are received and the applicant is unable to demonstrate that their proposed operation will promote the licensing objectives and cause a negative cumulative impact, then the application is likely to be refused. This is stated at paragraph at 8.1.11 of the Council's licensing policy. The applicant states that their premises will be a restaurant and bar. The application clearly indicates that alcohol and regulated entertainment will be continuing until 0300hrs. Paragraph 8.6.8 clearly states that late night bars which sell alcohol and provide entertainment have the strongest potential to have a negative impact on the licensing objectives. Therefore, the likely effect of granting a licence as per the application is that it would add to the cumulative impact within the town centre and undermine the promotion of the licensing objectives. That paragraph clearly states that these types of applications would be refused.

The measures contained within the application form are not robust for what is seemingly a late night bar. The operating schedule contains a lot of vague statements about policies and procedures but does not explain what they are; how they will be implemented and by who. Indeed, an inspection carried out at the premises on 28th March showed that none of the proposals had actually been implemented despite only being a week before the end of the consultation period where the licence would, in theory, come into force. The results of that inspection are detailed below. None of the staff knew that the premises were in the Cumulative Impact Area and none of them knew what being in this area meant. The application states that the licence holder, DPS, management and staff are 'mindful of the Cumulative Impact concerns' - yet none of them knew what it was and no robust policies seem to be in place to mitigate the effects that operating in the town centre could bring. As I outline below, the measures put forward in the application - I assume to attempt to rebut the Cumulative Impact Policy - have not been implemented in any shape or form and none of them have been communicated to the staff by the prospective new licence holder and DPS. The premises is in exactly the same state as when the previous licence was revoked in November 2017. Indeed it was found that the previous owner and manager - who operated within the same Cumulative Impact Area and who both severely undermined the licensing objectives were both still in-situ. None of the issues around compliance; training; record keeping or promoting the licensing objectives which led to the revocation of a previous licence at the premises have been addressed by anyone at the premises despite years on interventions and statements made within the current application. It is therefore not credible that the Cumulative Impact policy has been rebutted and that the likely effect of granting any licence would have a detrimental impact on the town as a whole.

The Licensing Inspection of 28th March 2018 (points 2,3,4 on page 1 and 2)

I undertook an inspection of the premises under Section 59 of the Licensing Act 2003 which permits an authorised officer to undertake an inspection of a premises before the grant of any licence is granted subject to it being a relevant application

to ascertain the likely effect of granting any licence. Section 59 (1)(a) states that the application for a grant of a premises licence is a relevant application. I attended the premises with colleagues from Environmental Health who also carried out an inspection.

A licence, if granted and no representations are received in relation to it, would come into force on 4th April 2018. The inspection of the premises took place on 28th March 2018. Upon arrival at the premises I ascertained the following having spoken to the duty manager at the time:

1. The DPS and sole director of Oxford Delight Ltd - Mr Ming Zhong Shi - had only attended the premises twice in the period between the application submission date and the date I carried out my inspection.

2. It was confirmed that the prospective DPS and sole director had not had any conversations with staff about the policies; procedures and training methods he states within the application form.

3. It was confirmed that the 'manager' of the premises was still Mr Wei Hu. He had previously been the manager when the former licence for China Palace was revoked in November 2017 and was responsible for all of the staff hiring at the premises. This raised concerns due to the number of illegal workers who had historically been employed at the premises.

4) The previous premises licence holder - Mr Yin - was also confirmed as still the owner and lease holder of the premises. Again, this raises concerns given the history of the premises under his ownership.

I then proceeded to undertake my inspection. The application form contains a number of statements within it outlining what the prospective premises licence holder proposes to do should a licence be granted. The purpose of the visit was to ascertain the likely effect that granting a licence would have on the promotion of the licensing objectives.

Within the operating schedule in the application (Section 18), the applicant states in the first box that *the licence holder, DPS, management and staff are mindful of the Cumulative Impact Concerns*. Having spoken to staff at the premises - one of which had been working there for two years - nobody knew that the premises was in a Cumulative Impact Area or what this meant. Further questioning about what additional steps were being taken within the premises to mitigate issues of Cumulative Impact did not illicit an answer. Another statement in the first box within Section 18 states that all staff will be *adequately trained and records will be kept*. A previous licence for China Palace was revoked in November 2017 and one of the conditions which was not complied with and admitted to not being complied with at a hearing in front of the Licensing Sub Committee was alcohol related training. No records in relation to any training could be produced at the time of my inspection and when I asked staff whether they had received any training in relation to alcohol they were not able to confirm that they had. Given that the applicant proposed - within the application - that the licence should

commence on 4th April 2018 and that it is expected that any conditions or proposals in the operating schedule should be implemented before licensable activity takes place, the lack of training and knowledge on licensing matters is extremely concerning - particularly given the historical issues with compliance at the premises.

The operating schedule under the heading 'prevention of crime and disorder' goes on to talk about a CCTV system. It was noted that one of the licensing breaches under the previous licence before it was revoked was the lack of fully operational CCTV; the lack of clarity about how long the CCTV system recorded for and the lack of ability of anyone on site in being able to use it. Having conducted my inspection it was confirmed to me that the same CCTV system was still in-situ and was broken and was the only one on site. No new system was in place which would corroborate the statements made within the application form that it would be designed and installed in accordance with recommendations of Thames Valley Police and the Licensing Authority. To my knowledge, the prospective licence holder has not contacted the licensing authority or Thames Valley Police to even ascertain what our expectations would be in relation to such a system - particularly as they were looking for the licence to start on 4th April 2018. Within the same paragraph it also states that *staff will be trained on security issues and how to identify and refuse service to drunk customers*. When asked, once again, no training records could be produced and it was confirmed via questioning that no such training had taken place. Therefore the likely effect of granting a licence - when no positive measures seem to have been implemented to prevent crime and disorder despite them being flagged up a long time ago - would only serve to undermine the licensing objectives. It was also concerning to note that when I enquired whether any right to work documents were kept onsite that the staff member purporting to be in charge didn't know. When asked by my colleague in Environmental Health to name all of the people working in the kitchen so that he could check their food hygiene certificates she did not know the names of those staff members who were working at that time. Given the premises history in respect of employing illegal workers, this was of serious concern.

The operating schedule under the heading 'Public Safety' states that the management and staff will have an effective policy to *maintain a safe venue for customers and staff*. There are three points to make about this statement. Firstly, no policy could be produced and there was no evidence of any staff being aware of any such policy. Secondly, the issues that were identified in the previous review hearing on 14th November from Environmental Health concerning the risk to the public in relation to compliance around relevant food legislation; health and safety and compliance with legal processes were all still found to be an issue. There was still open drains in the stock room; no evidence of cleaning and no evidence of correct meat handling procedures or hand washing. Lastly, the fire service have notified the licensing authority that the premises is still subject to a deficiency notice which states that fire alarms may not be functioning properly; fire wardens were unclear about their responsibilities in response to a fire alarm and that the

seals around the fire resisting doors were not fitted correctly and would therefore not close properly allowing smoke to come in. These issues had already been identified at the premises prior to this new application. Therefore it appears that absolutely no work to improve the state of the premises and make it safe for the public has been undertaken at all. This includes training for staff to be aware of their responsibilities. The likely effect of granting a licence - with all of these defects still remaining unresolved despite years of interventions - would clearly undermine the licensing objective of public safety.

The operating schedule under the heading of 'Prevention of public nuisance' also makes a number of statements for which I found no evidence of during my inspection. It states that *the licence holder, DPS and staff are mindful of the need to reduce the impact of any nuisance and will constantly assess the risk of public nuisance*. When questioned, the staff did not know what this meant. It was not clear what kind of assessment would be made and who would do it and seems to suggest the licence holder, DPS and staff will deal with public nuisance as it occurs. The licensing objective concerning public nuisance is clear that it should be prevented from happening in the first place. The statement within the operating schedule is vague and it is clear from speaking to the staff that they did not understand what this meant. It is also worth pointing out that the previous licence (which was revoked in November 2017) also had a condition on it in relation to noise prevention and there was no documented evidence provided from anyone at the premises that any measures were in place to achieve compliance with that condition. Further statements within the operating schedule under this heading specify '*satisfactory arrangements will be put in place to supervise an orderly dispersal of customers*'. Having conducted my inspection, no policies, procedures or even explanations were received about any arrangements for dispersal being in place. This would be particularly key given the proposed late opening until 3am and the fact that the premises is within the Cumulative Impact Area. The last statement within the operating schedule under the heading 'Prevention of public nuisance' that causes concern is the statement that says *appropriate steps shall be taken to reduce the level of noise where it is found to be heard at the façade of the nearest residential property*. There are two points to make about this statement: There was no explanation put forward during my inspection about who would likely be carrying out these assessments, what the term 'appropriate steps' meant or how they would be carried out. Secondly, the objective is to prevent public nuisance - not take action once you have already caused a nuisance to local residents. The proposal, in itself, undermines the licensing objectives and no explanation, training document for staff or policy was produced when I asked how this would be achieved. Therefore given these statements and the lack of documentary evidence, staff training or even staff knowledge on these matters the likely effect of granting a premises licence would be to severely impact on the promotion of the licensing objectives.

The last box within the operating schedule deals with the 'protection of children from harm'. It should be noted that a Challenge 25 policy was a condition of the

previous licence in force at the premises and was found to not be complied with - including the display of notices to advertise it. The last two sentences within the operating schedule make reference to *training for all members of staff who would deal with the sale of alcohol and that staff training records will be kept onsite for inspection by Thames Valley Police and Reading Borough Council*. During my inspection I asked staff what training they had received in relation to the sale of alcohol - both in relation to this current application and before the revocation of the premises licence in November 2017. They confirmed that they had not received any written training and that it was all done verbally. However, when questioned what this verbal training was and who had given it to them no clear answer was forthcoming. Again, staff training in respect of these matters was a condition on the previous licence and was found to be in breach. No training in relation to licensing either during the inspection or historically could be produced for any staff member. I would therefore ascertain from this that no training was ever done historically and no training had been done during the application period. Therefore the **likely effect** of granting a premises licence - given all of the above - is that it would undermine the licensing objective of protecting children from harm.

In summary, the inspection suggested that no attempt has been made to fix many of the issues at the premises which had previously been identified during a review hearing of the previous licence. Indeed, nothing seems to have changed at all. The owner is the same. The manager - who was responsible for the hiring of staff and in charge of the kitchen - was also the same. The concerns raised by Environmental Health are broadly the same as previously identified. The fire service indicate that there are still deficiencies within the building that could undermine public safety. And there was certainly no evidence of any licensing training; licensing policies and procedures or indeed any communication from the prospective licence holder and DPS to staff about his direction for the business. The previous licence for the premises was revoked in November 2017. No changes have been made to the operation or management of the premises and none of the safety issues have been addressed. Therefore it is clear that the likely effect of granting any premises licence will do nothing but severely undermine the promotion of the licensing objectives. It is extremely puzzling why, after years of interventions from the enforcing authorities which led to a licence being revoked, an application has been made to the licensing authority for a new licence - which the applicant wanted to start on 4th April - when absolutely nothing is in place to promote the licensing objectives. The steps laid out in the operating schedule of an application are supposed to be in place before any licensable activities take place at the premises - yet an inspection undertaken by the licensing authority and environmental health a week beforehand - just continue to highlight the same concerns as in previous interventions. The statements made within the application for a new licence seem to be only words and not backed up by any meaningful action by the prospective licence holder or his staff in terms of actively promoting the licensing objectives and protecting the public within the town centres Cumulative Impact Area.

Immigration Matters (points 5 and 6 on page 2)

It is the role of the licensing authority when determining the grant of any premises licence under the Licensing Act 2003 to determine what the likely effect of granting that licence would be on the promotion of the licensing objectives. This can be done in many ways such as an inspection carried out under Section 59 of the Licensing Act 2003 before any licence is granted. Responsible Authorities - of which the Licensing Authority is one - can look at previous history with a licence holder - particularly when they have a history of undermining the licensing objectives. It surely must be right that as per paragraph 1.5 of the Secretary of State's Guidance, Responsible Authorities have a wider duty to protect the public as a whole from crime, anti social behaviour and noise nuisance caused by irresponsible licensed premises and, by default, licence holders. Paragraph 2.6 of the guidance states that the prevention of crime includes the prevention of illegal working in licensed premises and goes on to say that the Licensing Authority should work with Home Office Immigration Enforcement and the police in respect of these matters. The prevention and detection of illegal working - which is a key driver of illegal immigration - is why Immigration Enforcement are a Responsible Authority within the Licensing Act and is why they are working with the Licensing Authority and police to prevent these crimes from happening. The case law of *East Lindsey DC v Abu Hanif* as mentioned on page 3 of this representation clearly states that the prevention of crime and disorder *requires a prospective consideration of what is warranted within the public interest having regard to the twin considerations of prevention and deterrence.* In other words, the Responsible Authorities should work to prevent crime from happening in the first place and take the action deemed appropriate to deter such crime and promote the licensing objectives.

Concerns have been raised about the history and numbers of illegal workers found at this premises in this past. Indeed, during my inspection of 28th March 2018, when the premises was allegedly under new ownership, it was confirmed to me that the same owner and same day to day manager from the time of the previous licence being in force were still in-situ. The manager - Mr Wei Hu - had previously been named as the person responsible for the hiring of staff and was still doing that at the time of this submission. This is a concern given that eleven illegal workers were found at the premises over three enforcement visits - six of whom were found when the previous licence holder (current owner - Mr Yin) and current manager (Mr Hu) had a licence.

The reason this is a concern is two-fold. Firstly, there seemed to have been no change in management at the premises, calling into question whether the new prospective licence holder had any involvement in the premises at all. Secondly, it was acknowledged that the prospective new premises licence holder had only been on the premises twice since the submission of the application. Therefore it is a concern that people who have undermined the licensing objectives in respect of the employment of illegal workers at a licensed premises are still in-situ despite the claims in the application form about the premises being under new management.

The proposed licence holder and DPS is currently the owner of another small takeaway within Reading. That premises was visited in February 2018 on a joint visit between the Licensing Authority and Immigration Enforcement. Upon arrival at that premises - when Mr Ming Zhong Shi (the prospective licence holder and DPS for this application was also in attendance) two illegal entrants were found in the kitchen. Whilst it could not be conclusively proven that they were working at the premises, their removal from the kitchen work area only left one member of staff. Neither had any right to work in the UK. It is our belief that these two people were working at the premises. It was also clear that Ming Zhong Shi knew who they were. Therefore given that the enforcing authorities are required to prevent illegal working because it undermines the licensing objectives (as well as being exploitative) it raises serious concerns about the prospective premises licence holders willingness to uphold his obligations under the various immigration acts and the Licensing Act. No right to work documents were produced for any other staff member and the premises was found to be non compliant with its legal requirements under the Act. The Licensing Authority have to be satisfied that crime and disorder will be prevented from occurring. We have serious concerns given the prospective licence holders lack of immigration and licensing compliance in a smaller venue about how that will manifest itself in a much larger venue that requires more staff, more diligence over right to work documentation and has a history of employing illegal workers. It is only right that this is therefore taken into account when deciding the **likely effect** of granting someone a premises licence.

Public Nuisance and Public Safety Concerns (addresses points 7 and 8 on page 2)

I have already addressed concerns with the application above - both in terms of it being contrary to the Cumulative Impact Policy and in terms of the statements contained within it as found during the inspection. The application is applying for live music, recorded music and the sale of alcohol until 3am. No explanation is given as to why these hours are being applied for and why entertainment is starting at 2300hrs. The only explanation for starting at 2300hrs is either because of the deregulation exemption - which permits regulated entertainment to be carried out before 2300hrs without a licence - or that the premises plans to operate as a late night bar from 2300hrs after the main restaurant closes. As stated, it is not made clear why these hours have been applied for. Clearly this type of entertainment until 3am has a huge potential to undermine the prevention of public nuisance licensing objective particularly as there are residential dwellings in the vicinity. As stated above, the application contains vague statements about policies and assessments but none were in place and it is not clearly explained how noise nuisance will be mitigated. Indeed one statement within the operating schedule appears to suggest that 'appropriate steps' (whatever that means) will be taken if noise can be heard at the façade of a residential property. The prospective licence holder is supposed to prevent noise from occurring in the first place not wait for it to disturb residents - potentially at 3am.

Finally, the fire service have informed us that the premises is still subject to a deficiency notice which was issued on 2nd November 2017. None of the work mentioned in the deficiency notice and described at the bottom of page 7 of this representation has been carried out. On attendance at the premises on 28th March 2018, none of the staff seemed to be aware of these matters or indeed what to do in the event of a fire. The application form submitted in respect of this application

states that the management and staff will have an effective policy to maintain a safe venue for customers and staff and the risks will be assessed. I would suggest that the matters raised within the deficiency notice and the other matters raised by Environmental Health pose a significant risk to staff and customers. Again, nothing seems to have improved or have been implemented at the premises from our previous interactions and interventions with it - notably the licence review hearing in November 2017.

In summary, we would respectfully submit that the application - in its entirety - be refused. Nothing has changed at the premises from when the previous licence was in force and later revoked. There are concerns about the prospective licence holder and DPS and the statements made within the application which do not stand up to any kind of scrutiny. It is therefore the licensing team's submission - based on the information provided in this representation and the information provided to us by colleagues representing other responsible authorities - that the application for a premises licence at this premises be refused as the only appropriate and proportionate step to promoting the licensing objectives and safeguarding the public as a whole.

Date Received	06/03/2018	Date Due	03/04/2018
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Date	29	03	2018
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Name of Officer	Katie Heath
Type of Application	Grant of Premises Licence - Licensing Act 2003
Name of Premises	Grand Palace
Address	45 Oxford Road
	Reading
Postcode	RG1 7QG
Content of Application:	
Grant of premises licence submitted by Oxford Delight Ltd on 6 March 2018 in relation to the premises above.	
Officer's Comments:	
<p>Environmental Health/Food & Safety wish to make representation regarding the application by Oxford Delight Ltd for a premises licence at the premises said to be Grand Palace, 45 Oxford Road, Reading, RG1 7QG. We consider that grant of this licence would undermine the licensing objectives and present a risk of harm to the public.</p> <p>Whilst this licence application has been made under the name of Oxford Delight Ltd for a premises trading as Grand Palace. Recent visits by members of the Food & Safety Team do not support that this premises, formally China Palace, is under new management or new ownership.</p> <p>A visit carried out on 28 March 2018 identified that the premises remains trading under the name of China Palace. There was no evidence to support a change in ownership and previous management, namely Mr Wei Hu was in charge. On questioning staff there were no plans in place for a change in management at this time and new ownership in the form of Oxford Delight Ltd or its Director Mingzhong Shi was not in place.</p> <p>Previous inspections and visits undertaken by the Food & Safety Team in September and October 2017 identified a number of issues that were raised with the premises, a number of these having been raised previously with inadequate action being taken. I attach the reports of inspection for these visits at Appendix 1 and 2. At the time of inspection in September and October 2017 the premises was under the day-to-day management of Wei Hu, under the ownership of Chang Long Ltd with respect food hygiene, safety and standards and health and safety matters. Previous interventions by the Food & Safety Team, whilst the premises was under this management included service of Hygiene Improvement Notices which achieved no ongoing and long term compliance in the matters to which they were served.</p> <p>As part of food hygiene inspections officers are required to issue a food hygiene rating score, in accordance with national and statutory guidance documents, based upon the food hygiene, structural and management in place at the time of the visit.</p>	

China Palace has received the following scores at recent inspections:

September 2017 - FHRS 1

April 2016 (Requested revisit by premises) - FHRS 3

November 2015 - FHRS 0

The visit carried out on 28 March 2018 has identified the following matters that have not been adequately addressed by the premises. These matters are contrary to legal requirements detailed under The Food Safety and Hygiene (England) Regulations 2013 and relevant EU provisions and therefore undermine the licensing objectives:

- Level of cleanliness to the premises remains poor with significant grease and food debris being identified. This could serve to attract pests including rodents and cockroaches into the premises which carry bacteria that can result in contraction of food poisoning.
- Hand contact surfaces e.g. handles and taps were unclean which presents a source of cross contamination across the premises and demonstrates the possible spread of bacteria throughout.
- The premises were not able to demonstrate that a 2 stage cleaning method was in place. Inadequate cleaning will not kill bacteria that may lead to food poisoning. National guidance regarding E. coli requires a 2 stage cleaning approach comprising a pre-clean and use of anti-bacterial cleaning products for the required contact time is used on surfaces and equipment to prevent cross-contamination of bacteria throughout the premises.
- There was no stock control system in place. Large quantities of foods were being stored in fridges and freezers, unlabelled, with no manufacture or use by date. This demonstrates that the premises had not identified shelf-lives for their products and would not be able to provide evidence that food was fit and safe for consumption. Additionally there was no allergen information contained which presents a risk of allergic reactions to customers with allergies.
- Foods were being stored without covering exposing them to physical and bacterial contamination. Ready to eat and non- ready to eat foods, namely raw meats or unwashed vegetables, were being stored without adequate separation which presents a risk of bacterial contamination to ready-to-eat foods that would be consumed without further processing or heat treatment.
- There was inadequate separation of raw meat and ready-to-eat food preparation being practised at the time of the visit despite ample space and designated separate areas being provided within the kitchen. This poses a risk of cross contamination of bacteria to food stuffs and also demonstrates that visual instruction within the premises is not being adhered to.
- Dirty cloths were in use at the time of visit which would permit further transmission of bacteria across the premises, particularly where the same cloth is used in raw meat and ready-to-eat food areas.
- Structural repair was required to wall surfaces which did not permit effective cleaning and to replace missing ceiling tiles which could present a source of physical contamination to food and routes of access to pests.
- The inspecting officer was on site for a significant period. Food preparation

and handling was being carried out this time and no handwashing by staff was seen.

- There is an unsealed waste water outlet within the stockroom. This introduces airborne contamination to foodstuffs and provides a route of access to pests into the food business. The lack of seal to the outlet also presents a risk of serious contamination to foodstuffs should the pipe become overflowed or blocked. In the event that this occurred there would be an imminent risk to health which would require closure of the premises.
- I attach the report of this visit at Appendix 3 which demonstrates these findings.

Although provisions for in-house training in food safety matters, supported by the Chinese Business Support Service have been made, members of staff with management responsibilities, i.e. the Head Chef, who also assist in the training of staff did not appear to have higher levels of training appropriate to those with supervisory or management responsibilities, e.g. a Level 3 award in food safety matters for Supervisors or higher. Practices above, e.g. use of dirty cloths, poor food storage and stock control and lack of cleaning demonstrate a lack of effective training and poor understanding or consideration for the risks presented to food safety.

The premises did have a management system in place, however a number of the practices documented above demonstrate that this management system has not been effectively implemented and that staff have not been appropriately familiarised with the controls required by the system. The system in place is a standard system, made available by the government which has undergone several revisions. The system available on site was an earlier revision which demonstrates that the premises is not up to date with required controls, e.g. allergen controls and provision of information which came into force in 2014.

Summary and Recommendation:

The premises remains non-compliant with legal requirements placed upon food businesses. Despite these matters being raised as part of the licence review process of November 2017 which resulted in the premises licence being revoked, in addition to interventions carried out as part of the regime under the remit of the Food & Safety Team, there has been inadequate improvements in food hygiene matters. At present there has been no identifiable change in management or ownership of the premises and practices remain of concern. It is our opinion that this premises continues to present a risk of harm to the public and will continue to do so whilst they do not comply with these legal requirements. Further it is our opinion that the premises does not have the processes or management in place to enable them to adhere to or promote the licensing objectives at this time.

Appendices:

Appendix 1 - Inspection and report form 13/09/2017.

Appendix 2 - revisit report form 26/10/2017.

Appendix 3 - Revisit report form 28/03/2018.

Date Received		Date Due	03/04/2018
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Food Hygiene Inspection Aid Mémoire

Name: *Chris Palace*

Insp Date: *13/9/17*

Address: *43-45 Oxford Rd*

Announced inspection? Y N Officer: *AG-1*



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, (F35) 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	F35	Revisit	4/10/17		AG-1	
2	G48	DNI (David Narek)		13/9/17	DNI	
3						
4						

Food Hygiene Risk Rating

Inspection Summary

SCORE	Criteria
TYPE OF FOOD & METHOD OF HANDLING	
5/A	Handling Low risk Foods
10/B	Handling High Risk Foods
30/C	Preparation High Risk Foods
40/D	Manufacture high Risk foods
METHOD OF PROCESSING	
0/A	None
07/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	<i>Raw + Veg together</i>
10/C	<i>Poor coding practices</i>
15/D	
25/F	
STRUCTURAL (see COP)	
0/A	Reason:
5/B	<i>Very poor cleaning</i>
10/C	<i>Leak to stoves</i>
15/D	<i>Chopping boards</i>
20/F	
25/F	
CONFIDENCE IN MANAGEMENT (see COP)	
0/A	Reason:
5/B	<i>Training still not appropriate</i>
10/C	<i>Records not up to date.</i>
20/D	
30/E	
0/A	Significance of Risk of food being contaminated.
OR 20/B	
TOTAL	80 C A B A E E C A

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

Cross contamination + handling.

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

Owners name on existing food reg: *Chong Bay Ltd.*

PAP for FH? Y N PAP name?

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

Range of foods: *Chinese food*

Method of processing? *Duck oven, cook, cool, reheat.*

Preferred language(s): *Chinese*

Number of customers/meals: min max

Premises used by other bodies? Y N Who? :

Any off site activities? Y N Details:

Business to business sales? Y N Who?

Approval needed? Y N

Reason for Chosen Intervention - other than full inspection. This is an S type inspection. Highlight which areas audited i.e. food hygiene, structural, CIM or audit

Full needed.

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

finishing lunch

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:

will need full

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

Sampling to be undertaken during next visit: **Y** Timescale: *2 weeks*

Discussion /submission to PAP: **N**

Change in FHRs rating (if zero/one rating has revisit been scheduled): **J**

Variance to food enforcement policy: **Y** Reason: O

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: 42-71	3	25-30	10
D: 31-41	2	35-40	15
E: 0-30	1	45-50	20
	0	> 50	30

Given.

Qualitative Review : Name & Signed: Position: Date:
 Comments:

180792 17754

Part 1: Suppliers:

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

See Woo
J. Chee Food
Chee Brothers Ltd.

Makro.
Booker.
Tesco / Sainsbury's

liell / Aldi
Sainsbury's

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

Part 2: Training

2.1 Details of Training/Instruction/Supervision Arrangements

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

Chinese Business Support.

2.2 Food Handler Training

Categories	Staff Name	Cat A, B C	Training Type Specify if Online (O), accredited (A) or in-house (H)	Date	Cert Y/N
A=Handle LRFs & wrapped food	a. YUEN YU		None		N
B=Handle open HRFs	b. Jian Li Chen		None		N
	c. Lan Lee Yang		None		N
C=Food handlers who have a supervisory role	d. Han Wang		None		N
	e. Hai Chen Yin	C	level 2	6/3/15	Y

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

Comments on staff practices:

Training not adequate for staff. 1 person with training - some knowledge.

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

Part 3: Food Safety Management System (FSMS)

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

3.1 Details of HACCP system in place

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

SFBB

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

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

It is written in Chinese so therefore very difficult to know what is being addressed.

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

3.18 General Comments on FSMS

Training section - not up to date (most have left). Needs to be checked to see if it is all still applicable.

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

Hygiene Prerequisite programme (PRP)		
√ = Satisfactory, ⊗ = Unsatisfactory (⊗ must result in a comment on IRF), N/A = Not applicable		
Part 4: Structural		
General		
4.1 Construction & size of business permit GHP?	✓	4.12 Windows constructed to prevent accumulation of dirt?
4.2 Layout of premises permits GHP?	✓	4.13 Equipment in good repair/condition?
4.3 Drainage satisfactory?	⊗	4.14 Food containers in good repair/condition? Cleaned & disinfected if reused? ✓
4.4 Lighting suitable?	✓	4.15 Food packaging stored in clean area?
4.5 Ventilation satisfactory?	✓	Pest Prevention & Control
4.6 Suitable sanitary accommodation? Ventilated lobby?	✓	4.16 Structure ok? No proofing required.
4.7 Provision of suitable changing facilities?	✓	4.17 No Signs of infestation?
Food Room Requirements		4.18 Pest control contractor?
4.8 Adequate number of wash hand basins with hot & cold water, soap & hand drying facilities? <i>Not seen</i>	✓	Name: <i>Crystal</i>
4.9 Adequate facilities for: Cleaning utensils/equip? (H+C water, 2 sinks or 1+ dishwasher (full cycle uninterrupted) or equivalent?)	✓	Frequency: <i>Crystal</i>
4.10 Ceilings & overhead fixtures prevent accumulation of dirt, formation of mould/condensation & shedding of particles?	✓	Type: Rodents/ Cockroaches/ Flies/ All
4.11 Are the following in sound condition & easy to clean/disinfect?		4.19 Log book/Diary examined? Last visit date: <i>15/8/17</i>
Floors		4.20 Any actions from checks addressed? <i>Cleaning</i>
Walls		4.21 Or is in house system suitable? Frequency of checks? Recorded?
Doors		Vehicles
Food contact surfaces <i>Choppy Boards</i>	⊗	4.22 Vehicle seen, clean, good repair and condition? Note registration of vehicle:
		4.23 Adequate temp controlled storage space?
		4.24 Designated areas for raw and RTE

Part 5: Operational		
Cleaning		
5.1 Premises clean?	⊗	5.13 Contaminated e.g. raw meat cardboard used/disposed of appropriately? <i>Not seen</i>
5.2 Equipment installed to allow cleaning?	⊗	5.14 No evidence of breakages, unnecessary glass, bolts missing, paper clips, or other physical contaminants etc... in food prep areas?
5.3 Food contact surfaces & equipment clean? (Remember ice machine & soda gun)	⊗	5.15 Staff aware of food allergens and appropriate controls?
5.4 All hand contact surfaces clean?	⊗	<i>Difficult to address</i>
5.5 Suitable chemicals and materials for cleaning? List: <i>Nitco</i>	✓	Stock Control
5.6 Disinfectant/Sanitiser meet BS EN 1276:1997 or BS EN 13697:2001?	✓	5.16 Products date labelled where necessary?
5.7 Cleaning chemicals properly stored?	✓	5.17 Manufacturers & in house dates all ok?
5.8 Cleaning schedule in place & implemented?	⊗	Personal Hygiene
5.9 Two stage cleaning? Visibly clean then disinfect, consider contact time, correct dilution <i>Not seen</i>	⊗	5.18 Good standards of personal hygiene observed?
5.10 Suitable cloth management? - Sep cleaning cloths, sponges, mops? - Are reusable cloths machine washed machine wased?	⊗	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
Food Contamination		5.20 Aware of appropriate glove use?
5.11 All foods covered?	⊗	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?
	⊗	Complaints/Incidents
	⊗	5.26 Procedures/recent complaints all ok?
	⊗	5.27 How are customer complaints handled?

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? <i>Oil Kora 8/9/17</i> Stored properly. No spillage. Collected by authorised collector	<input checked="" type="checkbox"/>	
5.30 Outside bin area tidy?		5.34 Is any surplus food (bakery) being put into the feed chain or going to animals? If yes - details of where food is going and pass to TS
5.31 Bins inside satisfactory?		

Part 6: Temperature Control

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

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

6.11 Officers Temperature Checks

Equipment	Location	Temp °C	Product	Location	Temp °C
a. <i>Fridge</i>	<i>kitchen</i>	<i>7</i>	d. <i>Duck</i>	<i>Ambient</i>	<i>41</i>
b.			e.		
c.			f.		

Comments on temperature control
*Last temp records 10/9/17.
 No working thermometers.*

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?	<input checked="" type="checkbox"/>
7.2 Traceability documentation available on site?		7.6 Rejection procedure for unsatisfactory deliveries?	<input checked="" type="checkbox"/>
7.3 Able to trace food forward to businesses? Detail businesses below		7.7 Supplier control and approval system?	
7.4 Discuss if approval required? (supply to other businesses)		7.8 No SRM on premises (only blue strips on labels of bovine carcasses.)	

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?
*Mussels - New Zealand PH 422 } Chen Brothers.
 Oysters - Kora Kora - US*

7.10 Imported Foods **Officer's Traceability Checks**
 Are there any imported foods? *All through importers*
 Foodstuffs likely to fail food safety requirements based on current EC 853/2009 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
*Preparing chicken in middle of kitchen.
 - Wooden blocks - Very dirty.
 - A lot of clay tubing phone etc around.
 - Dirty + greasy under equipment.
 - Spray areas + very basic clean up.*

*- Thermometer could not be located.
 Dirty - doesn't work.
 - Stove is broken - leak need to fix -
 - Mouldy chopping boards - dirty*

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

Name of Premises: China Palace Business Type: Restaurant
Address: 43 - 45 Oxford Rd
Registered Office Address:
Email: Tel/mobile:
Person Seen: Wan Chang Position: chef
Name of Food Business Operator/Dutyholder: Wan Chang?
Business days & hours: Areas Checked:

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

Comments: Matters Arising (L = Legal Requirement + Timescale and R = Recommendation) (Food Only: 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
		- The standards have yet again fallen in this premises in relation to food hygiene. The cleaning throughout the premises is very poor. This is unacceptable - the council is now considering legal action.
(L)	S	- Undertake a full deep clean of the premises. All equipment should be pulled out and cleaned behind. All food contact, hand contact, flooring, walls, equipment, wall/floor junctions and food containers must be cleaned.

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

Food Hygiene Rating Criteria Assessed	Good	SCORE	Poor	Your Premises Rating is
Compliance with food safety procedures	0 5 10 15	<u>20</u>	25	1 rating
Compliance with structural requirements	0 5 10 15	<u>20</u>	25	
Confidence in management / control procedures	0 5	<u>10</u>	20 30	

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

Officer Name: ADIFE CALLAGHER Signature: Designation: Senior EHO
2nd Officer Name: DAVID NAREN Signature: Designation: EHO
Date & Time: 13/1/17 4.00 am/pm Telephone No: 0118 937 3500 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: CHMAS Name: Wan Chang EHO Job Title: chef

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 Chuan P. Dim Address 43-45 Oxford Road

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	
		You must ensure that all fridges and freezers are included in the cleaning. Pay particular attention to the handles and seals. Timescale: 1 week.
(L)	FH	Do Not store raw meat so that it is touching vegetables that can be ready-to-eat. Also do not store raw meat beside touching any vegetables.
(L)	CIM	Only one person in the premises at the time of inspection had food hygiene training - none of the food handlers at the premises had training. You have had this problem at previous inspections - it is unacceptable - the person with the training could not accurately answer basic food hygiene questions. A letter is to follow with further recommendations.

Action Proposed: See Sheet One

Name of Officer Anto Galic Signature [Signature] Date & Time 13/1/17

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

Signed Chang Job Title Chef

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



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

Name of Premises: China Palace Business Type: Chinese Restaurant

Address: 47-45 Oxford Road

Registered Office Address:

Email: Tel/mobile:

Person Seen: Yin Wei Chang Position: Chef

Name of Food Business Operator/Dutyholder: Yin Chang He

Business days & hours: Areas Checked:

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

Comments: Matters Arising (L = Legal Requirement + Timescale and R = Recommendation) (Food Only: 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
			Although there has been some improvement since the last visit there are many issues still to be resolved
(L)	CIM		Although we were able to obtain evidence of training for U.V. Chang Yi (6/2/15) and Yin Zhen U (6/2/15), the training records within the SPSS book were out of date. Ensure these records are updated to reflect the staff currently working here. I withdraw

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

Food Hygiene Rating Criteria Assessed	SCORE						Your Premises Rating is
	Good	5	10	15	20	Poor	
Compliance with food safety procedures	0	5	10	15	20	25	✓
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: ADRIE KILGUSCH Signature: Designation: Senior FHO

2nd Officer Name: DAVID NAPER Signature: Designation: FHO

Date & Time: 26/10/14 am/pm. Telephone No: 0118 937 2502 Date of Next Visit: TBA

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: Name: Yin Chang He Job Title: chef

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 China Palace Address 47-49 Oxford Road

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	
(L)	S	- There is an open drain that appears to lead directly directly to a sewer - this is unacceptable. This is required to be covered up by a professional and competent person with the correct filter applied. Provide approvals for the work. Timescale: 1 week.
(L)	FH	- There is still confusion regarding where raw meat is being prepared. Designate <u>only</u> area of the kitchen for raw meat preparation. Put a sign on this area so there is no more confusion. Timescale: Today.
(L)	S	- The drain that had been leaking for had some repair, however I do not believe the repairs were carried out professionally nor do I believe they will last. Ensure all repairs to drainage are done by a competent person using the correct materials.
(L)	S	- There is still an issue with some fridge and freezer seals. Ensure any damaged seals are replaced. 1 week.

Action Proposed: See Sheet One

Name of Officer Alice Cameron Signature [Signature] Date & Time 26/11/17

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

Signed [Signature] Job Title [Signature]

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

CONTINUATION SHEET

Name of Premises China Palace Address 43-45 Oxford Road

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	
(L)	S	- Although there has been some effort to improve cleaning, I do not believe a deep clean has taken place. Ensure all areas are deep cleaned - including walls, floors, wall/floor junctions. Also include equipment. 1 week
(L)	S	- The handwash basin beside the defrosting section is dirty, it was full of utensils and it is blocked. Ensure to clear the blockage and clean. 1 day.
(L)	CIM	- There were no records for yesterday afternoon in the log for temperatures and the HPA diary. Keep up to date.
(L)	FH	- No date labelling on food items within the fridge or freezers. Ensure to date label.
(L)	S	- The walk-in freezer is over stocked and requires cleaning. 1 day.

Action Proposed: See Sheet One

Name of Officer ADAM CALVERT Signature [Signature] Date & Time 26/10/17

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

Signed [Signature] Job Title NOC

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

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

Name of Premises China Palace Business Type.....
Address 113-115 Oxford Road Reading RG1 70Q
Registered Office Address.....
Email..... Tel/mobile.....
Person Seen Mrs Yan Zhen Li Position.....

Name of Food Business Operator/Dutyholder.....
Business days & hours 7 Days Areas Checked Kitchen

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

Comments: Matters Arising (L = Legal Requirement + Timescale and R = Recommendation) (Food Only: 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
		Thank you all for your cooperation during this revisit.
		The purpose of this revisit was to ensure compliance with the targets set during the inspection on the 13 th Sept 2017 and the following revisit on the 26 th Oct 2017.
		The original inspection was carried out by my colleague Aoife Gallagher. She identified 18 areas for improvement.

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

Food Hygiene Rating Criteria Assessed	SCORE						Your Premises Rating is
	Good	5	10	15	20	Poor	
Compliance with food safety procedures	0	5	10	15	20	25	
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 Janie Shaw Signature [Signature] Designation TO

2nd Officer Name..... Signature..... Designation.....
Date & Time 29.03.2018 3:15 am/pm Telephone No: 0118 93749 Date of Next Visit.....

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

Signed [Signature] Name Wei Hu Job Title Manager

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 China Palace Address

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	
		which she set out in her letter to you dated 18 th September 2017.
		Item 1 of Schedule A-legal Requirements concerns cleaning.
L	L	This has been an ongoing issue for many years which has not been sufficiently addressed. It was stated in the last inspection that a deep clean should take place. On the revisit doubts had been expressed as to whether this had taken place. I do doubt that a deep clean has taken place. A deep clean would normally take place four times a year and involve a complete clean underneath all equipment, wall & floor junctions, walls, ceilings, pipework and machinery. This is not the same as the daily 'clean as you go' cleaning.
L	S	The level of grease, food debris, dust

Action Proposed: See Sheet One

Name of Officer Jamie Shaw Signature [Signature] Date & Time 29/03/2018

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

Signed [Signature] Job Title Manager

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

CONTINUATION SHEET

Name of Premises China Palace Address

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	
		underneath the units time accumulated over a time. This provides an attractive environment for pests. I will visit in three weeks to see that the deep clean has taken place.
L	FH/S	Hand contact surfaces require to be regularly wash/wiped and disinfected. These are work surfaces, door handles, switches and taps. Experience has shown that the handles of dumb waiters are a source of cross-contamination as they are used by all the kitchen staff.
L	FH/S	Clearing needs to be carried out in two stages as explained verbally and is included within Safer Food Better Business Cantonesse (2016) SFBB Compliance immediately. Stock Control - I regret that this

Action Proposed: See Sheet One

Name of Officer Jamie Shaw Signature [Signature] Date & Time 29/3/2019

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

Signed [Signature] Job Title Manager

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

CONTINUATION SHEET

Name of Premises China Palace Address

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	
		continues to be an area that requires considerable improvement. Stock must be used and dated to ensure that best before and more importantly "use by" dates are not passed. There appeared to labels available for this purpose but these were not being used.
L	FH	Compliance - One Week

		Uncovered food items
L	FH	Please try to ensure that open foods are covered when not in use. Compliance immediately.

		Training
		The head chef undertakes in house training supported by written material from the Chinese Business Support Service (Lixia Cao). Evidence of staff training has been recorded

Action Proposed: See Sheet One

Name of Officer: Jamie Shaw Signature: [Signature] Date & Time: 29/3/2018

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

Signed: [Signature] Job Title: Manager

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

CONTINUATION SHEET

Name of Premises China Palace Address

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	
		Separation. There is enough space within the kitchen to safeguard the separation of raw and ready to eat foods. The raw meat zone has been labelled. Please monitor that these zoned areas are used.
L	FH	Refrigeration door seals. These require cleaning and/or repair. Compliance One Week.
L	S	Cloth Management Dirty/cotton dish cloths will spread bacteria throughout the kitchen. These must be washed at 90°C or disinfected often. Our advice has been to use disposable cloths wherever possible, and throw them away after each task. We discussed the use of disposable cloths or paper towels for the following jobs: Wiping Surfaces, Mopping up spills

Action Proposed: See Sheet One

Name of Officer Janie Shaw Signature [Signature] Date & Time 29/03/2018

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

Signed [Signature] Job Title Manager

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

CONTINUATION SHEET

Name of Premises China Palace Address

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	
		Wiping boards, and drying items. If dirty cloths are still in use during my next visit I will insist that they are disposed of, and blue paper towels are used. Compliance One Week.
L S		As mentioned on the revisit 26/10/2017 the majority of waste water flows through a large grey PVC pipe to a connection in the stockroom floor which takes the waste underground. This junction is not sufficiently sealed to prevent drain smells and air borne bacteria entering the restaurant. This requires attention from an individual that can undertake a professional "boxing in". Compliance. Two Weeks.

Action Proposed: See Sheet One

Name of Officer Janie Shaw Signature [Signature] Date & Time 29/03/2018

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

Signed [Signature] Job Title Manager

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

CONTINUATION SHEET

Name of Premises: China Palace Address

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	
L S		The silicon sealant surrounding the dumb waiters has been poorly applied and does not provide a smooth surface capable of being clean. Please reapply. Compliance Four Weeks.
L S		The small washhand basin has base taps. Please repair Compliance Four Weeks
L S		The ceiling has a number of tiles missing please replace Compliance Four Weeks
L S		The intercom system requires repair and cleaning Compliance Four Weeks

Action Proposed: See Sheet One

Name of Officer: Jamie Shaw Signature: [Signature] Date & Time: 29/03/2018

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

Signed: [Signature] Job Title: Manager

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

CONTINUATION SHEET

Name of Premises China Palace Address

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	
L	FH	<p><u>Separation</u> To safeguard food from cross contamination please check to see food products are separated within the chiller and freezer. Compliance immediately.</p>
L	FH	<p><u>Storage of food on chiller and freezer floor.</u> Food items must not be stored on the floor. Compliance immediately</p>
L	S	<p><u>Green Foam.</u> One of the Stainless Steels sinks had a green foam cover that acted as a sponge. I am not clear what this was for. Such materials provide harbourage for bacteria and cannot be cleaned or disinfected. Please remove.</p>

Action Proposed: See Sheet One

Name of Officer Jamie Shaw Signature [Signature] Date & Time 29/03/2018

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

Signed [Signature] Job Title Manager

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

CONTINUATION SHEET

Name of Premises China Palace Address

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	
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Following this revisit I list my concerns as follows:

The need for effect cleaning of the kitchen to include the correct use of materials such ^{as} the use of disposable cloths and blue paper roll I would recommend a cleaning schedule. We identified this in the SFBB pack. Cantonese.

L	CIM	Handwashing - This was not seen during my visit. Handwashing must take place before touching or handling any food, especially ready to eat and after touching raw meat, poultry fish, eggs or unwashed vegetables. It should also take place after cleaning after a break and going to the toilet.
L	FH	

Stock Control. Force includes the food containers in the chiller and freezer

Action Proposed: See Sheet One

Name of Officer James Shaw Signature [Signature] Date & Time 29/03/2018

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

Signed [Signature] Job Title Manager

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

CONTINUATION SHEET

Name of Premises China Palace Address

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	
		there must be at least 50 containers of food which are unlabelled. This means no information regarding allergens, 'best before' or 'use by' dates.
		Repairs Fridge door seals, open drain in stock room, ceiling tiles, silicon sealant, taps on wash hand basin.
L	S	
L	CIM	Food Safety Management System. I would recommend the 2016 edition of Safer Food Better Business for Chinese Cuisine. The current system requires organisation so that visiting officers can easily find information. Compliance Two weeks
		If you have any questions or require advice please email me at Jamie.Stow@reading.gov.uk

Action Proposed: See Sheet One

Name of Officer Jamie Stow Signature [Signature] Date & Time 29/03/2018

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

Signed [Signature] Job Title Manager

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

Division/Station : Reading Licensing Dept

From : PC 5787 Simon Wheeler

To : Reading Licensing Authority

Ref : Grand Palace, 43-45 Oxford Road, RG1 7QG

Date : 1st April 2018 Tel.No.

Subject :

Objection

I PC 5787 Simon Wheeler on behalf of the Chief Officer of Thames Valley Police wish to formally object to the proposed application for a Premises Licence submitted by Ming Zhong Shi regarding Grand Palace, 43-45 Oxford Road, Reading, RG1 7QG.

It is believed that this application is likely to undermine the Licensing objectives with specific regard to that of the prevention of crime and disorder. This is a situation which is also exacerbated by serious concerns surrounding the suitability of the proposed Designated Premises Supervisor (DPS) and applicant Ming Zhong Shi.

The premises licence for this site was recently revoked by the Reading Borough Council Licensing Sub-Committee under its former guise "The China Palace". On that occasion the premises licence holders were discovered to be employing four illegal workers which was compounded by a number of failures to comply with licensing legislation and breaches of licence conditions.

Of course due to the history of this site and nature of the previous incidents leading to that review it is imperative that these criminal activities and wholesale failures are not repeated.

However, Thames Valley Police are aware that on 2nd February 2018 during a joint inspection between Reading Borough Council and Immigration enforcement that two Chinese National suspected illegal workers with no right to live or work in the United Kingdom were located wearing aprons in the kitchen of Kings Chef Chinese Restaurant, 19 London Road, Reading.

It has since been confirmed by immigration that both had entered into the country illegally.

This is highly pertinent as the current Premises Licence Holder at Kings Chef is the applicant for Grand Palace Ming Zhong Shi, who himself only has discretionary leave to remain in the United Kingdom until 06/05/2018 as of the date of completion of this objection.

With regards to the review of licensed premises the current Secretary of States Section 182 Guidance provides the following statements which have direct implications regarding the employment of illegal workers:-

"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 the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;

- *for the sale and distribution of illegal firearms;*
- *for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;*
- *for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;*

- *for prostitution or the sale of unlawful pornography;*
- *by organised groups of paedophiles to groom children;*
- *as the base for the organisation of criminal activity, particularly by gangs;*
- *for the organisation of racist activity or the promotion of racist attacks;*
- *for employing a person who is disqualified from that work by reason of their immigration status in the UK;*
- *for unlawful gambling; and*
- *for the sale or storage of smuggled tobacco and alcohol.*

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.”

Clearly in this situation this is not a review of an existing premises licence as it is an application that we are dealing with. However, when we look at the serious stance that has been taken by the government on the issue of the employment of illegal workers that is reflected in the Secretary of states guidance, we would suggest that it is imperative that this is taken into account when looking at the suitability of the proposed DPS whom has been involved in the suspected employment of illegal workers at another premises in February this year.

When we utilise the guidance in order to review a premises licence based on this type of criminal activity, we use post incident judgement to inform that decision.

On this occasion we are asking that you take into consideration what has occurred and use that information to make a pre-emptive judgment to refuse this application.

The case law decision relating to Hanif below sets out that specifically in relation to crime and disorder that a prospective consideration can be taken in order to enable prevention and deterrence.

Case law within the East Lindsey District Council v Abu Hanif establishes:-

“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”

Specifically with regards to this application we would therefore strongly suggest that having taken into account our concerns surrounding the applicant and DPS that in order to prevent the licensing objectives from being undermined that this application should be refused.

Furthermore it is suspected that the applicant Ming Zhong Shi has current links that will be maintained with the previous Premises Licence Holder whom was involved with the business leading to its revocation.

The concern of Thames Valley Police is that this application has been made in an attempt to circumvent the current revocation decision relating to this premises, and if granted will likely lead to the continuation of poor practice and a failure to uphold the licensing objectives.

We strongly recommend that based on these concerns alone extreme scrutiny and due diligence be carried out by the licensing sub-committee to ensure that this is indeed a “New” application, and not a “rebranded” application.

We can also add to that concern the fact that this premises is within the Cumulative Impact Zone as determined by the local Cumulative Impact Policy (CIP). This premises application is branded as an “upmarket restaurant and bar”, detailing both live, recorded music and the supply of alcohol till 0300 hours which would squarely place this application within the jurisdiction of the CIP.

The applicant has addressed this within their application by stating “staff are mindful of Cumulative Impact concerns”, however we suggest there is nothing within the application that addresses that situation, and we point out that it is the applicant that must assuage the presumption of rebuttle.

We believe that this application does not address adequately the concerns of the CIP and fact that Reading suffers a disproportionate amount of violent crime due to the cumulative impact of its Night Time economy.

A series of statements have been made within the operating schedule many of which would not translate satisfactorily into licence conditions and no contact was received by the Police from the applicant prior to this application being made nor or as far as we are aware the Licensing Authority. Therefore we believe the applicant has not taken into account knowledge of the local area or the opinions of the authorities in relation to the operating schedule or cumulative impact.

The current Section 182 Secretary of States Guidance in relation to the Licensing Act 2003 section 8.38 – 8.46 is relevant in relation to this.

I would draw your attention specifically to Sections 8.43 – 8.45 detailed below:-

8.43 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

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

8.45 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

Supporting the above concerns are the fact that we have been made aware of a further visit to the premises by the local authority on 28th March 2018 as per Section 59 of the Licensing Act 2003. Of most concern appears to be the maintained employment of staff involved with China Palace that potentially supports our concerns that the business is and will be a re-branded and re-named version of the old regime.

As well as the fact that there appears to have been made no improvements to either the infrastructure, knowledge or competence of staff involved in the business.

The applicant suggests within their operating schedule that a number of areas will be addressed, however the council inspection suggests that none of these are currently in place, and bearing in mind the application was due to take force on the 4th April 2018 one would not be remiss for expecting that

the undertakings stated within the applicants operating schedule would at this stage have been put into place in readiness for undertaking licensable activity!

Thames Valley Police believe that this application is unsuitable due to the current history of the applicant and his connections to employing illegal workers. The fact that we believe that there will still be a very real connection to the old management team of China Palace and that concerns regarding the CIP have not been addressed. And finally, the fact that we consider this application will most certainly likely undermine the licensing objectives.

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 and refuse this application as the only possible means to promote the licensing objectives with specific regard to the prevention of crime and disorder.

PC 5787 Simon Wheeler



Immigration
Enforcement

APPENDIX PN-5

Objections to premises license application

Grand Palace (previously known as
China Palace.)

Immigration enforcement object to the application for the grant of a premises licence for Grand Palace to be applied for in the name of Ming Zhong SHI as the premises licence holder trading under the name of Oxford Delight which was formed on 1st December 2017.

I understand this Premises licence holder is also the Premises licence holder at the Kings Chef, 19 London Road, Reading On the 2nd February 2018 a joint visit between immigration enforcement and Licensing officers was made to the "Kings Chef" and two persons with no right to work were found in the kitchen area of the premises. In respect of a Premises licence holders responsibility to uphold the licensing objective it was un-expected to find two people in the kitchens who had no lawful basis to work in the UK. It was not clear why they were there or what function they were undertaking.

It is disappointing that in the licensing application there is no mention of the premises licence holder stating what right to work checks he will undertake. There is also no mention of any new processes or safeguards to be put in place to ensure that only those with a right to work are employed. The China Palace as it was previously known had its license revoked due to a number of safety concerns and compounded by the fact the previous licensee was allowing people to work at the restaurant who were disqualified from working. The restaurant as illustrated below has a poor history in respect of its employment standards.

Immigration enforcement has visited China palace (Grand palace) on three occasions in the last 6 years on each occasion persons were employed who were disqualified from work by reason of their immigration status.

23/03/11 EV102BKM1167

Five illegal workers found on premises a fine was served on the business.

28/10/15 TS21GCE1265

A warrant was executed on the premises and 2 illegal workers were encountered. A fine was served on the premises.

13/07/17 TS18GCW1170

A joint Licensing visit led by Reading Borough Council.

A total of nine staff encountered working, 4 were found to be immigration offenders.

An illegal working referral notice with four names was served on the business owner.

The employment of people who do not have the right to work in the UK is a serious crime and can be linked to exploitation of vulnerable people.

Employers have had a responsibility since 1997 to ensure they do not employ illegal workers. Since 2008, this requirement has been underpinned by civil and criminal

sanctions for non compliance, set out in the Immigration, Asylum and Nationality Act 2006 - sections 15 and 21. Under these sanctions, an employer who employs an illegal worker may be liable for a civil penalty of up to £20,000 per illegal worker and an employer who knowingly or has reasonable cause to believe that the employment is not permitted may on conviction after indictment be subject to a custodial sentence of up to five years and an unlimited fine.

The panel will be aware of the High Court Judgement from East Lindsey District Council v Abu Hanif (trading as Zara's Restaurant and Takeaway) to get over the point that prosecutions don't have to occur in order for the crime prevention objective to be undermined and the Licensing Authority to be able to take action. The licensing objectives are prospective and enforcing authorities are required to assess licensing matters to prevent them being undermined in the first place. Enforcing authorities should also assess the likely effect of granting a licence on the promotion of those objectives.

It is the understanding of Immigration enforcement that the staff and management of the Grand Palace are the same as those that were present when it was called the China Palace. I understand that on a recent inspection the manager of the Grand palace was unable to name their staff which is deeply concerning and doesn't inspire confidence. The Home office is concerned that there is no demonstrable change in the structure and accountability of the business and the change of name and change of licensee is purely an attempt to resume trading albeit in a different name but with a new premises licence holder..

Immigration enforcement feel that the licensing objectives of prevention of crime and disorder will continue to be undermined should the premises license be granted

Immigration enforcement would like to strongly oppose the application and feel that there is still a risk to the licensing objectives as the concerns that were initially raised in the revocation of the license when the restaurant was China Palace has not been resolved.

Narancic, Peter

From: Dowsett, Leanne
Sent: 04 April 2018 15:59
To: Licensing
Cc: kydtony@[REDACTED]; Mike Nickson
Subject: FW: Grand Palace Oxford Road [OFFICIAL]

The applicant has agreed to the following measures being placed as conditions on the premises licence. I therefore withdraw my representation.

1. The placing of refuse - such as bottles - into receptacles outside the premises shall only take place between the hours of 8.00am and 7.00pm Monday to Saturday.
2. Arrangements must be put in place to ensure that waste collection contractors do not collect refuse between 7:00pm and 07:00am.
3. (i) Periodic observation of the noise level and the likelihood that it will cause disturbance shall be undertaken throughout the entertainment period by a member of staff at the boundary at reasonable and regular intervals and logged. This log must be made available for inspection by an Authorised Officer.

(ii) The log book must set out: time and date of observation; observer; observation of noise level i.e. either A: satisfactory level of noise unlikely to cause disturbance, or B: unsatisfactory level of noise likely to cause disturbance; and if the level of noise is unsatisfactory, the action taken to resolve situation.

Leanne Dowsett
 Environmental Health Officer
 Environmental Protection & Nuisance | Directorate of Environment & Neighbourhood Services

Reading Borough Council
 Civic Centre
 Bridge Street
 Reading
 RG1 2LU

0118 937 4133 (74133)

[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)



From: Tony Lau [mailto:kydtony@[REDACTED]]
Sent: 04 April 2018 15:50
To: Dowsett, Leanne
Subject: Re: Grand Palace Oxford Road [OFFICIAL]