

To: Councillors Woodward (Chair),
D Edwards and Grashoff.

Our Ref: Ics.c/agenda

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1 December 2017

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

NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 2 - THURSDAY 14 DECEMBER 2017

A meeting of Licensing Applications Sub-Committee 2 will be held on Thursday 14 December 2017 at 9.30am in Committee Room 4B, Civic Offices, Bridge Street, Reading.

The agenda for the meeting is set out below.

WARDS AFFECTED PAGE NO

1. DECLARATIONS OF INTEREST

(a) Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration;

(b) Councillors to declare whether they wish to speak on the grounds they:

(i) Have submitted a relevant representation as an interested party; or

(ii) Will be speaking on behalf of an interested party.

2. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - SUPERSAVE, NORTHUMBERLAND AVENUE, READING WHITLEY 1

To consider an application for the review of the Premises Licence in respect of Supersave, 234 Northumberland Avenue, Reading.

LICENSING ACT 2003 HEARING ON THURSDAY 14 DECEMBER 2017 @ 9.30 HOURS

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

1. Premises:

Supersave
234 Northumberland Avenue
Whitley
Reading
Berkshire
RG2 7QA

2. Applicants Requesting Review:

Reading Borough Council

3. Grounds for Review

Reading Borough Council (Licensing team) as a responsible authority under the Licensing Act 2003 and under the licensing objectives of prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm and public safety make application for the review of the premises licence for Supersave, 234 Northumberland Avenue, Whitley Reading RG2 7QA.

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

The premises known as Supersave currently have a premises licence pursuant to the Licensing Act 2003 which permits the sale of alcohol by retail off the premises from 0530hrs until 2300hrs from Monday to Sunday. The premises operates as an off licence.

The premises licence holder is Supersave (UK) Ltd and the designated premises supervisor at the time of this submission is stated as Mr Alpeshkumar Patel. Mr Alpeshkumar Patel is also a director and secretary of Supersave (UK) Ltd along with another individual listed as a director called Sangitaben Patel.

On 17th May 2017 - the premises were found employing one (1) illegal worker.

In 2014 - the premises licence holder was prosecuted by Reading Borough Council's Trading Standards team for selling and/or storing on the premises, counterfeit alcohol which, if consumed, would be harmful to human health. This is also contrary to Section 144 of the Licensing Act 2003.

During the visit of 17th May 2017, it was found that the premises were in breach of the conditions attached to the premises licence. The required documents such as the summary of the licence and a Section 57 notice were absent or not displayed. There were no training records for any staff member and the refusal log had not been completed since September 2016. There were also a number of irregularities on the premises licence which stemmed from the licence holder not updating it such as the home address of the DPS.

A subsequent inspection on 11th October 2017 was also extremely poor. The incorrect licence was produced and displayed. The authorisation list was out of date and

contained staff that no longer worked at the premises. No Section 57 notice could be identified by either of the staff members. There were only training records for four staff despite there being seven members of staff. When officers asked the staff what training had been given to them, neither could answer. This would indicate that the training was either insufficient or had not been carried out at all. It was also stated that the premises operated Challenge 18 which is contrary to the premises age verification policy and a breach of the mandatory conditions and that student cards were acceptable as identification - also contrary to the premises age policy. The issues identified in the two inspections are of particular concern given that the premises was reviewed and the licence suspended for six weeks in 2008 for selling alcohol on two occasions to a 15 year old child.

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

4. Date of receipt of application: 25 October 2017

A copy of the review application received is attached at [Appendix I](#)

5. Date of closure of period for representations: 22 November 2017

6. Representations received:

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

Thames Valley Police which is attached at [Appendix II](#)

the Immigration service which is attached at [Appendix III](#)

the Trading Standards team which attached at [Appendix IV](#)

A plan showing the location of the premises (in black) and surrounding streets is attached as [Appendix V](#)

7. Background

The premises is located near the town centre in a mainly residential area.

The Premises Licence Holder is stated as: Supersave (UK) Limited

The Designated Premises Supervisor (DPS) is stated as: Mr Mr Alpeshkumar Patel

The premises currently has the benefit of a premises licence for the activities and hours detailed below: [A copy of the current licence is attached at Appendix VI](#)

<p>Licensable Activities authorised by the Licence</p> <p>Sale of Alcohol by Retail - Off the Premises</p>	
<p>The times the licence authorises the carrying out of licensable activities</p> <p>Hours for the Sale by Retail of Alcohol</p> <p>Monday from 0530hrs until 2300hrs Tuesday from 0530hrs until 2300hrs Wednesday from 0530hrs until 2300hrs Thursday from 0530hrs until 2300hrs Friday from 0530hrs until 2300hrs Saturday from 0530hrs until 2300hrs Sunday from 0530hrs until 2300hrs</p>	
<p>Hours the Premises is Open to the Public</p> <p>Monday from 0530hrs until 2300hrs Tuesday from 0530hrs until 2300hrs Wednesday from 0530hrs until 2300hrs Thursday from 0530hrs until 2300hrs Friday from 0530hrs until 2300hrs Saturday from 0530hrs until 2300hrs Sunday from 0530hrs until 2300hrs</p>	

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

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

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

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

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

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

1. take no further action
2. to issue formal warnings to the premises supervisor and/or premises licence holder
3. modify the conditions of the licence (including, but not limited to hours of operation of licensable activities)

4. exclude a licensable activity from the scope of the licence
5. remove the designated premises licence supervisor
6. suspend the licence for a period not exceeding three months
7. revoke the licence.

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

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

Licensing Objectives and Aims:

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

They include:

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

Representations from the police

9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Licensing authorities acting as responsible authorities

9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.

Home Office Immigration Enforcement acting as a responsible authority

9.25 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

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

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

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

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

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

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

The Review process

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

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

premises in connection with any of the four licensing objectives.

Powers of a licensing authority on the determination of a review

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

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

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

Reviews arising in connection with crime

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

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

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to

recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

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

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

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

Reading Borough Council Licensing Policy Statement

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

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

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

7.15 Crime & Disorder Act 1998

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

7.15.3 Policing and Crime Act 2009

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

10.5 Review of Premises Licence

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

supersavereviewreport14.12.2017/pn

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

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Richard French on behalf of the Licensing Authority of Reading Borough Council

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Supersave 234 Northumberland Avenue	
Post town Reading	Post code (if known) RG2 7QA

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

Number of premises licence or club premises certificate (if known) LP9000408 (dated 30/05/17)

Part 2 - Applicant details

I am

Please tick ✓ yes

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

2) a responsible authority (please complete (C) below)

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

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Licensing Team Reading Borough Council Civic Offices Bridge Street Reading RG1 2LU
Telephone number (if any) 01189 37 37 62
E-mail address (optional) licensing@reading.gov.uk

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

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

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

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

On 17th May 2017 – the premises were found employing 1 illegal worker.

In 2014 – the premises licence holder was prosecuted by Reading Borough Council's Trading Standards team for selling and/or storing on the premises, counterfeit alcohol which, if consumed, would be harmful to human health. This is also contrary to Section 144 of the Licensing Act 2003.

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

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

- for employing a person who is disqualified from that work by reason of their immigration status in the UK.
- for the sale or storage of smuggled tobacco and/or 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.**

During the visit of 17th May 2017, it was found that the premises were in breach of the conditions attached to the premises licence. The required documents such as the summary of the licence and a Section 57 notice were absent or not displayed. There were no training records for any staff member and the refusal log had not been completed since September 2016. There were also a number of irregularities on the premises licence which stemmed from the licence holder not updating it such as the home address of the DPS.

A subsequent inspection on 11th October 2017 was also extremely poor. The incorrect licence was produced and displayed. The authorisation list was out of date and contained staff that no longer worked at the premises. No Section 57 notice could be identified by either of the staff members. There were only training records for four staff despite there being seven members of staff. When officers asked the staff what training had been given to them, neither could answer. This would indicate that the training was either insufficient or had not been carried out at all. It was also stated that the premises operated Challenge 18 which is contrary to the premises age verification policy and a breach of the mandatory conditions and that student cards were acceptable as identification – also contrary to the premises age policy.

The issues identified in the two inspections are of particular concern given that the premises was reviewed and the licence suspended for six weeks in 2008 for selling alcohol on two occasions to a 15 year old child.

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

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

The premises known as Supersave currently have a premises licence pursuant to the Licensing Act 2003 which permits the sale of alcohol by retail off the premises from 0530hrs until 2300hrs from Monday to Sunday.

The premises operates as an off licence. The premises licence holder is Supersave (UK) Ltd and the designated premises supervisor at the time of this submission is stated as Mr Alpeshkumar Patel. Mr Alpeshkumar Patel is also a director and secretary of Supersave (UK) Ltd along with another individual listed as a director called Sangitaben Patel.

The premises were visited on 17th May 2017 in a joint operation between the Licensing team and officers from the Home Office Immigration Enforcement team. Immigration Enforcement have been a 'Responsible Authority' under the Licensing Act since April 2017 to predominantly deal with the prevention and detection of immigration offences that may be being committed on licensed premises which therefore undermine the prevention of crime and disorder licensing objective.

On attendance at the premises one illegal worker was found working and the details are as follows:

1. A 30 year old Indian male who was behind the counter serving customers was found to be an overstayer and detained. He admitted to officers that he was being paid £5 an hour cash in hand. This is therefore below the minimum wage and the relevant tax contributions are likely not being paid or declared.

It is the job of any responsible employer to ensure that the correct right to work checks are carried out. Clearly, right to work checks are not being carried out.

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

1) A person commits an offence if he employs another ("the employee") knowing that the employee is [disqualified from employment by reason of the employee's immigration status].

(1.A) A person commits an offence if the person—

(a) employs another person ("the employee") who is disqualified from employment by reason of the employee's immigration status, and

(b) has reasonable cause to believe that the employee is disqualified from employment by reason of the employee's immigration status.

(1B) For the purposes of subsections (1) and (1.A) a person is disqualified from employment by reason of the person's immigration status if the person is an adult subject to immigration control and—

(a) the person has not been granted leave to enter or remain in the United Kingdom, or

(b) the person's leave to enter or remain in the United Kingdom—

(i) is invalid,

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

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

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

(a) *on conviction on indictment—*

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

(ii) *to a fine, or*

(iii) *to both*

The offence of employing illegal workers is now also a relevant offence in the Licensing Act 2003. As stated previously in this application, the Licensing Act 2003 Guidance at 11.27 and 11.28 now states that the employment of illegal workers is to be regarded as a crime that should be taken particularly seriously and that revocation of the premises licence – even in the first instance – should be seriously considered. The licence holder is undermining the crime and disorder licensing objective as well as failing to ensure that the people he employs are legally in the country or entitled to work.

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

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

border – could be being unwittingly employed by the licence holder despite them having current or previous criminal convictions which may endanger the public.

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

Prosecution for selling counterfeit alcohol:

In 2014, the current premises licence holder and designated premises supervisor was prosecuted for having 24 bottles of counterfeit alcohol at the premises and 1 bottle of duty diverted alcohol with a counterfeit label. The 24 bottles (Glens Vodka) of counterfeit alcohol were found to be of industrial origin and inconsistent with genuine vodka. They were also found to have no lot numbers or batch codes. When the contents were analysed, it was found that the vodka would have been harmful to human health if consumed and that the contents of the vodka were of industrial origin with excessive methanol and acetaldehyde. These bottles are not available in the legitimate supply chain or from reputable cash and carry outlets indicating that they had been purchased through illegitimate sources. The vodka was also breaching the Food Labelling Regulations 1996; the General Food Regulations 2014 and the Trade Marks Act 1994.

The sale or storage of smuggled alcohol on a licensed premises is listed under Section 11.27 of the guidance as one of the most serious offences under the Licensing Act 2003. It is an offence where revocation – even in the first instance – should be seriously considered. It is also contrary to Section 144 of the Licensing Act 2003.

It is extremely concerning how these bottles ended up in a retail shop where someone could have purchased them, consumed them and become seriously ill. As stated previously these counterfeit products are not available through reputable cash and carry outlets and would not be in the legitimate supply chain. This serious matter could have been a lot more serious and it is clear that the premises licence holder is willing to cut corners and wilfully undermine the promotion of the prevention of crime and disorder licensing objective in order to save a few pounds.

Mr Alpeshkumar Patel pleaded guilty to two offences in relation to this and was fined £600 + a £60 victim surcharge as well as having to pay the Council £1,706 costs.

Appendix RF-4 is a letter detailing the issues with the counterfeit alcohol found when it was tested.

It is also worth noting that a personal licence holder is required to notify the licensing authority of any relevant conviction. The above offence is a relevant offence. Section 132 (2)(a) of the Licensing Act states that a personal licence holder must notify the Licensing Authority as soon as is reasonably practicable with a notice containing details of the conviction, the date of conviction

and any sentence. Mr Patel has not notified the Licensing Authority of this conviction and has therefore committed an offence under Section 132 (2)(a) of the Licensing Act 2003.

Licensing Breaches:

During the visit of 17th May 2017 and the subsequent visit of 11th October 2017, the Licensing team conducted a licensing inspection to see whether the terms and conditions on the licence as well as relevant legislation were being complied with and found the following issues:

1. No Section 57 notice produced contrary to Section 57 of the Licensing Act 2003
2. Part B either incorrectly displayed or not displayed at all contrary to Section 57 of the Licensing Act 2003.
3. Staff training and refresher training not being carried out for all staff. This is a breach of condition and contrary to Section 136 (1) of the Licensing Act 2003.
4. Records of training for the previous 12 months were not produced. This is a breach of condition and of Section 136 (1) of the Licensing Act 2003.
5. A refusal register was not being adequately maintained at the premises. During the first inspection in May 2017, it had not been filled in since September 2016. On the second inspection, a few entries had been entered but there were no entries at all for August or October 2017. This is a breach of condition and contrary to Section 136 (1) of the Licensing Act 2003.
6. The record of refusals for the previous six months could not be produced on either visit. This is a breach of condition and contrary to Section 136 (1) of the Licensing Act 2003.
7. Staff seemed unaware of the premises proof of age policy stating it was Challenge 18. This was contrary to what officers had been informed it was and therefore a breach of the mandatory conditions attached to all licences.
8. It was stated that student ID cards were acceptable forms of identification for the purchasing of age restricted products. They are not. This is contrary to the premises own age verification policy.
9. There are general issues around information contained on the premises licence such as the DPS home address and address of the premises licence holder.

A copy of the letters sent to the licence holder in respect of the licensing breaches found on 17th May 2017 and 11th October 2017 can be found at **appendix RF-1** and **appendix RF-2**.

I have outlined the concerns relating to the lack of staff training within these letters – notably in appendix RF-1 (inspection of 17th May) at bullet point number 7 and, more seriously in appendix RF-2 at bullet point number 5 which casts doubt on whether the training is sufficient or has taken place at all due to staff being unable to tell officers what they had been trained on.

Review of August 2008

The reason that officers have concern over staff training; the inconsistent approach to age verification and the sporadic use of a refusals log, is that the premises has previously been reviewed by the Council's Trading Standards team for selling alcohol on two occasions to a 15 year old child. On that occasion it was the decision of the licensing committee to suspend the premises licence for six weeks to allow the licence holder to put into place proper training and procedures to prevent an occurrence. The inspections conducted by the licensing team in 2017; the prosecution of the licence holder for selling counterfeit alcohol harmful to human health in 2014 and the employment of an illegal worker in 2017 would indicate that the licence holder is still undermining the licensing objectives and not taking his obligations under the Act seriously.

It is acknowledged that the premises has passed two test purchase exercises carried out utilising a person under the age of 18 on 21st February 2011 and then again on 2nd July 2011. A further Challenge 25 test purchase utilising a person over the age of 18 was also passed in October 2014. However, the seeming lack of staff training; the lack of refusals and staff seeming to not know the premises age verification policy, still leave officers concerned at the practices and procedures

operated at the premises.

I attach the minutes from the review hearing in August 2008 as **appendix RF-3**.

The way this premises is being run is unacceptable and the conduct of the premises licence holder and DPS in ensuring that staff are trained and that licence conditions are adhered to is also poor to non existent.

In summary, the offences outlined in this review application are some of the most serious contained within the Licensing Act 2003. The employment of any illegal worker and their possible exploitation for financial gain is clearly an extremely serious criminal offence and one that the Licensing Act has identified as one where the revocation of the licence should – even in the first instance – be seriously considered. There are no acceptable excuses or justification that can be offered for this. A licence holder and responsible employer should, as a bare minimum, be checking that their potential employees are eligible to reside and work in the UK.. The licence holder has shown a complete disregard for all manner of laws and has committed extremely serious criminal offences from the premises which he operates. This can also be seen with the prosecution for having bottles of counterfeit, illegal alcohol on the premises which – if consumed – would be harmful to human health. This also applies to the licensing issues encountered at the premises which pose a substantial risk to public safety and seriously undermine the promotion of the licensing objectives.

Allowing this premises to continue to operate with the benefit of a premises licence will merely serve to perpetuate the criminal activity and human exploitation already apparent from the findings of the licensing authority, Immigration Enforcement and other partners concerned with protecting the public.

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

List of appendices:

- Appendix RF-1 – Licensing inspection letter dated 17th May 2017.
- Appendix RF-2 – Licensing inspection letter dated 12th October 2017
- Appendix RF-3 – Minutes of the licensing review hearing from 12th August 2008
- Appendix RF-4 – Letter containing analysis of counterfeit alcohol
- Appendix RF-5 – Case law – East Lindsey District Council v Abu Hanif

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

N/A

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year
1	1	1

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

Please tick ✓

yes

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature 
.....

Date **25th October 2017**
.....

Capacity **Licensing Enforcement Officer**
.....

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

Notes for Guidance

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



Alison Bell
 Director of Environment and
 Neighbourhood Services
 Civic Offices, Bridge St, Reading, RG1 2LU
 ☎ 0118 937 3787

Our Ref:052968 EVU

e-mail: richard.french@reading.gov.uk

17 May 2017

Alpeshkumar Patel
 Supersave Convenience Store
 234 Northumberland Avenue
 Reading
 RG2 7QA
 Via email to: alps.patel [REDACTED]

Your contact is: Mr Richard French, Licensing

Dear Mr Patel

Licensing Act 2003

Premises Licence Number: LP1000346

Premises: Supersave Convenience

Premises Address: 234 Northumberland Avenue, Reading

On Wednesday 17th May 2017 I visited your premises with officers from Immigration Enforcement to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection. Immigration Enforcement officers arrested an employee who was suspected of being in and working in the country illegally. He was also the only member of staff in the shop at the time of the visit. They will correspond with you about that matter separately. This letter will deal with the licensing inspection that was carried out with you when you attended the premises.

During my licensing inspection, I found a number of items that require your attention as outlined below:

- 1) The registered address stated on the licence for the premises licence holder is incorrect. Please arrange to have this updated. This can be done by corresponding with the Licensing team and making a payment of £10.50.
- 2) The address of the DPS - as stated on the premises licence - is incorrect. Indeed, I believe you have not lived at the address stated since 2007. Please arrange for this to be updated.
- 3) The personal licence details for the DPS - as stated on the licence - are incorrect. Please arrange for this to be updated.
- 4) Part B of your premises licence was not correctly displayed. All pages must be displayed in a prominent position so that members of the public can read it should they wish. This is an offence under Section 57 of the Licensing Act and should be rectified immediately.

5. A Section 57 notice was not displayed. This notice indicates who has custody of the premises licence in the absence of the DPS. Please ensure this is displayed.

6. The list of authorised alcohol sellers was out of date and did not include all members of staff. The mandatory licensing condition states that all members of staff must be authorised by a personal licence holder. In order to document that this has been done, please arrange for this authorisation list to be updated and displayed accordingly.

7. Condition 1 under Annex 2 of your premises licence in relation to staff training was not being complied with. The condition states that all staff must be trained prior to employment and have refresher training every 6 months. Only two training records were produced and one was dated 2013 and the other was dated 2015. You stated that you had 6 staff. Therefore it could not be demonstrated that 4 of your staff had been trained. The records produced also indicate that 6 monthly refresher training had not taken place. Condition 2 states that records of training should be maintained. The fact that not all staff had been trained; the fact that the staff that had been trained had not had refresher training and the fact that no records could be produced are all breaches of Section 136 of the Licensing Act and should be rectified immediately. You should also review what training is given to ensure it is comprehensive enough to actively promote the licensing objectives and promote responsible alcohol retailing.

8. A refusal book was produced but I am concerned that it is not being used. The last entry in it was on 22nd September 2016 which would indicate that there has been no need to refuse any age restricted products for 8 months. Please ensure the refusal book is used and all staff are aware of how to fill it in.

9. You were unable to tell me what the four licensing objectives were. These are fundamental to the entire licensing regime and should be actively promoted. It is difficult to see how the licensing objectives can be promoted if the staff are not aware of them. Please ensure that you refresh yourself of these as they should also be communicated to your staff via their training.

Please rectify all of the above matters within 14 days and notify me within this time period when you believe the issues have been resolved.

Yours faithfully

Mr Richard French
Licensing Enforcement Officer



Alison Bell
Director of Environment and
Neighbourhood Services
Civic Offices, Bridge St, Reading, RG1 2LU
☎ 0118 937 3787

Our Ref:053152 EVU

e-mail: richard.french@reading.gov.uk

12 October 2017

Alpeshkumar Patel
Supersave Convenience
234 Northumberland Avenue
Reading
RG2 7QA

Your contact is: Mr Richard French, Licensing

Dear Mr Patel

Licensing Act 2003

Premises Licence Number: LP9000408

Premises: Supersave Convenience

Premises Address: 234 Northumberland Avenue, Reading

On the 11th October 2017 at 17:10hrs I visited your premises with officers from Immigration Enforcement to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection. The inspection was carried out with Peter Williams and Pramod Rana who both identified as being employees of the shop.

During my inspection, I found a number of items that require your attention as outlined below:

- 1) The correct version of Part A of your licence could not be produced. Only the out of date copy was produced from a blue folder. Please remove licence number LP1000346 as that is no longer valid. Your current licence is numbered LP9000408 and was sent to you when you amended some details on it.
- 2) Part B of the licence was not on display. This is also numbered LP9000408. Please ensure that this is displayed in a prominent position.
- 3) Your written authorisation list contains staff members who no longer work at the premises. Please ensure that this is updated. I also note that where it asks for the DPS personal licence number on this document, the premises licence number has been inserted. Please ensure that this is corrected as well.
- 4) A Section 57 notice - detailing who has custody of the premises licence and it's location - could not be found. Please ensure that this is rectified immediately.
- 5) Conditions 1 and 2 under the heading 'General' on page 7 deal with staff training. I do not accept that these conditions have been complied with. Firstly, it was stated that 7

members of staff work at the premises. There were only four training records. One training record was for a member of staff who no longer worked at the premises. Secondly, I note that the training documents were only completed recently. The condition on your licence states that training records should be retained for 12 months and produced upon request. Thirdly and most importantly, when I asked Mr Williams and Mr Rana what the training had included they were unable to tell me. The training condition is wide ranging and states that training should be in relation to the legal restrictions in selling alcohol and the terms and conditions of the premises licence. Neither staff member knew the terms of the licence. And neither member of staff could tell me what they had been trained on. This would lead any reasonable person to conclude that either the training has not happened - in which case the signing of training documents by the staff for non-existent training is an offence - or that the training was not sufficient enough for the licence condition to be complied with. This is unacceptable in either regard. The training conditions are on the licence - and have been since this licence has been in force - to ensure that alcohol is sold responsibly. This was also brought to your attention on our previous visit. This needs to be urgently rectified so that the conditions of the licence are complied with.

6) It was stated during the inspection that the age verification policy for the premises is Challenge 18. This is contrary to what you informed me it was on my previous visit and contrary to the Challenge 25 posters in the shop. This demonstrates, again, that the staff have not been sufficiently trained. It is also a breach of the mandatory conditions on the premises licence which states that all sales of alcohol should be carried out in accordance with the age verification policy being operated at the premises. Please ensure that this is rectified.

7) It was stated during the inspection that student ID cards were accepted as proof of age. These are not acceptable as proof of age and this statement is, again, contrary to what you informed me last time and the posters displayed in your premises. This also shows, again, that the staff have not been adequately trained. Student cards should not be accepted as suitable ID when purchasing age restricted products.

8) The refusals book was poorly maintained. Again, I spoke to you about this on my previous visit and was last completed on 28th September 2017. There also seems to have been no refusals recorded in August or October at all. The description of the person refused is also not adequate. Simply putting that the person refused was a 'white male' or 'asian male' is not good practice and does not help staff identify who may have been refused service before they came on duty. This also shows that staff have not been trained properly as this was mentioned on my previous visit as being an issue.

This is now the second visit conducted by the Licensing team that has raised significant concerns about how alcohol is being sold at the premises. All of the issues brought to your attention in May have either only been partially rectified or not rectified at all. We will now consider whether we will need to take any further action in relation to these issues. In the mean time, please ensure that the issues raised in this letter are rectified within 7 days

If you have any questions relating to this letter then please contact me.

Yours faithfully

Mr Richard French
Licensing & Enforcement Officer

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 12 AUGUST 2008

Present: Councillors Skeats (Chair), Chowdhary and Edwards.

RESOLVED ITEMS

5. MINUTES

The Minutes of the meeting held on 15 July 2008 were confirmed as a correct record and signed by the Chair.

6. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - SUPERSAVE (UK) LIMITED

The Head of Environment and Consumer Services submitted a report on an application by the Chief Inspector of Weights and Measures for Reading Borough Council (Trading Standards) for the review of a Premises Licence in respect of Supersave (UK) Limited, 234 Northumberland Avenue, Reading.

The report stated that Trading Standards had requested a review of the Premises Licence due to serious concerns regarding the illegal sale of alcohol to under aged people. In summary, the premises had failed two consecutive test purchasing exercises, and therefore the Premises Licence holder had undermined the licensing objectives of protecting children from harm and the prevention of crime and disorder. A copy of the review application was attached at Appendix I to the report.

Two representations had been received during the permitted consultation period, from Thames Valley Police and a local resident. These were attached to the report at Appendices II and III respectively. A plan showing the location of the premises and the surrounding area was attached at Appendix IV.

The report stated that the premises had a Premises Licence that permitted the sale of alcohol by retail, off the premises. The current licensable hours were 0530 hours until 2300 hours, Mondays to Sundays.

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

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

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

- Take no further action;
- Issue formal warnings to the premises supervisor and/or premises licence holder;
- Modify the conditions of the Licence;
- Exclude a licensable activity from the scope of the Licence;

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 12 AUGUST 2008

- Remove the Designated Premises Licence Supervisor;
- Suspend the Licence for a period not exceeding three months;
- Revoke the Licence.

Additional papers provided by the applicant had been circulated ahead of the meeting.

Mr Matthew Gollidge, Trading Standards officer of the Council, was present at the meeting and addressed the Sub-Committee on the application for a review, expressing concern at the two failed test purchasing exercises that had been carried out at the premises. Mr Steve Deane, Berkshire West Police Area, was also present at the meeting and addressed the Sub-Committee on concerns regarding alcohol-related anti-social behaviour that was occurring in the area.

The Designated Premises Supervisor, Mr Alphskumar Patel, was present at the meeting, accompanied by his solicitor, Mr Tim Child. They addressed the Sub-Committee on the issues raised by Trading Standards and responded to questions. Mr Geoff Keeble, Silver Fox Licensing Consultants, was present at the meeting and addressed the Sub-Committee on the training that had been provided for employees of the premises.

Resolved -

- (1) That the following be taken into account in considering the review of the Premises Licence in respect of Supersave (UK) Limited:
 - The existing precautions undertaken by the Designated Premises Supervisor to ensure that the licensing objectives were not undermined, including use of CCTV and an Electronic Point of Sale system to alert employees when age-restricted products were purchased;
 - The improvements that had been made to date following the two failed test purchases;
 - The use of a refusals register;
 - The two failed test purchases, one of which had occurred only a week after the Designated Premises Supervisor had been interviewed under caution, as detailed in the report;
 - The Sub-Committee was of the view that young people in the Borough should be protected from the illegal sale of alcohol and tobacco;
 - The need to uphold the licensing objectives of:
 - i. The protection of children from harm;
 - ii. The prevention of crime and disorder.

LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 12 AUGUST 2008

- Paragraph 11.16 of the Secretary of State's Guidance.
- (2) That, having regard to the above, the Premises Licence in respect of Supersave (UK) Limited be suspended for a period of six weeks, to allow sufficient time for all the measures proposed by the applicant to be fully implemented.



0827

For the attention of: PAUL EVANS

Reading B C (T.S.)
 Trading Standards
 Civic Centre
 Reading
 RG1 7TD



Date of report: 15/08/2013
 Our Reference: EFF13/02762
 Sample received on: 31/07/2013

Food Safety Act 1990 report on the analysis of sample:

PE_001_S Glens vodka

Method	Result Name	Test Value	Units
F1706	Alcohol by density meter	36.8	% vol.
F1704B	Acetaldehyde in spirits	28.0	g/100L alc
• F1704C	Ethyl acetate in spirits	< 2.0	g/100L alc
F1704A	Methanol in spirits	29.2	g/100L alc
F1704D	Propan-1-ol in spirits	< 1.0	g/100L alc
F1704E	2-methylpropan-1-ol in spirits	< 1.0	g/100L alc
F1704F	Amyl alcohols in spirits	< 1.0	g/100L alc
• F1704G	Propan-2-ol in spirits (IPA)	5800	mg/L
• F1704H	t-Butanol in spirits	2990	mg/L
• F1704I	Xylene in spirits	< 2.0	mg/L
• F1704J	Chloroform in spirits	< 2.0	mg/L

Comments:

The amount of alcohol found in this sample is deficient of that declared to the extent of 0.7% vol, this deficiency being more than twice the maximum permitted tolerance of 0.3% vol., as prescribed by the Food Labelling Regulations 1996. The amount of alcohol found is also deficient of the minimum alcoholic strength for vodka as required by the Spirit Drink Regulations 2008.

The amount of methanol found in the sample is in excess of the maximum permitted level as prescribed by the Spirit Drinks Regulations 2008, the amount found being nearly three times the permitted level.

Signed:

Paul Hancock, Public Analyst

Report outcome: UNSATISFACTORY

Report ID: 1302762-1

Page: 1 of 2

* indicates determinand not included in UKAS accreditation. Details of methods of analysis can be obtained from the address below. Opinions, comments and interpretations expressed herein are outside the scope of UKAS accreditation.

Worcestershire County Council, Scientific Services, Unit 5, Berkeley Business Park, Wainwright Road, Worcester WR4 9FA
 Tel. 01905 751300, Fax. 01905 751301, scientificservices@worcestershire.gov.uk

The amount of acetaldehyde found in the sample is 56 times the maximum permitted amount as prescribed by the aforementioned 2008 Regulations.

The sample was also analysed for the presence of propan-2-ol which was detected at a level of 5800mg/L and t-butanol which was detected at a level of 2990mg/L in the sample. The presence of propan-2-ol and t-butanol is indicative of the alcohol being of industrial origin, and as such it is my opinion that the sample is not consistent with genuine vodka.

The sample was also analysed for the presence of chloroform and xylene, which were not detected in the sample.

No lot mark or batch code could be identified on the sample as required by the General Food Regulations 2004, and irregularities with the HMRC duty mark indicated that the mark may not be genuine.

Signed:



Paul Hancock, Public Analyst

Report outcome: **UNSATISFACTORY**

Report ID: 1302762-1

Page: 2 of 2

* indicates determinand not included in UKAS accreditation. Details of methods of analysis can be obtained from the address below. Opinions, comments and interpretations expressed herein are outside the scope of UKAS accreditation.

Worcestershire County Council, Scientific Services, Unit 5, Berkeley Business Park, Wainwright Road, Worcester WR4 9FA
Tel. 01905 751300, Fax. 01905 751301, scientificservices@worcestershire.gov.uk

Judgments

QBD, ADMINISTRATIVE COURT

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

CO/345/2016

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

THE ADMINISTRATIVE COURT

Royal Courts of Justice

Strand

London WC2A 2LL

Thursday, 14 April 2016

Before:

MR JUSTICE JAY

Between:

EAST LINDSEY DISTRICT COUNCIL

Appellant

v

ABU HANIF

(TRADING AS ZARA'S RESTAURANT AND TAKEAWAY)

Respondent

Computer- Aided Transcript of the Stenograph Notes of

WordWave International Limited trading as DTI

165 Fleet Street London EC4A 2DY

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

(Official Shorthand Writers to the Court)

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

The Respondent did not appear and was not represented

J U D G M E N T

(Approved)

Crown copyright©

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. No.

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

D. No.

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

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

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

26. MR JUSTICE JAY: Yes.

27. MR KOLVIN: Should I start with here.

28. MR JUSTICE JAY: Yes.

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

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

31. MR JUSTICE JAY: It has.

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

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

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

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

35. MR JUSTICE JAY: I see.

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

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

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

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

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

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

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

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

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

45. MR KOLVIN: Thank you.

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

47. MR KOLVIN: Thank you, my Lord.

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

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

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

51. MR KOLVIN: Thank you.

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

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

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

55. MR JUSTICE JAY: Yes. (Handed)

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

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

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

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

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

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

62. MR JUSTICE JAY: Okay.

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

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

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

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

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

68. MR KOLVIN: Yes.

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

70. MR KOLVIN: Yes, they are.

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

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

73. MR JUSTICE JAY: No- one objects.

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

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

76. MR KOLVIN: Thank you very much indeed.

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

78. MR KOLVIN: No.

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

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

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

82. MR KOLVIN: Indeed.

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

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

85. MR JUSTICE JAY: Thank you very much.

Division/Station : Reading Licensing Dept

From : PC 5787 Simon Wheeler

To : Reading Licensing Authority

Ref : Supersave Premises Licence Number LP9000408
Tel.No.

Date : 30 November 2017

Subject :

Supportive review representation

I PC Simon Wheeler on behalf of the Chief Officer of Police for Thames Valley wish to provide this representation in support of the review process relating to Supersave, Northumberland Avenue Reading, Berkshire.

Our representation is based on this premises failure to uphold the licensing objectives by committing offences in relation to immigration and the employment of illegal workers, as well as a failure to comply with a number of conditions attached to their licence.

Therefore this representation gives due regard specifically to the licensing objective relating to prevention of crime and disorder and also impacts on all three other licensing objectives.

The employment of illegal workers is a criminal activity which has serious impacts on society and can in certain circumstances have serious and real implications connected to modern day slavery.

As such the current Secretary of State's Guidance pursuant to the Licensing Act 2003 specifically deals with this in Section 11.27 and 11.28, and outlines that "It is expected that revocation of the licence – even in the first instance- should be seriously considered".

Thames Valley Police (TVP) area aware that illegal workers have been found in employment within these premises on the 17th May 2017.

Also of equal concern to TVP are the breaches of conditions that were discovered during the inspection by Reading Borough Council on 17th May 2017 and again on 11th October 2017.

This was compounded by a prosecution undertaken by Reading Trading Standards in relation to counterfeit alcohol in 2014, and an inspection that TVP completed at the premises on 9th April 2015 that detailed further concerns in relation to the premises that have been reflected in consequent inspections (**APPENDIX TVP 1**)

The inspection in 2015 notes, concerns over lack of training and uncertainty as to who authorised the sale of alcohol.

For these reasons TVP strongly believe that this premises clearly undermines the Licensing objectives and we fully endorse the review of this premises licence undertaken by the Licensing Authority.

TVP would urge the Licensing Sub-Committee to seriously consider the options available to them within this process and we fully support the recommendations made by the Licensing Authority in relation to the revocation of this licence in order to ensure that the licensing objectives are promoted; with specific regard to the prevention of crime and disorder and the prevention of children from harm.

Submitting Officer		
Shoulder No/Name: PC 5787 Wheeler	Station: Reading	LPA: Reading

Incident References			
Premises Name/Location:	Supersave, 234 Northumberland avenue, Reading, RG2 7QA		
Incident Date:	09/04/2015	Incident Time:	1358 hrs
Command & Control URN:	n/a	Crime Report(s):	n/a
CCTV Seized?	No		
Sources of Information:	Joint TVP/RBC Trading standards operation		

Nature of Incident – what happened?
Trading standards operation utilising sniffer dog to detect illegal tobacco. TVP Licensing check - determining current license compliance

Premises Response – what part did staff play? How did they react/assist (include good/poor performance)?
<ol style="list-style-type: none"> 1) Part B of License was displayed *only one page* LP1000346. 2) The person in charge Glesion ESTROCIO stated he thinks authorisation to sell alcohol was given by the DPS but did not know if this was verbal and no p/work produced. 3) A refusals log was shown. 4) Confirmed that no official training had been given in relation to any aspects of licensing or under age sales. 5) ESTROCIO stated that he would ID people looking under 21 and would not sell to a person under 18. 6) Confirmed no under age sales training or guidance had been given to him. 7) Signage relating to CCTV was displayed but may not be compliant.

Police Response – what action was taken? Please identify the main officers who dealt with the incident.
Urgent follow up required by TVP and RBC as there were major issues with who had authorised alcohol sales as well as serious concerns over the lack of training received by staff on site..

Persons Involved - to add more rows click into the final cell of this table				
Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)
Glesion Estrocio		In charge of shop		

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

Narancic, Peter

To: Narancic, Peter
Subject: FW: 2 x Review Applications - Reading Borough Council

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

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

Please see our reps below

On Wednesday 17th May 2017 South Central ICE team visited 234 Northumberland Avenue Reading RG2 7QA .Kinjal PATEL was encountered and arrested. A NOPL was served and Notice to Occupier on the owner.

Premises: The shops counter is on the left hand side as you walk in. After the counter there are two aisles that lead to the back of the shop divided by a central shelf unit. The post Office counter is at the rear of the store. To the right hand side of the post office there is a door. Through this door is a staff toilet on the left hand side, and a stair case that leads to a store room upstairs.

Semhar Menghis

Home Office

Interventions and Sanctions Directorate | The Central Team | Immigration Enforcement

Apollo House | 3rd Floor | 36 Wellesley Rd | Croydon | CR9

2BY☎: 02087608134✉:Semhar.menghis1@homeoffice.gsi.gov.uk

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

Classification: OFFICIAL

Application for the review of a Premises Licence by Reading Borough Council Licensing

Supersave, 234 Northumberland Avenue, Whitley

16th November 2017

This relates to an application for the review of a premises licence submitted by Reading Borough Council's Licensing Service on the 25th October 2017.

The Trading Standards Service as a responsible authority under the Licensing Act 2003 support the action being taken and also take this as an opportunity of submitting additional information for inclusion at the review.

The Trading Standards Service has had a number of interactions with the Premises Licence Holder during the course of the past 10 years.

In 2008, the Trading Standards Service reviewed the premises licence of Supersave, 234 Northumberland Avenue, Whitley due to the premises failing two test purchase exercises. The first test purchase was failed when both alcohol and cigarettes were sold to a 15 year old test purchaser. The second test purchase was failed when alcohol was sold to the same test purchase volunteer just over one month after the first failure. The licence was suspended for a period of six weeks. The Premises Licence Holder appealed but the Magistrates Court upheld the decision of the Sub Committee.

The premises has since passed several test purchases for under age sales, the latest being a Challenge 25 test in 2016.

In 2013, Supersave, 234, Northumberland Avenue, Whitley was visited during the course of a programme of inspections to check the authenticity of alcohol found on licensed premises. Two cases of 12 bottles (therefore 24 in total) of Glen's Vodka were found on the premises and the Premises Licence Holder was prosecuted by Reading Borough Council's Trading Standards Service in 2014 for trademarks offences.

Supersave 234, Northumberland Avenue, Whitley was visited during the course of a "sniffer dog" exercise in April 2015 to detect illegal tobacco but none was found during the course of the visit.

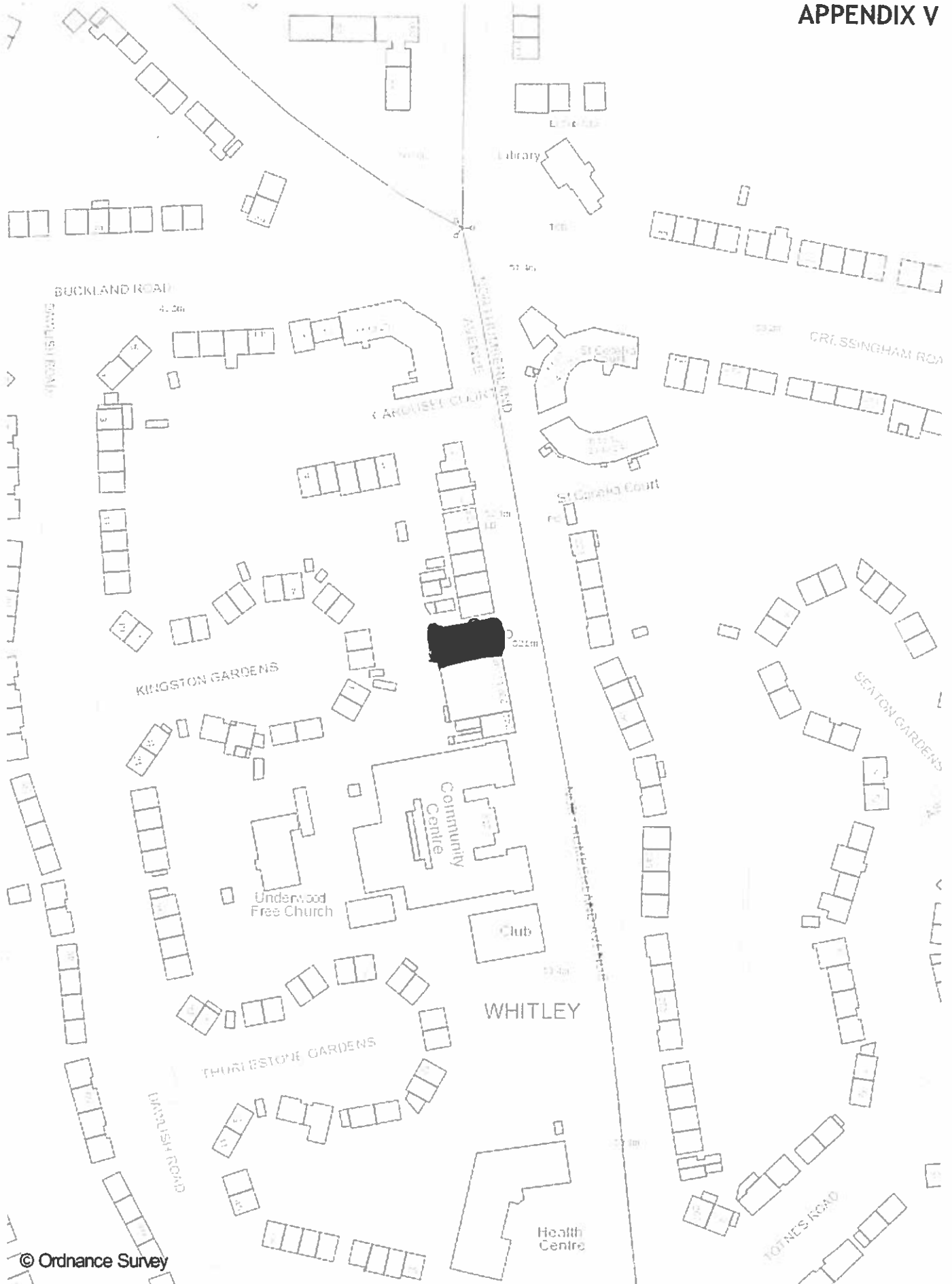
While the Trading Standards Service has not had any recent interactions with Supersave, 234 Northumberland Avenue, Whitley, the history of transgressions is indicative of a business that does not take its legal and regulatory responsibilities seriously and undermines the Licensing Act 2003 objectives, particularly that of crime and disorder.

The Premises Licence Holder is an experienced individual and it is difficult not to draw the conclusion that he conduct is wilful and the latest incident relating illegal workers is another example of a calculated approach to gain an unfair advantage over competitors and, more insidiously, take advantage of vulnerable workers. The Trading Standards Service supports the recommendation made by the Licensing Service.



MR I J SAVILL

Classification: OFFICIAL



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LICENSING ACT 2003 PREMISES LICENCE - PART A

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

Premises Licence Number	LP9000408
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Premises Details

Premises Name and Address	
Supersave 234 Northumberland Avenue Whitley READING Berkshire RG2 7QA	
Telephone Number	0118 931 2627

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

Licensable Activities

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

Authorised Hours for Licensable Activities

The times the licence authorises the carrying out of licensable activities	
Hours for the Sale by Retail of Alcohol	
Monday	from 0530hrs until 2300hrs
Tuesday	from 0530hrs until 2300hrs
Wednesday	from 0530hrs until 2300hrs
Thursday	from 0530hrs until 2300hrs
Friday	from 0530hrs until 2300hrs
Saturday	from 0530hrs until 2300hrs
Sunday	from 0530hrs until 2300hrs

Opening Hours

Hours the Premises is Open to the Public

Monday from 0530hrs until 2300hrs
Tuesday from 0530hrs until 2300hrs
Wednesday from 0530hrs until 2300hrs
Thursday from 0530hrs until 2300hrs
Friday from 0530hrs until 2300hrs
Saturday from 0530hrs until 2300hrs
Sunday from 0530hrs until 2300hrs

Alcohol

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

Sale of Alcohol by Retail - Off the Premises

Premises Licence Holder

Name, (registered) address of holder of premises licence

Name: Supersave (UK) Limited
Address: 234 Northumberland Avenue, Whitley, Reading, Berkshire RG2 7QA

Additional Details

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

Name: Mr Alpeshkumar Patel
Address: [REDACTED]

Designated Premises Supervisor


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

Personal Licence Number: LP7001011
Issuing Authority: Reading Borough Council

This Licence shall continue in force from 30/05/2017 unless previously suspended or revoked.

Dated: 04 October 2017

Head of Environment & Consumer Services



Mandatory Conditions

Supply of Alcohol

To be applied where a premises licence authorises the supply of alcohol	
1	No supply of alcohol may be made under the premises licence:- <ol style="list-style-type: none">a) at a time when there is no designated premises supervisor in respect of the premises licence, orb) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2	Every supply of alcohol made under the premises licence must be made or authorised by a person who holds a personal licence.

Film Exhibitions

To be applied only where a premises licence or club premises certificate authorises the exhibitions of films	
1	The admission of children to any exhibition of any film must be restricted in accordance with section 20 of Part 3 of the Licensing Act 2003.
2	In the case of films which have been classified by the British Board of Film Classification admission of children to films must be restricted in accordance with that classification.
3	In the case of films which have not been classified by the British Board of Film Classification, admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.

Door Supervisors

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

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

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

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

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

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

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

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

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

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

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

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

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

Age Verification Policy (commencement 01/10/2014)

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

Drink Measurements (commencement date 01/10/2014)

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

Minimum Permitted Pricing (commencement 28th May 2014)

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

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

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

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

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

where—

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Annex 2

Conditions Consistent with the Operating Schedule

General

1. All staff must be adequately trained in relation to the legal restrictions relating to sales of alcohol and the terms of the Premises Licence prior to commencing employment and must receive refresher training at intervals of no less than 6 months.
2. A record of such training must be maintained and must be available for at least 12 months. The record must be available for inspection by Police of Licensing Authority upon request.

Prevention of Crime & Disorder

1. A record of refusals must be maintained, showing details of all incidents when the sale of alcohol is refused.
2. The record of refusals must be retained for at least 6 months and must be available for inspection by the Police or the Licensing Authority upon request.

Protection of Children from Harm

1. Recognised proof of age schemes and/or photo driving licences must be used at the premises.
2. Signage must be displayed in the premises providing information as to the relevant age restrictions for the purchase of alcohol.

Annex 3

Conditions attached after a hearing by the Licensing Authority

No

Annex 4

Plans

As attached plan dated July 2005