

To: Councillors Woodward (Chair),  
and Livingston.

Our Ref: Ics.c/agenda  
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18 December 2017

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NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 2 - THURSDAY 4 JANUARY 2018

A meeting of Licensing Applications Sub-Committee 2 will be held on Thursday 4 January 2018 at 9.30am in the Council Chamber, Civic Offices, Bridge Street, Reading.

The agenda for the meeting is set out below.

WARDS AFFECTED PAGE NO

1. DECLARATIONS OF INTEREST
  - (a) Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration;
  - (b) Councillors to declare whether they wish to speak on the grounds they:
    - (i) Have submitted a relevant representation as an interested party; or
    - (ii) Will be speaking on behalf of an interested party.
  
2. MINUTES OF THE MEETINGS OF LICENSING APPLICATIONS SUB-COMMITTEE 1 HELD ON 28 NOVEMBER AND 12 DECEMBER 2017 AND LICENSING APPLICATIONS SUB-COMMITTEE 2 HELD ON 7 DECEMBER AND 14 DECEMBER 2017 1

To confirm the Minutes of the meetings of Licensing Applications Sub-Committee 1 held on 28 November and 12 December 2017 and Licensing Applications Sub-Committee 2 held on 7 December and 14 December 2017 as correct records.

3. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - PREMIER/JELLY STORES, WHITLEY STREET, READING KATESGROVE 18

To consider an application for the review of the Premises Licence in respect of Premier/Jelly Stores, 69 Whitley Street, Reading.

## LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 28 NOVEMBER 2017

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

### 16. MINUTES

The Minutes of the meeting of Licensing Applications Sub-Committee 1 held on 24 October 2017 were confirmed as a correct record and signed by the Chair.

### 17. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - DOMINO'S, CHRISTCHURCH ROAD, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by DPSK Limited for the variation of the Premises Licence in respect of Domino's, 64 Christchurch Road, Reading.

The premises Licence indicated that the following licensable activities were permitted:

#### Late Night Refreshment

Monday/Tuesday/Thursday/Sunday	2300 hours until 0100 hours
Wednesday/Friday/Saturday	2300 hours until 0200 hours

#### Opening Hours

Monday/Tuesday/Thursday/Sunday	1000 hours until 0100 hours
Wednesday/Friday/Saturday	1000 hours until 0200 hours

The application sought to vary the Premises Licence to permit the sale of Late Night Refreshment from 2300 hours until 0500 hours Monday to Sunday and to permit Opening Hours of 0000 hours until 2400 hours (24 hours) Monday to Sunday.

A copy of the application form was attached to the report as Appendix RF-1, and the current premises Licence was attached to the report as Appendix RF-5.

Representations against the application had been received from Reading Borough Council's Licensing Team, which was attached to the report at Appendix RF-2, and the Environmental Protection and Noise Team, which was attached to the report at Appendix RF-3. A further 45 representations had been received from local residents, which were attached to the report at Appendix RF-4.

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

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

The report stated that the Council's licensing policy placed the onus on applicants who wished to open past 11pm to demonstrate how they would mitigate the issues of crime and disorder and potential public nuisance. The report also set out paragraphs 1.5, 2.14, 2.16, 7.1, 8.38-46, 9.13, 11.4.1 and 14.56-58 of the amended guidance issued under Section 182 of the Licensing Act 2003 (April 2017).

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Jan Davies, Mike Walker, Brian Morley, Jessica Di Luccio, Ian Kemp, Nicholas Woodthorpe, Robert Cox, Jenny Halstead and Frank Tallett who had all submitted representations, were present at the meeting and addressed the Sub-Committee on the application.

Councillor Tony Jones, Redlands Ward, was present at the meeting and addressed the Sub-Committee on the application, on behalf of a resident.

Ahsan Ikhlq and Dinesh Wagh on behalf of the applicant were present at the meeting and addressed the Sub-Committee. They were represented by Walaiti Rathore, Licensing Law Consultancy, who called Paul Douglas as a witness and both addressed the Sub-Committee.

Resolved -

- (1) That, in order to promote the licensing objective for the prevention of public nuisance, and having regard to the oral and written representations made, the paragraphs of the Secretary of State's Guidance and the Council's Statement of Licensing Policy as detailed in the report, the Premises Licence in respect of Domino's Pizza, 64 Christchurch Road, Reading be varied to permit Late Night Refreshment from 2300 hours until 0200 hours Monday to Sunday, due to
  - a) The residential nature of the area surrounding the premises
  - b) The Sub-Committee was satisfied that some incidences of nuisance had occurred since the premises opened in August 2017
  - c) The Sub-Committee regarded the testimonies presented by the residents as being more credible than that of Mr Douglas, who made just one visit to the area;
- (2) That the following conditions be attached to the licence:
  - (a) The Premises Licence Holder shall ensure the premises' digitally recorded CCTV system shall continually record whilst the premises are open to the public. The CCTV system shall provide full coverage of the licensed area. All recordings in conjunction with CCTV shall be of evidential quality as to be able to identify the recorded person, indicate the correct time and date and recordings shall be kept to a minimum of 31 days. A member of staff trained to use the system shall be on duty at all times. Data recordings shall be made immediately available subject to data protection requirements to an authorised officer of Reading Borough Council or a Thames valley Police officer, together with facilities for viewing upon request;
  - (b) Clearly legible and suitable notices shall be displayed to advise customers that CCTV is in operation at the premises;
  - (c) Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly;

## LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 28 NOVEMBER 2017

- (d) The placing of refuse into receptacles outside the premises shall only take place between the hours of 0800 hours and 1900 hours;
- (e) An incident book/register shall be maintained to record all incidents of crime and disorder occurring at the premises. The register shall record a description of the incident, a description of any persons involved in the incident, the person recording the incident and details of whether the police were called. This book/register shall be available to an authorised officer of Reading Borough Council or Thames valley Police officer on request;
- (f) The Premises and area immediately outside the premises shall be kept clear of litter whilst the premises is open for licensable activities;
- (g) All packaging and utensils for use by customers shall be made of biodegradable or recyclable materials;
- (h) Staff shall actively discourage and disperse all persons who congregate outside the premises so as to minimise disturbance to local residents;
- (i) The Premise Licence Holder or duly nominated representative shall keep a written log of complaints reported to them by any local residents which undermine the four licensing objectives. The complainant's name, time of complaint, member of staff dealing with the complaint and the remedial action taken should be recorded. This written log shall be maintained and produced to authorised officers of Reading Borough Council and Thames Valley Police upon request;
- (j) During operating hours, the Premise Licence Holder or a nominated representative shall be available to receive and respond to nuisance-related complaints. A contact number shall be readily available to residents upon request;
- (k) Staff employed shall undergo training in relation to the Licensing Act 2003 regarding late night refreshment upon induction. This shall include, but not be limited to understanding the four licensing objectives. Such training sessions are to be documented and refreshed every six months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised officer of Thames Valley Police and Reading Borough Council upon request.

(The meeting started at 5.00pm and finished at 8.35pm)

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

#### 18. EXCLUSION OF THE PRESS AND PUBLIC

Resolved - That, in accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, members of the press and public be excluded during consideration of the following item of business on the grounds that the public interest in doing so outweighed the public interest in the hearing taking place in public.

#### 19. APPLICATION FOR THE VARIATION OF DESIGNATED PREMISES SUPERVISOR

The Head of Planning, Development and Regulatory Services submitted a report on an application for the variation of a Designated Premises Supervisor (DPS).

The report set out a summary of the application and relevant documents were appended to the report. The application form and current premises licence was attached to the report at Appendix RF-1.

The report stated that the Licensing Act 2003 required all sales of alcohol at a licensed premise to be made or authorised by a person with a Personal Licence. All premises licences that permitted the sale of alcohol must specify a personal licence holder as the Designated Premises Supervisor. This person would then be permitted to sell alcohol themselves and authorise other to do so in their absence. Only the Premises Licence Holder may make an application to vary the designated premises supervisor.

The report stated that in determining the application, if the chief officer of police was satisfied that granting the licence would undermine the crime prevention objective, he must, within the period of 14 days beginning with the day he had received the notice under subsection (4), give the authority a notice stating the reasons why he was so satisfied. Having regard to the objection notice, the Licensing Authority must hold a hearing to consider the objection notice unless the applicant, the Chief of Police and the Authority agreed that this was unnecessary; and having regard to the notice the Authority must reject the application if it considered it necessary for the promotion of the crime prevention objective to do so.

On 1 November 2017 the Licensing Section had received a notice of objection from Thames Valley Police in respect of the application, which was attached to the report at Appendix RF-2. Thames Valley Police submitted further information on 13 November 2017 regarding their objection.

The applicant JSS was present at the meeting and addressed the Sub-Committee to seek an adjournment.

PC Simon Wheeler, Thames Valley Police, was present at the meeting.

Resolved -

That consideration of the application for the variation of DPS be adjourned to allow the applicant to be legally represented.

(Exempt information as defined in paragraph 1, 2, 3 and 5).

20. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - PREMIER INN

The Head of Planning, Development and Regulatory Services submitted a report on an application by Reading Borough Council Licensing Team for the review of the Premises Licence in respect of Premier Inn, Letcombe Street, Reading, RG1 2HN.

The report stated that Thames Valley Police had submitted the review of the Premises Licence, outlining an alcohol and Child Sexual Exploitation (CSE) test purchase on 24 September 2016 when the premises supplied alcohol to a 15 year old child and a staff member stated that a room could be booked online for the 15 year old child and the undercover officer accompanying her, a licensing inspection on 13 January 2017 when the premises was found to be breaching a number of licence conditions and a further test purchase on 12 October 2017 when a hotel room was sold to a child aged 13 and the undercover police officer who was accompanying her and the 13 year old child was also sold alcohol by the same staff member who had sold the hotel room. This was a failure of an alcohol test purchase and a failure of a CSE test purchase. The sale of alcohol to a person under the age of 18, in this instance, was an offence under the Licensing Act.

A copy of the review application was attached to the report at Appendix RF-1.

The report stated that representations had been received from Reading Borough Council Licensing Team, which was attached to the report at Appendix RF-2, and John Gaunt Solicitors on behalf of the Premises Licence Holder, which was attached to the report at Appendix RF-3.

Further information from Thames Valley Police, Reading Borough Council Licensing Team and the Premises Licence Holder had been circulated prior to the meeting.

The report stated that the Premises Licence Holder was Premier Inns Hotel Ltd and Designated Premises Supervisor was Mr Ward Van Gorkum. The current Premises Licence, a copy of which was attached to the report at Appendix RF-4, permitted the following:

Hours for the Performance of Live Music and Hours for the Performance of Dance

Thursday to Saturday	1000 hours until 2400 hours
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Hours for the Playing of Recorded Music

Monday to Wednesday	1000 hours until 2400 hours
Thursday to Saturday	1000 hours until 0200 hours
Sunday	1000 hours until 2330 hours

Hours for the Provision of Late Night Refreshment

Sunday to Wednesday	2300 hours until 2400 hours
Thursday to Saturday	2300 hours until 0200 hours

Hours for the Sale by Retail of Alcohol

Monday to Wednesday	1000 hours until 2400 hours
Thursday to Saturday	1000 hours until 0200 hours
Sunday	1000 hours until 2330 hours

Extend the hours for all licensable activities on New Year's Eve until the start time of the following day. Extend the hours for all licensable activities to hotel residents and their bona fida guests 24 hours a day.

Hours the Premises are Open of the Public

Monday to Wednesday	2400 hours until 2400 hours
Thursday to Saturday	1000 hours until 0230 hours
Sunday	2400 hours until 2400 hours

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 stated further that in determining the 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. Further, in determining the application the Licensing Authority could take such of the following steps as it considered appropriate and proportionate for the promotion of the licensing objectives:

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

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

The report set out paragraphs 1.5, 2.22, 2.23, 2.27, 2.29, 2.32, 9.12, 9.13, 11.2, 11.10, 11.17, 11.18 and 11.24 to 11.28 of the Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2017). The report also set out paragraphs 10.5.1, 12.1.1, 12.1.2 and 12.1.7 of the Council's Statement of Licensing Policy.

Mr Chris Grunert, solicitor of John Gaunt & Partners, was representing the Premises Licence Holder and addressed the Sub-Committee. Mr Ward Van Gorkum, Designated Premises Supervisor (DPS), Mr Shaun Ross, Head of Safety and Security Whitbread Group and Mr James Rider, Operations Director, were also present and addressed the Sub-Committee.

PC Simon Wheeler and PC Steve Marr, Thames Valley Police, were present at the meeting and addressed the Sub-Committee on the application. Peter Narancic, Reading Borough Council Licensing Team, was present at the meeting and addressed the Sub-Committee.



Resolved -

- (1) That having reviewed the Premises Licence in respect of Premier Inn, and having had regard to the four licensing objectives, in particular the protection of children from harm and public safety, the oral and written representations made, the Secretary of State's guidance and the Council's Statement of Licensing Policy, the Sub-Committee concluded that it would be appropriate and proportionate for the Premises Licence to remain in force but a formal warning was issued which stated that the premise licence holder was to urgently review its procedures and take note of conditions and do the utmost to ensure that this did not happen again and attached conditions to the Premises Licence due to the matters raised in the review application and supporting documents and at the Sub-Committee meeting;
- (2) That the following conditions be attached to the Premises Licence because the Sub-Committee felt that the licensing objectives of the protection of children from harm and public safety would be promoted by their imposition:
  - (a) The Premises Licence Holder and/or Designated Premises Supervisor shall ensure that all staff complete training in Child Sexual Exploitation that is of a standard agreed with Thames Valley Police and Reading Borough Council training package within 28 days of employment and a signed record of their training shall be maintained;
  - (b) Refresher training in relation to CSE shall formally take place once every three months and signed records of this training and signed records of this training shall be maintained. These records shall be kept for a minimum of two years of the date of the training and shall be made available to any authorised officer of Thames Valley Police or an authorised officer of Reading Borough Council;
  - (c) Staff employed to sell alcohol shall undergo training upon induction. This training shall include, but not be limited to:
    - i. The premises age verification policy
    - ii. Dealing with refusal of sales
    - iii. Proxy purchasing
    - iv. Recognising valid identity documents not in the English Language
    - v. Identifying attempts by intoxicated persons to purchase alcohol
    - vi. Identifying signs of intoxication

vii. Conflict Management

viii. How to identify and safeguard vulnerable persons who attend and leave the premises

Refresher training shall be provided every three months and signed records made available for inspection by a Police Officer or authorised officer of Reading Borough Council upon request. These records are to be kept for a minimum of two years of the date of training;

- (d) The Premises Licence Holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or Reading Borough Council together with facilities for viewing upon request, subject to the provisions of the Data Protection Act. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system;
- (e) The premises shall at all times operate a Challenge 25 policy to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, national identify card, military ID or proof of age showing the "PASS" hologram are to be accepted as identification. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premise;
- (f) All staff involved in the sale of alcohol shall be trained to record refusals of sales of alcohol in a refusals log (whether written or electronic). This log shall contain:
- i. Details of the time and date the refusal was made
  - ii. The identity of the staff member refusing the sale
  - iii. Details of the alcohol the person attempted to purchase

This book/register shall be available for inspection by a Police Officer or authorised officer of Reading Borough Council upon request;

- (g) An incident log shall be maintained to record all incidents of crime and disorder as well as those relating to the protection of children from harm occurring at the premises. This log shall be available for

inspection by a Police Officer or an authorised officer of Reading Borough Council upon request and shall be retained for one year. The log shall be signed off by the Designated Premises Supervisor or nominated representative at the end of each trading session. A weekly review of the incident register shall also be carried out by the Designated Premises Supervisor;

- (h) All transactions for hotel bookings shall require photographic ID from any adult accompanying a child. Staff shall take all reasonable and proportionate steps to establish the name, date of birth and relationship between the adult and child. This may include but shall not be limited to asking for identification from each and establishing via questioning the nature of their relationship. Only a valid British driver's licence showing a photograph of the person, a valid passport, proof of age card showing the "PASS" hologram or military identity card are to be accepted as identification. If there is any doubt in relation to the validity of a booking or the nature of the relationship, details of the incident shall be recorded in the premises incident log and the Police notified immediately.

(The meeting started at 9.40am and finished at 1.56pm)

## LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 12 DECEMBER 2017

Present: Councillors Woodward (Chair), D Edwards and Livingston.

### 21. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 1 held on 14 November 2017 were confirmed as a correct record and signed by the Chair.

### 22. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - BEST FOODS

The Head of Planning, Development and Regulatory Services submitted a report on an application by Reading Borough Council Licensing Team for the review of the Premises Licence in respect of Best Foods, 129 Oxford Road, Reading, RG1 7UU.

The report stated that the Reading Borough Council Licensing Team had submitted the review of the Premises Licence, outlining a visit to the premises on 21 January 2015 and a visit on the 7 September 2017 when the premises had been found employing one illegal worker on each occasion. The report also stated that during visits to the premises officers had found a number of breaches of the conditions on the Premises Licences.

The application sought for the Premises Licence to be revoked due to the seriousness of the crimes discovered at the premises and the undermining of the licensing objectives.

A copy of the review application was attached to the report at Appendix I.

The report stated that representations had been received from Thames Valley Police, the Immigration Service, Reading Borough Council Environmental Health Team and the local Neighbourhood Action Group (NAG), which were attached to the report at Appendix II to V.

A plan showing the location of the premises and surrounding streets was attached to the report at Appendix VI.

The report stated that the Premises Licence Holder and Designated Premises Supervisor was Mr Yogarajah Rajmohan. The current Premises Licence, a copy of which was attached to the report at Appendix VII, permitted the following:

#### Hours for the Sale by Retail of Alcohol

Monday to Sunday 0700 hours until 2300 hours

#### Hours the Premises are Open of the Public

Monday to Sunday 0700 hours until 2300 hours

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

## LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 12 DECEMBER 2017

The report stated further that in determining the 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. Further, in determining the application the Licensing Authority could take such of the following steps as it considered appropriate and proportionate for the promotion of the licensing objectives:

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

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

The report set out paragraphs 1.5, 9.12, 9.13, 9.25, 9.31, 9.38, 9.42, 9.43, 11.1, 11.2, 11.16 to 11.18 and 11.24 to 11.28 of the Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2017). The report also set out paragraphs 1.5, 7.15.1, 7.15.3 and 10.5.1 of the Council's Statement of Licensing Policy.

Mr Yogarajah Rajmohan, Premises Licence Holder and Designated Premises Supervisor (DPS) was present and addressed the Sub-Committee and was represented by Mr Mark Altman, ALES Licensing, who also addressed the Sub-Committee.

Richard French, Reading Borough Council Licensing Team, was present at the meeting and addressed the Sub-Committee on the application. PC Simon Wheeler, Thames Valley Police, and Russell Angell, Immigration Service, and Katie Heath and Francisca Makombe, Reading Borough Council Environmental Health (Food Safety) were all present at the meeting and addressed the Sub-Committee.

Resolved -

That having reviewed the Premises Licence in respect of Best Foods, 129 Oxford Road, Reading, and having had regard to the four licensing objectives, and the oral and written representations made, the Secretary of State's guidance in particular the paragraphs listed in the report (and also paragraph 2.22 because there was no one authorised at the premises to sell alcohol which was a breach of mandatory licence condition 2), and having regard to the Council's Statement of Licensing Policy, the Sub-Committee concluded that it would be appropriate and proportionate to revoke the Premises Licence due to:

- (a) the employment of illegal workers at the premises;
- (b) the breaches of licence conditions;

## LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 12 DECEMBER 2017

- (c) the failure to display a notice at the premises in accordance with Section 57 of the Licensing Act 2003;
- (d) the breach of food safety law, in particular S19 (2) of Food Safety and Hygiene (England) Regulations 2013 and Regulation (EC No. 852/2004) of the European Parliament and of the Council of 29 April 2004 on the Hygiene of Food Stuffs;
- (e) the Sub-Committee being advised that the premises had only become compliant with the conditions on the premises licence as of 12 December 2017;
- (f) the failure of the Premises Licence Holder to communicate with the responsible authorities. The Sub-Committee was informed that the staff had failed to pass information to the Premises Licence Holder but the Sub-Committee was of the view that it was the responsibility of the Premises Licence Holder;
- (g) the Sub-Committee's lack of confidence in the management to rectify matters or maintain the business in accordance with the licensing objectives;
- (h) there still being alcohol displayed for sale during the visit on 20 October 2017, contrary to S137 of the Licensing Act 2003.

### 23. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - PREMIER/JELLY STORES

The Head of Planning, Development and Regulatory Services submitted a report on an application by Reading Borough Council Licensing Team for the review of the Premises Licence in respect of Premier/Jelly Stores, 69 Whitley Street, Reading, RG2 0EG.

The report stated that the Reading Borough Council Licensing Team had submitted the review of the Premises Licence, outlining a visit to the premises on 8 June 2017 when the premises had been found employing one illegal worker and was found to be breaching four licensing conditions and two breaches of licensing legislation were discovered. During a visit on 10 October 2013 the premises had been found employing one illegal worker and on 22 October 2014 the premises had failed a test purchase.

The application sought for the Premises Licence to be revoked due to the seriousness of the crimes discovered at the premises.

A copy of the review application was attached to the report at Appendix I.

The report stated that representations had been received from Thames Valley Police and the Immigration Service, which were attached to the report at Appendix II and III.

A plan showing the location of the premises and surrounding streets was attached to the report at Appendix IV.

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The report stated that the Premises Licence Holder and Designated Premises Supervisor was Mr Gurnam Singh Madan. The current Premises Licence, a copy of which was attached to the report at Appendix V, permitted the following:

### Hours for the Sale by Retail of Alcohol

Monday to Saturday	0800 hours until 2300 hours
Sunday	1000 hours until 2230 hours

Good Friday 0800 hours until 2230 hours. Christmas Day 1200 hours until 1500 hours and 1900 hours until 2230 hours.

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 stated further that in determining the 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. Further, in determining the application the Licensing Authority could take such of the following steps as it considered appropriate and proportionate for the promotion of the licensing objectives:

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

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

The report set out paragraphs 1.5, 9.12, 9.13, 9.25, 9.31, 9.38, 9.42, 9.43, 11.1, 11.2, 11.16 to 11.18 and 11.24 to 11.28 of the Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2017). The report also set out paragraphs 1.5, 7.15.1, 7.15.3 and 10.5.1 of the Council's Statement of Licensing Policy.

Mr Gurnam Singh Madan, Premises Licence Holder and Designated Premises Supervisor (DPS), was present and was represented by Mr Panchal, who addressed the Sub-Committee and requested that the matter be deferred.

## LICENSING APPLICATIONS SUB-COMMITTEE 1 MINUTES - 12 DECEMBER 2017

Richard French, Reading Borough Council Licensing Team, was present at the meeting and addressed the Sub-Committee on the application. PC Simon Wheeler, Thames Valley Police, and Russell Angell, Immigration Service, were all present at the meeting.

Resolved -

That the application for the review of the Premises Licence in respect of Premier/Jelly Stores be deferred to a future meeting of the Sub-Committee.

(The meeting started at 5.30pm and finished at 9.00pm)



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

#### 24. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - SUPERSAVE

The Head of Planning, Development and Regulatory Services submitted a report on an application by Reading Borough Council Licensing Team for the review of the Premises Licence in respect of Supersave, 234 Northumberland Avenue, Reading, RG2 7QA.

The report stated that the Reading Borough Council Licensing Team had submitted the review of the Premises Licence, outlining that on 17 May 2017 the premises had been found employing one illegal worker. The report also stated that during the visit on 17 May 2017 the premises had been found to be in breach of the conditions attached to the premises licence and the findings of a subsequent inspection on 11 October 2017 were also extremely poor.

The report stated that in 2014 the Premises Licence Holder had been prosecuted by Reading Borough Council's Trading Standards team for selling and/or storing on the premises counterfeit alcohol and in 2008 the Premises Licence had been reviewed and suspended for six weeks for selling alcohol on two occasions to a 15 year old child.

The application sought for the Premises Licence to be revoked due to the seriousness of the crimes discovered at the premises and the undermining of the licensing objectives.

A copy of the review application was attached to the report at Appendix I.

The report stated that representations had been received from the following responsible authorities Thames Valley Police, the Immigration Service and Reading Borough Council Trading Standards, which were attached to the report at Appendix II to IV.

A plan showing the location of the premises and surrounding streets was attached to the report at Appendix V.

The report stated that the Premises Licence Holder was Supersave (UK) Limited and the Designated Premises Supervisor was Mr Alpeshkumar Patel. The current Premises Licence, a copy of which was attached to the report at Appendix VI, permitted the following:

##### Hours for the Sale by Retail of Alcohol

Monday to Sunday 0530 hours until 2300 hours

##### Hours the Premises are Open of the Public

Monday to Sunday 0530 hours until 2300 hours

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 stated further that in determining the 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. Further, in determining the application the Licensing Authority could take such of the following steps as it considered appropriate and proportionate for the promotion of the licensing objectives:

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

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

The report set out paragraphs 1.5, 9.12, 9.13, 9.25, 9.31, 9.38, 9.42, 9.43, 11.1, 11.2, 11.16 to 11.18 and 11.24 to 11.28 of the Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2017). The report also set out paragraphs 1.5, 7.15.1, 7.15.3 and 10.5.1 of the Council's Statement of Licensing Policy.

Mr Alpeshkumar Patel, Director and Designated Premises Supervisor (DPS) was present at the meeting and was represented by Mr William Donne, Silver Fox Licensing Consultants, who addressed the Sub-Committee.

Richard French, Reading Borough Council Licensing Team, was present at the meeting and addressed the Sub-Committee on the application. PC Simon Wheeler, Thames Valley Police, Lee-Ann Evanson, Immigration Service, and Ian Savill, Reading Borough Council Trading Standards were all present at the meeting and addressed the Sub-Committee.

Resolved -

That having reviewed the Premises Licence in respect of Supersave, and having had regard to the four licensing objectives, in particular the prevention of crime and disorder, and the oral and written representations made, the Secretary of State's guidance, as outlined in the report, and the Council's Statement of Licensing Policy, the Sub-Committee concluded that it would be appropriate and proportionate to revoke the Premises Licence for the following reasons:

- (a) the Sub-Committee considered the request for a suspension but this was the second review of the Premises Licence and the Premises Licence had been suspended for six weeks in 2008 and since that time no improvements had been made to promote the licensing objectives;

## LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 14 DECEMBER 2017

- (b) the Sub-Committee had no confidence that placing even more robust conditions on the Premises Licence would be effective;
- (c) the Sub-Committee noted that the penalty for employing an illegal worker had been paid and that Mr Patel accepted he had been wrong for employing the worker but this did not give the Sub-Committee confidence that it would not happen again;
- (d) the Sub-Committee considered the offer to replace Mr Patel as the Designated Premises Supervisor with his wife but this did not offer any assurance that matters would improve at the Premises.

(The meeting started at 9.30am and finished at 11.28am)

LICENSING ACT 2003 HEARING ON THURSDAY 4 JANUARY 2018 @ 09:30 HOURS

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

**1. Premises:**

Premier/Jelly Stores  
69 Whitley Street  
Reading  
Berkshire  
RG2 0EG

**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 Premier/Jelly Stores, 69 Whitley Street, Reading RG2 0EG

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 Premier/Jelly Stores at 69 Whitley Street, Reading currently have a premises licence pursuant to the Licensing Act 2003 which permits the sale of alcohol by retail off the premises from 0800hrs until 2300hrs from Monday to Saturday and from 1000hrs until 2230hrs on a Sunday.

The premises operates as an off licence. The premises licence holder and designated Premises supervisor at the time of this submission is stated as Mr Gurnam Singh Madan who has been the holder of these positions since 24 August 2012. He holds a personal licence with the London Borough of Hounslow.

On 8 June 2017 - the premises were found employing one (1) illegal worker.

On 10 October 2013 - the premises were found employing one (1) illegal worker. During the visit of 8th June 2017, the premises were found to be in breach of four of its licensing conditions and two further breaches of licensing legislation were discovered. The conditions on the premises licence have been in place since December 2008 as they were attached to the licence by the licensing committee after a previous review hearing into the matter of three failed test purchases. Although Mr Madan was not the premises licence holder or DPS at that time but has been aware of the conditions since he took over in August 2012.

On 22 October 2014, the premises failed a further test purchase.

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 is attached at Appendix III.

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

7. Background

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

The Premises Licence Holder is stated as: Mr Gurnam Singh Madan

The Designated Premises Supervisor (DPS) is stated as: Mr Gurnam Singh Madan

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 V

Licensable Activities authorised by the Licence

Sale of Alcohol by Retail - On & Off the Premises

The times the licence authorises the carrying out of licensable activities

Hours for the Sale by Retail of Alcohol

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

Good Friday from 0800hrs until 2230hrs

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

Hours the Premises is Open to the Public

N/A

#### 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 area<sup>5</sup>. 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](http://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.

premierstorereviewreport12.12.2017/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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Premier Store 69 Whitley Street	
<b>Post town</b> Reading	<b>Post code (if known)</b> RG2 0EG

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Gurnam Singh Madan
--

<b>Number of premises licence or club premises certificate (if known)</b> LP3000399 (dated 04/09/2012)
---

**Part 2 - Applicant details**

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

Please tick ✓ yes

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

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

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

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

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

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

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
  - 2) public safety
  - 3) the prevention of public nuisance
  - 4) the protection of children from harm

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

On 8<sup>th</sup> June 2017 – the premises were found employing 1 illegal worker.

On 10<sup>th</sup> October 2013 – the premises were found employing 1 illegal worker.

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

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

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

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

During the visit of 8<sup>th</sup> June 2017, the premises were found to be in breach of four of its licensing conditions and two further breaches of licensing legislation were discovered. The conditions on the premises licence have been in place since December 2008 as they were attached to the licence by the licensing committee after a previous review hearing into the matter of three failed test purchases. Mr Madan was not the premises licence holder or DPS at that time but has been aware of the conditions since he took over in August 2012.

On 22<sup>nd</sup> October 2014, the premises failed a further test purchase.

**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 Premier Store at 69 Whitley Street currently have a premises licence pursuant to the Licensing Act 2003 which permits the sale of alcohol by retail off the premises from 0800hrs until 2300hrs from Monday to Saturday and from 1000hrs until 2230hrs on a Sunday.

The premises operates as an off licence. The premises licence holder and designated premises supervisor at the time of this submission is stated as Mr Gurnam Singh Madan who has been the holder of these positions since 24<sup>th</sup> August 2012. He holds a personal licence with the London Borough of Hounslow.

The premises were visited on 8<sup>th</sup> June 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. Indian male, who was encountered working illegally, had overstayed in the UK and was escorted off the premises. The premises licence holder was present and was asked by licensing officers, in the course of checking compliance with licensing conditions, to rewind the CCTV to 1053am of the same day where it was clearly witnessed that the illegal worker was serving customers behind the counter.

On a previous visit to the premises on 10<sup>th</sup> October 2013, one illegal worker was found and the details are as follows:

1. Indian male, who was encountered working illegally at the premises, had overstayed in the UK and was escorted off of the premises and detained. The illegal worker was the only employee in the premises which led to a significant delay as officers had to wait for the owner to arrive so he could take control of the premises.

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

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

- 1) A person commits an offence if he employs another ("the employee") knowing that the employee is [disqualified from employment by reason of the employee's immigration status].*
- (1A) A person commits an offence if the person—*
- (a) employs another person ("the employee") who is disqualified from employment by reason of the employee's immigration status, and*
- (b) has reasonable cause to believe that the employee is disqualified from employment by reason of the employee's immigration status.*
- (1B) For the purposes of subsections (1) and (1A) a person is disqualified from employment by reason of the person's immigration status if the person is an adult subject to immigration control*



*and—*

- (a) the person has not been granted leave to enter or remain in the United Kingdom, or*
- (b) the person's leave to enter or remain in the United Kingdom—*
  - (i) is invalid,*
  - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or*
  - (iii) is subject to a condition preventing the person from accepting the employment.]*
- (2) A person guilty of an offence under this section shall be liable—*
  - (a) on conviction on indictment—*
    - (i) to imprisonment for a term not exceeding [five] years,*
    - (ii) to a fine, or*
    - (iii) to both*

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

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

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

of the general public as a whole. This could be particularly pertinent if the illegal entrant has arrived from a country with health issues and the employer has then decided to employ that person in a kitchen or other function where food is served to the public.

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

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

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

#### Licensing Breaches:

During the visit of 8<sup>th</sup> June 2017, the Licensing team conducted a licensing inspection and found the following issues:

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

Condition B on the licence in respect of having an age verification policy was not being complied with. This is a breach of Section 136 (1) of the Licensing Act 2003.

Condition C on the licence in respect of displaying a written age verification policy was not being complied with. This is a breach of Section 136 (1) of the Licensing Act 2003. Further, it was stated that Challenge 25 was being utilised at the premises although the licence stated that it should be Challenge 21. Whilst it is welcome that the premises is going further than the licence condition, the confusion about which policy is used means that the mandatory condition on age verification and ensuring that all sales are carried out in accordance with it, will also likely be in breach.

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

A copy of the plan – which is part of the premises licence – was also not produced.

A copy of the letter sent to the licence holder in respect of the licensing breaches found on 8<sup>th</sup> June 2017 can be found at **appendix RF-1**.

A prior inspection in January 2013 also found the premises to be non compliant, with issues identified as failure to have a Section 57 notice; incorrect time and date on the CCTV system and no evidence that any person had been authorised to sell alcohol by the DPS. These are all offences under the Licensing Act 2003 and some are similar to the issued raised in the inspection of 8<sup>th</sup> June 2017. A letter detailing these deficiencies can be found at **appendix RF-2**

It is inconceivable that any responsible licence holder should act in this manner and undermine the promotion of the licensing objectives to this extent. The licensing objectives are there to prevent

crime and disorder; protect children from harm and ensure that the public are safe when they attend the premises. Therefore, the licence holder should be fully aware of the conditions and be complying with them.

The confusion over the age verification policy could also be demonstrated when the premises failed a test purchase conducted by the Community Alcohol Partnership Officer in October 2014. This was a benchmarking test purchase where an 18 year old was sold alcohol without being asked for any identification. Given that the condition on the licence states that the premises was supposed to be utilising Challenge 21 and at the inspection on 8<sup>th</sup> June 2017 the licence holder stated Challenge 25 was used, this failed test purchase indicates that the mandatory condition on age verification was likely breached. The confusion over the age verification policy used at the premises significantly undermines the promotion of the licensing objectives – notably the protection of children from harm. The conditions in relation to age verification policies stem from a review in 2008 when the premises failed three test purchases and alcohol was sold twice to a 15 year old and once to a 16 year old. Whilst the current premises licence holder and DPS was not in charge of the premises at this time, he would be aware of these conditions on the licence and the importance therefore of selling alcohol responsibly.

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

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

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

List of appendices:

Appendix RF-1 – Licensing inspection letter – 8<sup>th</sup> June 2017

Appendix RF-2 – Licensing inspection letter – 4<sup>th</sup> January 2013

Appendix RF-3 – Case Law – East Lindsey District Council v Abu Hanif 2016

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

N/A

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

Please tick ✓ yes

If yes please state the date of that application

Day	Month	Year
┆	┆	┆
┆	┆	┆
┆	┆	┆

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

N/A

Please tick ✓

yes

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

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

**Part 3 – Signatures** (please read guidance note 4)

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

Signature



Date 25<sup>th</sup> October 2017

Capacity **Licensing Enforcement Officer**

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

**Notes for Guidance**

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



Mr Gurnam Singh Madan  
Premier Stores  
69 Whitley Street  
Reading  
Berkshire  
RG2 0EG

Alison Bell

Director of Environment and  
Neighbourhood Services

Civic Offices, Bridge St, Reading,  
RG1 2LU

☎ 0118 937 3787

Our Ref: LIC/PN/EVU52998

Your Ref:

Direct: ☎ 0118 9372269

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

21 June 2017

Your contact is: Mr Peter Narancic, Licensing, Environment and Neighbourhood Services

Dear Mr Madan

**Licensing Act 2003**  
**Premises Licence Number - LP3000399**  
**Name of Premise - Premier Stores**  
**Address -69 Whitley Street, Reading**

On Thursday 8 June 2017 I visited your premises with officers from Thames Valley Police and Immigration Enforcement to ensure you were complying with the above premises licence and advise on any matters that may arise during the inspection.

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

From our records and conversation, you confirmed that you are the current premises licence holder and the designated premises supervisor for Premier Stores, 69 Whitley Street, Reading.

During my inspection, I found the following items that require your attention as outlined below. Due to what we found your premises has been rated very high risk which is a great concern for the responsible Authorities and yourself.

You need to be aware matters of non-compliance under the Licensing Act 2003 are deemed criminal offences and if a premises licence holder is prosecuted for non-compliance the matter will be heard in a Magistrates Court. If they are found guilty they may be fined and/ or imprisoned.

### Conditions attached after a hearing by the Licensing Authority

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

(b) The Premises Licence holder shall ensure that a system is in place, and is used, to prevent any customer who attempts to purchase alcohol and who appears to the staff member to be under the age of 21 years, without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the "Pass" hologram are to be accepted as identification. **You were not fully complying with this condition as you did not have an age verification policy (see c)**

(c) The designated Premises Supervisor will display in a prominent position a copy of their policy on checking proof of age, including displaying proof of age posters. **You were not fully complying with this condition as you were not displaying your age verification policy. I understand you operate Challenge 25.**

(d) The Premises Licence holder shall maintain in good and efficient working order the installed digitally recorded CCTV system. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or a Thames Valley Police officer, together with facilities for viewing upon request. Recorded images shall be of such a quality as to be able to identify the recorded person. **You were asked to turn off video footage of inside your store for the 8 June 2017 from 10.00am to 3pm and retain it in case it is required for evidential purposes.**

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

1. You did not have a section 57 notice in relation to Part A of your premises licence displayed in your premises.
2. A copy of your premises plan (dated 8 June 2005) indicating your licensable area was not produced.

For information we operate a 3 tier procedure similar to our trading standards and police partners where following licensing inspections where issues of non-compliance have been found which we believe have undermined any of the four licensing objectives and we believe the management is underperforming we invite the premises licence holder to a performance management meeting and following discussions a plan of action is agreed in regard to future conduct. If following this, no or little improvement is made, an application to review the premises licence may be made. However, if we receive evidence that the premises licence(s) holder have committed a serious criminal offence, the licence may be reviewed without further notice.



I will write to you with an appointment date for you to attend a performance in due course.

### General

The Designated Premises Supervisor shall ensure they and staff who are authorised to sell alcohol, are able to converse with customers and representatives of Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives as contained in the Licensing Act 2003. (ie All staff must know what the licensing objectives are)

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

You could not name the four licensing objectives were, although a set were displayed behind your counter.

You could not produce any written staff training records. It is vital for your business that you record all staff training.

### Recommendations

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

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

Please ensure that above items are actioned within the next seven days.

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

Yours faithfully

Mr Peter Narancic  
Senior Licensing & Enforcement Officer

Copies sent to:

Environmental Health  
UK Immigration Enforcement Department  
Thames Valley Police



Mr Gurnam Singh Madan  
Premier/Jelly Stores  
69 Whitley Street  
Reading  
Berkshire  
RG2 0EG

Amar Dave

Interim Director of Environment,  
Culture and Sport

Civic Centre, Reading, RG1 7AE  
☎ 0118 9373 737

Fax: 0118 9372 557

Our Ref: LIC/PN/EVU 050383

Your Ref:

Direct: ☎ 0118 9372269

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

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14 January 2013

Your contact is: Mr Peter Narancic, Licensing and Customer Protection

Dear Mr Gurnam Singh Madan

**Licensing Act 2003**  
**Premises Licence Number - LP3000999**  
**Name of Premise -**  
**Address - 69 Whitley Street, Reading**

On 4 January 2013, I visited your premises to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection.

During my inspection, I found the following items that require your attention as outlined below/attached.

1. Please ensure that you have read the Governments new mandatory conditions that came into force in 2010, and that you have the relevant written policies mentioned therein in place, ie age verification policy.
2. Please ensure that you have a Section 57 on display.
3. All staff should be fully aware of part A of the Premise licence and the attached conditions. Ideally all staff members involved in the sale of alcohol need to be trained to the standard of BIIAB Level 1/2 or similar.
4. Please ensure that your CCTV system is operating correctly and is showing the correct time and date.
5. The Designated Premises Supervisor shall ensure they and staff who are authorised to sell alcohol, are able to converse with customers and representatives of Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives as contained in the Licensing Act 2003.

- I. The Prevention of Crime and Disorder.
  - II. Public Safety.
  - III. Public Nuisance.
  - IV. The Protection of Children from Harm.
6. You must attend your local Pub Watch group. Held in Reading town centre on the 1<sup>st</sup> Wednesday of each month. See Reading Pub watch website for more information.

### **Recommendations**

Please ensure that your fire risk assessment is up to date and carry out any necessary staff re-training to ensure that your staff are fully aware of all issues regarding fire safety in your premises. For more information, go to [www.fire.gov.uk/Workplace+safety/WhatTheLawRequires/](http://www.fire.gov.uk/Workplace+safety/WhatTheLawRequires/)

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

Please ensure that above items are actioned within the next seven days.

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

Yours faithfully

Mr Peter Narancic  
Senior Licensing & Enforcement Officer

Judgments

**QBD, ADMINISTRATIVE COURT**

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

CO/345/2016

**IN THE HIGH COURT OF JUSTICE**

**QUEEN'S BENCH DIVISION**

**THE ADMINISTRATIVE COURT**

Royal Courts of Justice

Strand

London WC2A 2LL

Thursday, 14 April 2016

**B e f o r e:**

**MR JUSTICE JAY**

**Between:**

**EAST LINDSEY DISTRICT COUNCIL**

**Appellant**

v

**ABU HANIF**

**(TRADING AS ZARA'S RESTAURANT AND TAKEAWAY)**

**Respondent**

Computer- Aided Transcript of the Stenograph Notes of

WordWave International Limited trading as DTI

165 Fleet Street London EC4A 2DY

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

(Official Shorthand Writers to the Court)

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

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

**J U D G M E N T**

(Approved)

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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 : Premier Store Premises Licence Number LP3000399  
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 Premier Store, 69 Whitley Street, 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) are aware that illegal workers have been found in employment within these premises on two occasions, the first being 10<sup>th</sup> October 2013 and the second 8<sup>th</sup> June 2017.

It is of serious concern that the premises having been found committing this offence previously have continued to employ illegal workers and not rectified this situation.

Also of equal concern to TVP are the breaches of conditions that were discovered during the inspection by Reading Borough Council in June 2017.

Of the conditions that were in breach TVP wish to highlight those relating to the prevention of children from harm and most notably an inconsistently applied age verification policy.

This is compounded by the age verification test purchase process which was carried out by the Community Alcohol Partnership (CAP) officer in 2014 for which the premises failed.

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.



**Narancic, Peter**

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**From:** Menghis Semhar <Semhar.Menghis1@homeoffice.gsi.gov.uk>  
**Sent:** 17 November 2017 14:40  
**To:** French, Richard  
**Subject:** RE: Review Application - Reading Borough Council

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

Please see our reps below:

On 08/06/2017 Premier Store, 69 Whitley Street, Reading, RG2 0EG was visited. Entry under S.179 of Licensing Act 2003 (as amended by 2016 IA) at 15.07 hours. 1 x GBR male was cleared and 1 x IND male was found to be an overstayer who was working illegally.

On 10/10/2013-Premier, 69 Whitley Street, Reading, RG2 0EG was visited and warrant executed. Only one Asian male on the premises. He originally claimed to be a Tier 4 Student with leave until 2014. Checks were conducted which confirmed him to be an overstayer. The subject claimed his Passport was at home but then claimed it may be in his bag. Whilst searching his bag 2 valid Passports were located. The first of which had his original expired vignette inside. He had obtained the second Passport from the Indian High Commission in London probably to hide his immigration history. He was arrested and conveyed to Eaton House. I spoke to the owner of the premises, who after 40 minutes attended to take control of the shop. Checks were conducted and he was confirmed as Naturalised. I asked who else worked at the premises and the owner stated it was just him, his brother and the male that had been encountered. No trace of the target. NOPL served with 1 x name placed on it.

Regards

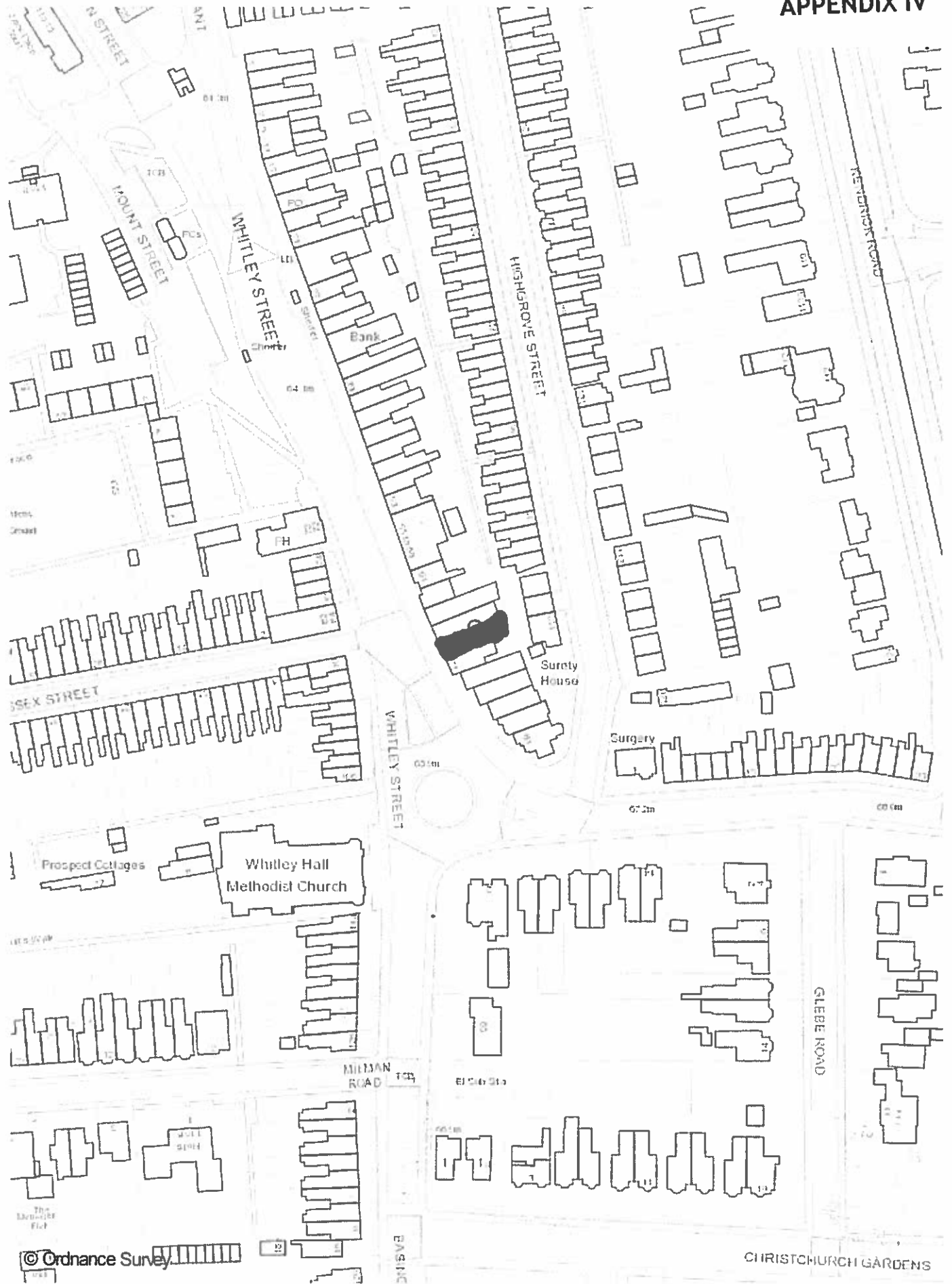
Semhar Menghis

**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



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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.

<b>Premises Licence Number</b>	LP3000399
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**Premises Details**

<b>Trading name of Premises and Address</b>	
Premier/Jelly Stores 69 Whitley Street Reading Berkshire RG2 0EG	
<b>Telephone Number</b>	0118 987 2894

<b>Where the Licence is time limited the dates the Licence is valid</b>
N/A

**Licensable Activities**

<b>Licensable Activities authorised by the Licence</b>
Sale of Alcohol by Retail - Off the Premises

**Authorised Hours for Licensable Activities**

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

**Opening Hours**

N/A
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**Alcohol**

<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b>
Sale of Alcohol by Retail - Off the Premises

**Premises Licence Holder**

Name, (registered) address of holder of premises licence

Name: Mr Gurnam Singh Madan

Address: [REDACTED]

**Additional Details**

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

Name: Mr Gurnam Singh Madan

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: 01632

Issuing Authority: Hounslow Council

This Licence shall continue in force from 04/09/2012 unless previously suspended or revoked.

Dated: 4 September 2012

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

### Film Exhibitions

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

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

### Door Supervisors

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

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

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

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

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

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

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

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

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

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

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

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

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

**Age Verification Policy (commencement 01/10/2014)**

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

**Drink Measurements (commencement date 01/10/2014)**

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

**Minimum Permitted Pricing (commencement 28th May 2014)**

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

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

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

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

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

where—

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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



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

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

Licensing Act 1964

Children & Young Persons Act 1933

Cinematograph (Safety) Regulations 1955

Cinemas Act 1985 - Film Exhibition Licence Conditions

Sporting Events (Control of Alcohol etc) Act 1985

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

**Acts applicable to this licence for the purposes of embedded restrictions**

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

**Licensing Act 1964**

**On-licences - Permitted hours**

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

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

2 The above restrictions do not prohibit:

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

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

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

2 The above restrictions do not prohibit:

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

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

**Club premises - Permitted hours**

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

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

2 The above restrictions do not prohibit:

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

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

#### **S.86A**

##### **Ports - Permitted Hours**

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

#### **S87**

##### **Airports - Permitted Hours**

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

#### **S95**

##### **Restaurant licence. Restaurant and residential licence - Permitted Hours**

###### **1 Alcohol may be sold or supplied:**

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11am to 12pm.
- (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm
- (3) On Christmas Day: 12 noon to 11:30pm;
- (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;
- (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.
- (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31<sup>st</sup> December).

###### **2 The above restrictions do not prohibit:**

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

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

1 Alcohol may be sold or supplied:

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

(2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday, from 12 noon to 10:30pm.

(3) On Christmas Day, from 12 noon to 3pm and 7pm to 10:30pm

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

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

(6) Alcohol may be sold or supplied between 3pm and 7pm on Christmas Day to persons taking table meals for consumption as an ancillary to the meal.

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

2 The above restrictions do not prohibit:

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

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

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

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

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

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

**S164****Off - Licence - Alcohol Consumption**

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

**S166****Licensed Premises - Credit Sales**

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

(a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;

(b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;

(c) to a canteen or mess.

#### Licensed Canteens & Club Premises - Credit Sales

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

#### S.168, 171, 201

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

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

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

#### S.168, 171, 179, 201

##### Seamen's Canteens - Children in Canteens

- 1 No person under fourteen shall be in the licensed canteen during the permitted hours unless one of the following applies:
  - (1) He is the child of the holder of the premises licence.
  - (2) He resides in the premises, but is not employed there.
  - (3) He is in the canteen solely for the purpose of passing to or from some part of the premises which is not a canteen and to or from which there is no other convenient means of access or egress.
  - (4) The canteen is in premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the canteen licence is ancillary.

**On-licensed premises with children's certificates**

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

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

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

**Annex 2**

**Conditions Consistent with the Operating Schedule**

N/A

## Annex 3

### Conditions attached after a hearing by the Licensing Authority

- (a) All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incidents shall also be recorded where known, any offenders name shall also be recorded.
- (b) The Premises Licence holder shall ensure that a system in place, and is used, to prevent any customer who attempts to purchase alcohol and who appears to the staff member to be under the age of 21 years, without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the "Pass" hologram are to be accepted as identification.
- (c) The designated Premises Supervisor will display in a prominent position a copy of their policy on checking proof of age, including displaying proof of age posters.
- (d) The Premises Licence holder shall maintain in good and efficient working order the installed digitally recorded CCTV system. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or a Thames Valley Police officer, together with facilities for viewing upon request. Recorded images shall be of such a quality as to be able to identify the recorded person.
- (e) The Premises Licence holder or Designated Premises Supervisor or their nominee shall be an active member in the local South/East Pub Watch Scheme, if one is operative in the area.

## Annex 4

### Plans

As attached plan dated 8<sup>th</sup> June 2005