

**LICENSING ACT 2003 HEARING ON 8 THURSDAY 8 MARCH 2018 @09.30 HOURS**

**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE**

**1. Premises:**

Parklane Stores Limited  
Park Lane Food and Wine  
2- 4 Park Lane,  
Tilehurst,  
Reading,  
Berkshire,  
RG31 5DL

**2. Applicants Requesting Review:**

Reading Borough Council

**3. Grounds for Review**

The 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 Park Lane Food and Wine, 2- 4 Park Lane, Tilehurst, Reading RG31 5DL.

The premises known as Park Lane Food and Wine 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 1000hrs until 2230hrs on a Sunday.

The premises operates as an off licence. The premises licence holder is stated as Parklane Stores Limited whose sole director is stated on Companies House as a Purvi Patwa. The designated premises supervisor at the time of this submission is stated as Mr Kripleshkumar Patwa. The current licence holder and DPS have been in-situ since 30 June 2015.

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

Background

On 28 July 2015, the premises failed a Challenge 25 test purchase which is a breach of the premises age verification policy.

On 2 December 2015 - the premises were found with breaches of licensing conditions.

On 23 November 2017 - the premises were found employing one illegal worker and breaches of licensing conditions.

On 24 October 2017 - the premises were found with counterfeit cigarettes which were later seized by RBC Trading Standards.

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 and for the sale or storage of smuggled tobacco and alcohol.

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

During the visit of 23 November 2017, it was found that the illegal worker was in sole charge of the premises. It was claimed by the illegal worker and by the DPS - who later turned up to take control of the premises - that the illegal worker had 'been on training' and had only been employed at the premises for a week. He also stated that he had not been paid. The DPS also stated that no right to work documents had been asked for because the illegal worker was 'on training and had only been working at the premises for a week'. These explanations received from the DPS were later found to be false as the same illegal worker had been present at the shop exactly a year before on 23 November 2016 for a food hygiene inspection and the same signature appears on that document as our licensing inspection sheet. Obstructing authorised officers in this way and providing false statements is an offence under Section 179 (4) of the Licensing Act 2003 and no explanation has ever been received from the DPS as to why these false statements were made to officers by him and by the illegal worker.

No satisfactory explanation has been given for where the counterfeit cigarettes were obtained from and how they came to be on the licensed premises when officers from RBC Trading Standards visited on 24 October 2017. They would not have been available through the legitimate supply chain. The selling of any counterfeit goods is particularly dangerous as there can be no guarantee on what is inside them potentially making them extremely hazardous to human health. Further breaches of licensing legislation were found during the inspection of 23 November 2017.

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

**Due to the seriousness of the numerous issues uncovered at the premises and the undermining of the licensing objectives, the Licensing team respectfully submit that the premises licence for Park Lane Food and Wine, 4 Park Lane, Tilehurst, Reading, should be revoked.**

4. Date of receipt of application: 12.01.2018

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

5. Date of closure of period for representations: 09.02.2018

**6. Representations received:**

During the 28 day consultation period, representations were received in regard to this review application from;

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

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

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

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

**7. Background**

The Premises is located in Tilehurst (West Reading).

The Premises Licence Holder is stated as: Parklane Stores Limited

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

**Licensable Activities authorised by the Licence**

Sale of Alcohol by Retail - 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. 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 the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
  
- as the base for the organisation of criminal activity, particularly by gangs; organisation of racist activity or the promotion of racist attacks;
  
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

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

**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.

#### **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.

### **15. Enforcement**

#### **15.1 General**

15.1.1 Reading Borough Council and Thames Valley Police have established a joint enforcement approach. The protocols provide for the targeting of agreed problem and high-risk premises, with a lighter approach applied to well managed and maintained premises.

#### **15.3 Inspections**

15.3.1 The Authority will carry out routine inspections at all premises where a premises licence is in force. In addition, where a complaint or an application for a review of a premises licence is received, the premises will be inspected. The Council and Thames Valley Police will continue to liaise and may carry out joint inspections of premises. This partnership approach is intended to maximise the potential for controlling crime and disorder at licensed premises and ensure compliance with relevant licensing conditions.

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> Park Lane Food and Wine 4 Park Lane Tilehurst	
<b>Post town</b> Reading	<b>Post code (if known)</b> RG31 5DL

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Parklane Stores Ltd (Companies House number 09626299)
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<b>Number of premises licence or club premises certificate (if known)</b> LP2001739 (dated as in force on 30/06/2015)
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**Part 2 - Applicant details**

I am

Please tick ✓ yes

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

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal  
address if  
different from  
premises  
address

Post town

Post Code

Daytime contact telephone number

E-mail address  
(optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

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

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

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

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

Please tick one or more boxes ✓

- 
- 
- 
-

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

On 23<sup>rd</sup> November 2017 – the premises were found employing 1 illegal worker.

On 24<sup>th</sup> October 2017 – the premises were found with counterfeit cigarettes which were later seized by RBC Trading Standards.

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

and

- for the sale or storage of smuggled tobacco and alcohol.

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

During the visit of 23<sup>rd</sup> November 2017, it was found that the illegal worker was in sole charge of the premises. It was claimed by the illegal worker and by the DPS – who later turned up to take control of the premises – that the illegal worker had 'been on training' and had only been employed at the premises for a week. He also stated that he had not been paid. The DPS also stated that no right to work documents had been asked for because the illegal worker was 'on training and had only been working at the premises for a week'. These explanations received from the DPS were later found to be false as the same illegal worker had been present at the shop exactly a year before on 23<sup>rd</sup> November 2016 for a food hygiene inspection and the same signature appears on that document as our licensing inspection sheet. Obstructing authorised officers in this way and providing false statements is an offence under Section 179 (4) of the Licensing Act 2003 and no explanation has ever been received from the DPS as to why these false statements were made to officers by him and by the illegal worker.

No satisfactory explanation has been given for where the counterfeit cigarettes were obtained from and how they came to be on the licensed premises when officers from RBC Trading Standards visited on 24<sup>th</sup> October 2017. They would not have been available through the legitimate supply chain. The selling of any counterfeit goods is particularly dangerous as there can be no guarantee on what is inside them potentially making them extremely hazardous to human health.

Further breaches of licensing legislation were found during the inspection of 23<sup>rd</sup> November 2017.

**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 Park Lane Food and Wine 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 1000hrs until 2230hrs on a Sunday.

The premises operates as an off licence. The premises licence holder is stated as Parklane Stores Ltd whose sole director is stated on Companies House as a Purvi Patwa. The designated premises supervisor at the time of this submission is stated as Mr Kripleshkumar Patwa. The current licence holder and DPS have been in-situ since 30<sup>th</sup> June 2015.

The premises were visited on 23<sup>rd</sup> November 2017 in a joint operation between the Licensing team, Thames Valley Police and officers from the Home Office Immigration Enforcement team. Immigration Enforcement have been a 'Responsible Authority' under the Licensing Act since April 2017 to predominantly deal with the prevention and detection of immigration offences that may be being committed on licensed premises which therefore undermine the prevention of crime and disorder licensing objective.

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

1. A 41 year old Pakistani male was in sole charge of the premises and was found behind the till area serving customers. It was found that the male had entered the UK illegally and had no right to work. He was therefore removed from the premises. It was confirmed by the DPS – when he turned up to take control of the premises – that no right to work documents had been checked or asked for.

It is the job of any responsible employer to ensure that the correct right to work checks are carried out. This has been a legal requirement since the late 1990s and is part of the various Immigration Acts that have been enacted within the UK.

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. The Licensing Act 2003 is only concerned with whether illegal workers are found at licensed premises. Whether fines are issued by the Home Office as an additional penalty for these offences is not the concern of the Licensing Act.

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

1. Illegal workers are often paid 'off the record' or cash in hand 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.
2. 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 this only benefits the employer financially.
3. 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.

There are also numerous other issues that stem from the employment and exploitation of illegal workers – particularly as illegal workers can be wholly dependent on their employer for their continued stay in this country. Again, the only person who benefits from their employment and exploitation are unscrupulous employers:

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 – because of being deliberately underpaid by their 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.
4. 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.
5. 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. These offences are covered under a multitude of different pieces of legislation and clearly engage the crime and disorder licensing objective.

#### Counterfeit Cigarettes

The Council's Trading Standards service, acting on complaints, attended the premises on 24<sup>th</sup> October 2017 and seized 17 packets of counterfeit cigarettes. The sale or storage on a licensed premises of counterfeit alcohol or cigarettes is stated in Section 11.27 and 11.28 of the Secretary of State's Guidance as one of the most serious criminal offences along with the immigration offences stated previously – irrespective of where they came from. Counterfeit cigarettes such as the ones seized cannot be purchased through the legitimate supply chain or reputable cash and carry outlets. No explanation has been received from the licence holder as to where the counterfeit cigarettes came from. Counterfeit products of any kind pose a serious health risk to members of the public as premises which stock them will have no idea of what is in them. Recent nationwide investigations have found that counterfeit tobacco and cigarettes can contain higher than normal levels of cadmium and lead (both toxic metals) which can cause damage to the liver, kidneys and the brain. There are also issues around the traceability of such products and the fact that it is unlikely that the correct tax/duty have been paid on them. That is why this offence is listed as one of the most serious crimes in the Secretary of State's Guidance to the Licensing Act.

#### False Statements

Section 179 of the Licensing Act 2003 confers powers to police officers; authorised officers of the

Council and Immigration officers to enter any premises to see if it is being used, or about to be used, for licensable activity and to ensure that any activity is carried out in accordance with a licence. Section 179 (4) of the Licensing Act 2003 states that any person who intentionally obstructs an authorised officer or an immigration officer commits an offence for which they can be prosecuted and fined.

When the DPS arrived to take control of the premises on 23<sup>rd</sup> November 2017 – after the illegal worker he had left in sole charge of the premises had been detained – he reiterated what the illegal worker had told officers – that he was on training and had only been working there for a week. He also, incidentally, used that as an excuse as for why he had not asked for or checked any right to work documents for the illegal worker. We now know that the statement given about the illegal worker only working at the premises for a week was false. Upon checking our records, it was noted that the illegal worker had, on the 23<sup>rd</sup> November 2016, been present at the shop for a Food Hygiene inspection carried out by the Council's Environmental Health team. The signature and name on the food hygiene inspection sheet obtained on 23<sup>rd</sup> November 2016 is identical to the signature and name on the licensing inspection form obtained on 23<sup>rd</sup> November 2017. The food hygiene inspection sheet dated 23<sup>rd</sup> November 2016 can be found at **appendix RF-1** and the licensing inspection sheet dated 23<sup>rd</sup> November 2017 can be found at **appendix RF-2**. Before Mr Patwa (the DPS) turned up to take control of the premises, the illegal worker had also stated that he had only been working at the premises for a week and that he wasn't being paid. That statement is also believed to be false. An explanation was sought from the licence holder and DPS as to why the illegal worker and then the DPS made the same false statements to officers. A lack of explanation as to how both the illegal worker and then the DPS made separate yet similar false statements to officers about this matter leads to a number of questions being raised. It should be noted that even within the false statements, the DPS admitted to not checking any right to work documents and the illegal worker was in sole control of the premises. As we now know that the illegal worker had been employed at the premises for at least a year, we also find the statement that he wasn't being paid highly doubtful. Again, no explanation has been received from the licence holder in respect of this matter.

We retain the right to prosecute the relevant people for this offence and the other offences listed in this review application.

#### Licensing Breaches:

During the visit of 23<sup>rd</sup> November 2017, the Licensing team and Thames Valley Police conducted a licensing inspection and found a number of issues:

1. No Section 57 notice was found or could be produced. This is an offence under Section 57 of

the Licensing Act 2003.

2. The written authorisation list which outlines who has been authorised by the DPS to sell alcohol at the premises was out of date and did not contain the names of all staff members. Therefore, not all staff had been authorised to sell alcohol which is a breach of the mandatory condition in Annex 1 of the licence headed 'Supply of Alcohol'.

3. There were no training records for any staff member. The illegal worker who was in attendance at the premises during the inspection claimed that he had received verbal training yet could not tell me what that training consisted of. Considering he was sticking to his statement that he was 'on training' it was concerning that he could not tell me what he had been trained on.

4. A refusal book was being used but was only sporadically completed. It also lacked detail of who had been refused and used statements such as 'white boy' or 'Asian boy' to describe who had been refused. If a refusal book is being used at the premises then it should be being used properly in order to promote the licensing objectives.

5. The staff member had no knowledge of the four licensing objectives. This would seem to be another training issue - given that all licence holders are supposed to ensure the active promotion of the licensing objectives.

6. Concerns were raised over the CCTV system. It could not be demonstrated how long the system recorded for and who had access to it. The incorrect time was also stated on the system.

Whilst points 3-6 above are not licence conditions, they are basic 'best practice' measures that we would expect all off licences in Reading to implement and maintain. It is clear that there has been attempt to use refusal books and CCTV yet they are not being used correctly which renders them pointless. Reading needs responsible alcohol retailers and the failure to implement the above undermines the promotion of the licensing objectives.

A copy of the letter sent to the licence holder in respect of the licensing breaches found on 23<sup>rd</sup> November 2017 can be found at **appendix RF-3**.

You will note that a previous inspection carried out on 2<sup>nd</sup> December 2015 highlighted the same issues. A copy of this letter can be found at **appendix RF-4**

No response to either letter was received from the licence holder.

**Challenge 25 test purchase failure:**

On 28<sup>th</sup> July 2015, the premises failed a Challenge 25 test purchase. This was a benchmarking exercise undertaken by the Community Alcohol Partnership Officer to see which premises in Reading were adhering to their Challenge 25 age verification policy. During this exercise, this premises failed this test and sold alcohol, without challenge, to an 18 year old. Given that the premises is operating Challenge 25 – as stated during the two licensing inspections and as claimed by the posters around the premises – this failure would be a breach of the mandatory condition attached to all licences in relation to age verification policy (stated below) and therefore an offence.

*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.*

In summary, the offences outlined in this review application are some of the most serious stated within the Licensing Act 2003 and the Guidance. The employment of an illegal worker and their possible exploitation for financial gain is clearly an extremely serious criminal offence and one that the Licensing Act has identified as one where the revocation of the licence should – even in the first instance – be seriously considered. There are no acceptable excuses or justification that can be offered for this. A licence holder and responsible employer should, as a bare minimum, be checking that their potential employees are eligible to reside and work in the UK. The licence holder has shown a complete disregard for all manner of laws and has committed extremely serious criminal offences from the premises which he operates. The licence holder has already admitted to officers during the inspection of 23<sup>rd</sup> November 2017 that no right to work documents were checked. We also believe that a number of false statements were made in relation to the matter of illegal working – notably the length of time the illegal worker had been employed at the premises and the extent to which the DPS was aware of this. No explanation has been received from the licence holder or DPS in relation to this.

The sale or storage of counterfeit cigarettes on a licensed premises is also stated as one of the most serious crimes covered within the Licensing Act. The potential issues with duty fraud and possible issues for human health if consumed make this an extremely serious matter. No explanation has ever been received as to where these products came from.

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

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

List of appendices:

- Appendix RF-1 – Food Hygiene Inspection sheet dated 23<sup>rd</sup> November 2016
- Appendix RF-2 – Licensing Inspection sheet dated 23<sup>rd</sup> November 2017
- Appendix RF-3 – Licensing Inspection letter for inspection of 23<sup>rd</sup> November 2017
- Appendix RF-4 – Licensing Inspection letter for inspection of 2<sup>nd</sup> December 2015
- Appendix RF-5 – Case Law – East Lindsey DC v Abu Hanif

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

N/A

Please tick ✓ yes

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

If yes please state the date of that application

Day		Month		Year			
┆	┆	┆	┆	┆	┆	┆	┆

**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

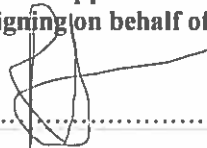
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**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 12<sup>th</sup> January 2018

Capacity Licensing Enforcement Officer

**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)**

Licensing Team  
Reading Borough Council  
Civic Offices  
Bridge Street

**Post town**  
Reading

**Post Code**  
RG1 2LU

**Telephone number (if any)** 01189 37 37 62

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** licensing@reading.gov.uk

**Notes for Guidance**

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



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

Name of Premises Park Lane Store Business Type LOCAL SHOP/RETAIL

Address 2-4 Park Lane, TROBHAM

Registered Office Address.....

Email..... Tel 99419516 Mobile.....

Person Seen Mr Bilal Ahmed Position ASST

Name of Food Business Operator/Dutyholder Park Lane Store Ltd / Mrs Purni Patwa

Business days & hours..... Areas Checked All

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

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

L/R	CIM/ FH/S/ H&S	
L	S	There is no hot water to the premises. It is a legal requirement for there to be hot water for personal hygiene & cleaning. Hot water must be provided. Timescale: 1 week
L	S	Thorough cleaning to the rear (right side) store room is req'd. There is disused equipment which is dirty and waste on the floor. These may attract pests to the premises. Timescale: immediate

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

Food Hygiene Rating Criteria Assessed	Good	SCORE	Poor	Your Premises Rating is
Compliance with food safety procedures	0	5 10 15 20 25	25	4
Compliance with structural requirements	0	5 10 15 20 25	25	
Confidence in management /control procedures	0	5 10 20 30	30	

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

Officer Name Katie Heath Signature [Signature] Designation S.EHO

2<sup>nd</sup> Officer Name..... Signature..... Designation.....

Date & Time 23/11/16 17:46 pm Telephone No: 0118 937 223 Date of Next Visit.....

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

Signed [Signature] Name BILAL AHMED Job Title CUSTOMER SERVICE

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

CONTINUATION SHEET

Name of Premises... MARKET STORES Address... 2-4 Park Lane Titchmarsh

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

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

L/R	CIM/ FH/S	
L	CIM	<p>You sell foods that are displayed loose sweets, Samosas</p> <p>You are not displaying any allergy info or any sign to tell customer how to obtain this info. You <del>are</del> were not able to show any ingredients for the Samosas when asked</p> <p>You must have allergen info available for your Samosas &amp; sweets this must be accurate and always available.</p> <p>If you choose not to display this info then you must display a sign to tell customer how to get this info e.g. 'ask staff'. I enclose an advice leaflet</p> <p>Timescale: 2 weeks.</p>
L	CIM/ FH	<p>Your staff have not had any food hygiene training relating to your management controls. All staff must be trained relating to their role: i.e. about personal hygiene, equipment cleaning, date checks etc.</p>

\* Please complete & return food registration form to email before week

Action Proposed: See Sheet One  
Name of Officer... Katie Heath Signature... [Signature] Date & Time... 23/1/16

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

Signed... [Signature] Job Title... Customer Service

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

CONTINUATION SHEET

Name of Premises PART TIME STORES Address 2-4 PARK LANE

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

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

L/R	CIM/ FH/S	
L	S	Further cleaning behind & below equipment is req'd. There was food waste & general debris below shelves & behind the freezers Timescale: Immediate
L	S	Further cleaning to your freezer, especially the inside seals are req'd. Timescale: Immediate
L	S	
L	FH	I was pleased that you are checking & recording fridge / freezer temps. You should check temps with an independent thermometer that will enable you to see if your equipment is working and ensure that your food is at safe temps. (Timescale: immediate)
L	CIM	You have no other paperwork relating to food safety management e.g. delivery checks, food waste checks, cleaning. All food businesses must have a documented food safety management system e.g. SFBB for retailers available at <a href="http://www.food.gov.uk/SFBB">www.food.gov.uk/SFBB</a> Timescale: 1 month

Action Proposed: See Sheet One

Name of Officer Katie Heath Signature [Signature] Date & Time 23/11/16

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

Signed [Signature] Job Title Customer Service

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

053238 - EVU



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

APPENDIX RE-2  
Licensing Dept  
Reading Police Station  
Castle Street, RG1 7TH  
Tel: 101

**PREMISES – RECORD OF INSPECTION DATED:**

Licence No:	LP2001739
Name:	PARK LANE FOOD + WINE
Address:	4 PARK LANE TILGHURST, READING.
Type:	Premises Licence   Club Premises Certificate

**Licence Inspection**

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

Premises Licence Holder: PARK LANE STORES LTD      DPS: MR PATWA

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

If No, Reason: \_\_\_\_\_      Authorised Person: DICAL AHMED

**Licensable Activities (Carried On)**

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

Are there any gaming machines? If so, how many? N/A  
Gaming permit produced and correct? \_\_\_\_\_

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

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

**Conditions of Licence/Certificate**

**Summary of Key Points Discussed**

- 3 staff - only 2 have written authorisation.  
- out of date.

- Netball bar seen - needs more description.

**Document Checklist**

Age policy operated C25     Section 57 N     Training Records N     Authorisation List 009

Awareness of the Licensing Objectives by Licence Holder/DPS: A – Good | B – Fair | C – Bad (Circle Appropriate) 0/4.

Inspection Outcome:  Satisfactory     Unsatisfactory

Lead Authority Inspecting Officer(s): WILLIAM FRENCH

Signature of licensee or representative(s): [Signature]

Date of Inspection: 23 NOVEMBER 2017

Time Started: 20:25 | Time Ended: 20:55





CONTINUATION SHEET OF ISSUES DISCUSSED:

- FR30 - 13/11/16. - Purvi Patwa
- [ Parklane stores Ltd - 09626299
- [ Purvi Patwa.
  
- Verbal training - no written training record.
  
- CCTV - 8 cameras
  - Mr Patwa has access.
  - Attends shop every day
  - Can't see date or time
  
- 1 illegal water found
  
- Mr Ahmed claimed to have only be working in the premises for a week and 'was on training' and hadn't been paid. Lives at 383 Oxford Rd
  
- Mr Patwa later arrived with another male and stated he hadn't asked to see any right to work documents as Mr Ahmed 'was on training'

INSPECTING OFFICER: \_\_\_\_\_

SIGNATURE OF LICENSEE/REPRESENTATIVE: \_\_\_\_\_

DATE OF INSPECTION: \_\_\_\_\_



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

Our Ref:053238 LOU

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

29 November 2017

Park Lane Stores Ltd  
c/o Purvi Patwa  
Park Lane Food and Wine  
2-4 Park Lane  
Tilehurst  
Reading  
RG31 5DL

Your contact is: **Mr Richard French, Licensing**

Dear Sirs

**Licensing Act 2003**

**Premises Licence Number: LP2001739**

**Premises: Park Lane Food & Wine**

**Premises Address: 4 Park Lane, Tilehurst, Reading, RG31 5DL**

On the 23<sup>rd</sup> November 2017 I visited your premises with PC Simon Wheeler of Thames Valley Police and officers from Home Office Immigration Enforcement to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection. The inspection was carried out with a gentleman identifying himself as Bilal Ahmed. Mr Ahmed was later detained by Immigration Enforcement as he had no right to work in the UK.

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

1) When questioned, Mr Ahmed stated to me that he had only been working in the premises for a week and that he was 'on training'. He also stated that he had not received any payment for working at the premises. Mr Kripleshkumar Patwa - as the named Designated Premises Supervisor - later attended the premises and also stated that Mr Bilal Ahmed had only been working at the premises for a week and that he had not asked to see any right to work documents because Mr Ahmed was still in training and was 'supposed to give them to him'.

There are a number of issues stemming from this:

a) Employers are legally obliged to check all right to work documents for all staff members. This has been the case since the late 1990's. Mr Patwa's own admission was that he had not done this so this would be contrary to the various Immigration Acts that are in force within the UK. I also refer you to Section 192A of the Licensing Act 2003 which defines who is entitled to work in the UK.

b) Mr Bilal Ahmed and Mr Kripleshkumar Patwa both stated that Mr Bilal Ahmed was 'on training' yet Mr Bilal Ahmed was left in sole charge of the premises and could not demonstrate that he had been trained on anything to do with the relevant licensing legislation. The fact that he was in sole charge of the premises led to Mr Patwa having to attend to take control of the premises.

c) Having checked our records, it is apparent that the claim made by Mr Ahmed and then by Mr Patwa, that Mr Ahmed had only been working in the premises for a week was false. Having checked the Council's records, I note that when our Environmental Health team carried out a Food Safety inspection on 23<sup>rd</sup> November 2016 that Mr Ahmed was in attendance during that inspection. This would mean that he has been working at the premises for over a year and with no right to work checks having being carried out on him by the licence holder or DPS. It would also indicate that he would likely not still be 'on training'. The signature on the food safety inspection sheet matches the signature that Mr Ahmed gave to us when signing our licensing inspection sheet and I believe also matches the signature given during his interview with Immigration Enforcement.

I therefore require an explanation from you as to why Mr Patwa and Mr Ahmed gave false information to officers of the Council as well as to officers of Immigration Enforcement. Section 179 (4) of the Licensing Act 2003 makes it an offence for a person to intentionally obstruct an authorised person who is exercising their powers under the Section 179 of the Licensing Act 2003. We retain the right to prosecute for this offence as well any other offences listed in this letter.

2) No Section 57 notice could be produced. This document states where Part A of the premises licence can be found and who has custody of it. This is an offence under Section 57 of the Licensing Act 2003 and should be rectified immediately.

3) No up to date authorisation list of approved alcohol sellers could be produced. All sales of alcohol from the premises must be made or authorised by a Personal Licence holder. The list was out of date and did not contain all staff members. This means that there would be staff who had not been duly authorised which is contrary to the mandatory condition attached to your premises licence in respect of the 'Supply of Alcohol'.

4) I am concerned that no written training records could be produced for any member of staff. It was claimed by Mr Ahmed that all training was done verbally, however when questioned, he could not tell me what he had been trained on - despite claiming he was 'on training' and had been left in sole charge of the premises. It is recommended that all training be documented in writing and refreshed regularly for all staff. The lack of knowledge raises concerns over whether alcohol and other age restricted products are being sold responsibly from the premises.

5) Mr Ahmed did not know, or have any knowledge of, the four licensing objectives. This ties in with the seeming lack of training. How can the licensing objectives be actively promoted if staff do not know what they are? It is recommended that these are refreshed for all staff.

6) The refusal book seems to be sporadically completed and does not contain a particularly helpful description of the person who has been refused an age restricted product. Simply putting 'white boy' or 'asian boy' would not assist in identifying people



or assist the other staff members at the premises who might be approached by the same person attempting to purchase age restricted products.

7) I have concerns over the CCTV in the premises. It was stated that only Mr Patwa has access to the system which is not ideal. It was also not clear how long the system recorded for and whether the system had the correct time and date on it. In order to promote the licensing objective of prevention of crime and disorder and to safeguard your staff, please ensure that the CCTV is working correctly and states the correct time and date.

I would be grateful for a response in relation to point number 1 (a) (b) (c) of this letter right away. Please ensure that the breaches and concerns mentioned in paragraphs 2-7 are also rectified within 14 days.

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Yours faithfully

Mr Richard French  
Licensing Enforcement Officer

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

Our Ref: 052137 EVU

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

Kripleshkumar Patwa  
 Park Lane Food & Wine  
 4 Park Lane  
 Tilehurst  
 Reading  
 RG31 5DL

2 December 2015

Your contact is: **Mr Richard French, Licensing**

Dear Sir

**Licensing Act 2003**

**Premises Licence Number: LP2001739**

**Premises: Park Lane Food & Wine**

**Premises Address: 4 Park Lane, Tilehurst, Reading, RG31 5DL**

On the 2<sup>nd</sup> December 2015 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 a number of items that require your attention as outlined below/attached.

1. Please confirm whether a Challenge 25 policy is used on the premises to check the identity of persons who may look under 25 when they attempt to purchase alcohol. This is generally good practice for all off licences. Your till prompts only ask to verify the age of persons over 18. Whilst this is acceptable, it is better practice to Challenge 25. There was also no signs or posters advertising which age verification policy is being used at the premises.
2. A refusals log was being used but it lacks detail. Please also ensure that it is filled in fully. Simply stating that the person refused was a 'white male' - for example - is not sufficiently detailed to assist your staff in accurately recording refusals of age restricted products.
3. Please ensure all the training you carry out with your staff is written down so that it can be produced to us upon request. This training should include, but not be limited to, how to utilise the Challenge 25 policy, what identification to ask for and to be aware of selling to drunk people. The training should also include knowledge of the four licensing objectives which are the prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm. Your staff member was not able to tell us what these were or produce any signed training records

4. At least one member of staff should be trained how to use the CCTV system and how to 'burn off' footage should it be requested by Thames Valley Police. This is for your own safety should an incident occur at the premises. I also note that two cameras were not functioning. This included the cameras that cover the till area.

5. A Section 57 notice should be written by you and displayed at the premises. This is a notice that is written by the DPS and states where Part A of the premises licence is kept and who has custody of it in your absence. Part A of the premises licence should be produced to officers of Reading Borough Council or Thames Valley Police upon request. Part B should be displayed so that it can be read by any persons who come into the premises.

It is recommended that the above measures are put into place right away and we would expect all responsible retailers to adhere to the above in order to promote the four licensing objectives.

Should you wish to discuss the issues, please email me at the number above address.

Yours faithfully

Mr Richard French  
Licensing & Enforcement Officer

Judgments

**QBD, ADMINISTRATIVE COURT**

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

CO/345/2016

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

---

THE ADMINISTRATIVE COURT

Royal Courts of Justice

Strand

London WC2A 2LL

Thursday, 14 April 2016

**B e f o r e:**

**MR JUSTICE JAY**

**Between:**

**EAST LINDSEY DISTRICT COUNCIL**

**Appellant**

v

**ABU HANIF**

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

---

**Respondent**

Computer- Aided Transcript of the Stenograph Notes of

WordWave International Limited trading as DTI

---

165 Fleet Street London EC4A 2DY

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

(Official Shorthand Writers to the Court)

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

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

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

(Approved)

Crown copyright©

1. MR JUSTICE JAY: This is an appeal by way of case stated from the decision of the Lincoln Magistrates' Court, District Judge Veits, given on 23 June 2015, whereby he allowed an appeal from the revocation of a premises licence by the licensing authority.

2. The appellant, the East Lindsey District Council, is the licensing authority. The Magistrates' Court in the usual way is not a party to these proceedings. The respondent, Mr Abu Hanif, trading as Zara's Restaurant and Takeaway, is the licence holder. He through a licensing consultant has submitted correspondence making various limited points, but indicating that he would not be taking any part in these proceedings.

3. The premises in question are Zara's Restaurant and Takeaway situated in North Summercoates on the Lincolnshire coast. They are licensed to sell alcohol ancillary to the supply of food. The restaurant is owned and managed by the licensee, Mr Hanif. On 29 April 2014, the premises were the subject of a joint visit by the police and immigration officers, and it was discovered that Mr Miah was working in the kitchen as a chef. It was common ground that Mr Miah had no current entitlement to remain in the UK, let alone to work. I was told that he arrived here illegally some years ago. Furthermore, it was also accepted by the respondent that he (i) employed Mr Miah without paperwork showing a right to work in the United Kingdom; (ii) paid Mr Miah cash in hand; (iii) paid Mr Miah less than the minimum wage; (iv) did not keep or maintain PAYE records; (v) purported to deduct tax from Mr Miah's salary; and (vi) did not account to HMRC for the tax deducted.

4. The police then applied for a review of the respondent's licence under section 51 of the Licensing Act 2003 and the matter came before the appellant's subcommittee on 30 June 2014. The subcommittee decided to revoke the respondent's licence. Its reasons were as follows:

5. "The subcommittee were satisfied that Mr Hanif did not take the appropriate checks of staff members having knowledge that there were problems previously at the other premises with overstayers, and that he continued to allow staff to work at Zara's restaurant without making appropriate checks.

6. The subcommittee were satisfied that Mr Hanif had not undertaken the relevant checks to ensure the employee concerned was eligible to work in the United Kingdom. Instead of not allowing employees to work if they had not provided the correct documentation he allowed them to work and paid cash in hand. With all this in mind the subcommittee were satisfied that Mr Hanif had knowingly employed person/s unlawfully in the United Kingdom.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. No.

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

D. No.

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

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

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

26. MR JUSTICE JAY: Yes.

27. MR KOLVIN: Should I start with here.

28. MR JUSTICE JAY: Yes.

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

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

31. MR JUSTICE JAY: It has.

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

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

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

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

35. MR JUSTICE JAY: I see.

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

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

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

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

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

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

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

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

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

45. MR KOLVIN: Thank you.

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

47. MR KOLVIN: Thank you, my Lord.

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

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

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

51. MR KOLVIN: Thank you.

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

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

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

55. MR JUSTICE JAY: Yes. (Handed)

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

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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 - -

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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.

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85. MR JUSTICE JAY: Thank you very much.

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# THAMES VALLEY POLICE

APPENDIX II

Division/Station : Reading Licensing Dept

From : PC 5787 Simon Wheeler

To : Reading Licensing Authority

Ref : Park Lane Food & Wine, 4 Park Lane, Tilehurst, Reading (LP2001739)  
Tel.No.

Date : 04 February 2018

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 Park Lane Food & Wine, 4 Park Lane, Tilehurst, Reading, RG31 5DL.

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, supply of counterfeit cigarettes and lacklustre licensing processes.

Therefore this representation gives due regard to the failure of this premises to support the licensing objective of prevention of crime and disorder as well as impacting negatively on all other licensing objectives.

**On 23<sup>rd</sup> November 2017** – Thames Valley Police were involved in a joint immigration and Reading Borough Council (RBC) inspection that took place at Park Lane Food & Wine.

On arrival at the premises at 1954 hours I initially entered the store with immigration officers and Mr French during which time I observed a group of what appeared to be mixed aged youths inside the shop. Behind the counter was stood an Asian male now known to be Bilal Ahmed who was in sole control of the shop.

One of the apparent youths approached the counter to purchase alcohol and was sold it directly by Mr Ahmed. As the male appeared to me to be under the age of 18 I stopped the male and challenged him for identification after the sale was made. During this challenge the male called out to Mr Ahmed saying words to the effect "You know me, tell him". Both Mr Ahmed and the male appeared on extremely friendly terms giving the impression that the male was a long standing regular customer with a long history of knowing Mr Ahmed. Mr Ahmed then confirmed that he had previously been shown the males identification, providing reason for him not checking on this occasion. I checked the identification myself that the male provided to me which showed he was just over the age of 25 years old and supported the hypothesis that Mr Ahmed knew him well and hade been in a position to serve the male over an extended period of time.

Immigration officers then began to check the details of Mr Ahmed who I became aware when questioned stated that he was a trainee at the shop, had only been there for a week and had as yet never been paid.

This appeared to be at odds with the interaction that had just taken part between Mr Ahmed and the young male purchasing alcohol. The reason for this is that they had both given the impression they knew each other very well and over a long period of time (regular customer and sales assistant relationship); not the relationship you would expect to see between a local regular customer and very new "trainee" staff member.

It soon became apparent that Mr Ahmed was in fact an illegal worker, whom was being employed illegally to work within the shop.

The Designated Premises Supervisor (DPS) Mr Kripleshkumar Patwa was then contacted by Mr Ahmed on the telephone and asked to attend the store as the shop had to be closed as he was to be removed from the premises and could not remain to manage the premises.

Whilst immigration dealt with the detained male and performed checks I remained within the store whilst Mr French (RBC) performed an inspection of the premises licence.

I was made aware that the inspection of the licence had shown a number of concerning issues surrounding the premises age verification policy, staff training and CCTV provision amongst other things.

On arrival at the premises Mr Kumar when asked also stated that Mr Ahmed was a trainee who had not yet been paid and was working on a trial basis; having been working for less than a week at the premises and was the reason he had not made relevant checks regarding Mr Ahmeds working status.

It has been determined that this explanation by both Mr Ahmed and Mr Kumar is not true and documentation has since been provided that shows Mr Ahmed has been employed as a worker at the shop for at least a year prior to this inspection.

Anecdotally this is also supported by the fact that Mr Ahmed appeared to have known the young male who purchased alcohol from him earlier in the evening extremely well, and gave the impression of him being a very well established member of staff.

In itself the employment of an illegal worker is enough to consider a revocation of this licence, and as such 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.

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".

In relation to the other aspects unearthed during this inspection there are wide reaching implications that need to be considered in regarding this premises poor compliance with licensing legislation and their and lack of support for the licensing objectives. We must seriously also take into consideration the sale of counterfeit cigarettes as discovered by trading standards officers coupled and the failure of the DPS to tell the truth about the history of employment in relation to Mr Ahmed.

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

PC 5787 Simon Wheeler

**From:** ISD Alcohol Licensing [<mailto:Alcohol@homeoffice.gsi.gov.uk>]  
**Sent:** 06 February 2018 14:33  
**To:** French, Richard  
**Cc:** ISD Alcohol Licensing  
**Subject:** RE: Licensing Act 2003 Review application - Park Lane Food and Wine, 4 Park Lane, Tilehurst, Reading

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

Dear Richard,

---

With regard to the review of the above premises, our records show that a visit was conducted by our Immigration Enforcement colleagues on 23/11/2017 and 1 illegal entrant with an outstanding appeal but with no right to work in the UK was encountered. A Notice of Potential Liability was served on Kripleshkumar Patwa. The referral to the Civil Penalties team was fully considered and no penalty was issued.

Regards

Phil Thomas

---

EO  
The Alcohol and LNR Licensing Team  
Interventions and Sanctions Directorate  
Immigration Enforcement  
Home Office  
3rd Floor, Apollo House  
36, Wellesley Road  
Croydon CR9 3RR

Tel: 

Classification: OFFICIAL

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

**Park Lane Food and Wine, 2-4 Park Lane, Tilehurst**

**15<sup>th</sup> January 2018**

This relates to an application for the review of a premises licence submitted by Reading Borough Council's Licensing Service on the 12<sup>th</sup> January 2018.

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

In October 2017, a complaint from a member of the public was received alleging that cigarettes she had bought from Park Lane Food and Wine, 2-4 Park Lane, Tilehurst, were counterfeit. Officers visited the shop on the 24<sup>th</sup> October 2017 and 17 packets of (standardised/plain packaged) Marlboro Gold Cigarettes (20s) were checked, ascertained as counterfeit due to each packet bearing identical "unique" codes and consequently seized.

Mr Kripleshkumar Patwa provided an invoice from Thames Cash and Carry as proof of purchase but a subsequent inspection of Thames Cash and Carry concluded that the possibility that it was the source of the counterfeit cigarettes was nil. A complaint from another consumer regarding an unrelated premises but about an identical product, found in that case, the cigarettes were purchased over the counter by the shop owner from a man believed to be of Eastern European origin. Mr Patwa has yet to provide a satisfactory explanation for how the cigarettes ended up on his gantry.

The Trading Standards Services believes the premise's activities seriously undermine the licensing objective of the Prevention of Crime and Disorder. It would appear that risks are willing to be taken for the right price and conduct such as accepting goods from unverifiable sources only serves to encourage criminality and damage the reputation of the licenced premises within the Borough.

The Trading Standards Service supports the recommendation made by the Licensing Service.

Signed:

A handwritten signature in black ink, appearing to be 'G. Patwa', written over a horizontal line.

Classification: OFFICIAL

APPENDIX V



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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>	LP2001739
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### Premises Details

<b>Trading name of Premises and Address</b>	
Park Lane Food & Wine 4 Park Lane Tilehurst Reading, Berkshire RG31 5DL	
<b>Telephone Number</b>	0118 9419516

<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
-----

### Alcohol

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

Sale of Alcohol by Retail - Off the Premises

**Premises Licence Holder**

Name, (registered) address of holder of premises licence

Name: Parklane Stores Limited

Address: 2-4 Park Lane, Tilehurst, Reading, Berkshire, RG31 5DL

**Additional Details**

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

Name: Mr Kripleshkumar Patwa

Address: [REDACTED] Chilcombe Way, Lower Earley, Reading, Berkshire, RG6 3DA

**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

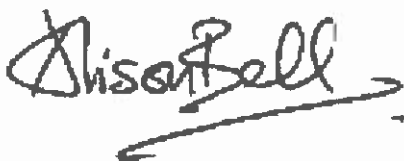
Personal Licence Number: LP7001624

Issuing Authority: Reading Borough Council

This Licence shall continue in force from 30/06/2015 unless previously suspended or revoked.

Dated: 20 July 2015

Head of Environment & Consumer Services



## Annex 1

### Mandatory Conditions

#### Supply of Alcohol

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

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

#### Film Exhibitions

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

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

#### Door Supervisors

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

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

#### Responsible drinks promotions.



**On licence premises only (commencement date 6/4/2010)**

- 1 The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
  - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (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;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) 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.

## Responsible drinking On and Off Sales

### (Commencement date 6 April 2010)

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

## Supply of tap water

### On licence premises only (commencement date 6/4/2010)

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

### Age Verification (commencement 1<sup>st</sup> October 2010)

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the supply of alcohol.

(2) The policy must require individuals who appear to the responsible person, as defined within the meaning of Section 153 (4) of the Licensing Act 2003, 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 a holographic mark.

### Drink Measurements (commencement 1<sup>st</sup> October 2010)

1. The responsible person, within the meaning of Section 153 (4) of the Licensing Act 2003, shall 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: half a pint
- ii) gin, rum, vodka or whisky: 25ml or 35ml and
- iii) still wine in a glass: 125 ml and

b) customers are made aware of the availability of these measures

**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**

**Licensing Act 1964**

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

## 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;
- 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.

s. 60, 63, 86

Off-licences and off-sales departments of on-licensed 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, 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 disapplied 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 disapplied 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.

**S.168, 168A, 171, 201, Sch 12A LA**

**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**

N/A

**Annex 4**

**Plans**

As attached plan dated 22/10/2010