

To: Councillors Woodward (Chair) and
Livingston.

Our Ref: Ics.c/agenda

Your Ref:

Direct: ☎ 0118 937 2368

e-mail: amy.bryan@reading.gov.uk

10 April 2018

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

NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 2 - THURSDAY 19 APRIL 2018

A meeting of Licensing Applications Sub-Committee 2 will be held on Thursday 19 April 2018 at 9.30am in the Council Chamber, Civic Offices, Bridge Street, Reading.

The agenda for the meeting is set out below.

WARDS AFFECTED PAGE NO

1. DECLARATIONS OF INTEREST
 - (a) Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration;
 - (b) Councillors to declare whether they wish to speak on the grounds they:
 - (i) Have submitted a relevant representation as an interested party; or
 - (ii) Will be speaking on behalf of an interested party.
2. MINUTES OF THE MEETING OF LICENSING APPLICATIONS SUB-COMMITTEE 2 HELD ON 29 MARCH 2018 1

To confirm the Minutes of the meeting of Licensing Applications Sub-Committee 2 held on 29 March 2018 as a correct record.
3. APPLICATION FOR THE GRANT OF A PREMISES TILEHURST 4
LICENCE - TODAYS LOCAL, PARK LANE, READING

To consider an application for the grant of a Premises Licence in respect of Todays Local, 2 - 4 Park Lane, Tilehurst, Reading.

Present: Councillors Woodward (Chair) and Livingston.

30. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - TODAY'S LOCAL

The Head of Planning, Development and Regulatory Services submitted a report on an application by the Home Office Immigration Enforcement for the review of the Premises Licence in respect of Today's Local, 441 Basingstoke Road, Reading, RG2 0JF.

The report stated that Home Office Immigration Enforcement had submitted the review of the Premises Licence, outlining a joint visit with Thames Valley Police and Reading Borough Council's Licensing Team to the premises on 8 June 2017 when the premises had been found employing one illegal worker. Representations received in support of the review detailed findings of counterfeit cigarettes and alcohol during visits to the premises in April 2015 and breaches of licence conditions.

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

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

The report stated that representations had been received from Reading Borough Council Licensing Team, Thames Valley Police, and Reading Borough Council Trading Standards, which were attached to the report at Appendix II, III and IV.

The report stated that the Premises Licence Holder and Designated Premises Supervisor was Mr Gurmit Singh Gurwara. Mr Gurwara had held both positions since 14 October 2014. The current Premises Licence, a copy of which was attached to the report at Appendix V, permitted the following:

Hours for the Sale by Retail of Alcohol (off the premises)

Monday to Saturday	0700 hours until 2300 hours
Sunday	0900 hours until 2230 hours

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

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

The report stated further that in determining the application the Licensing Authority must also have regard to the representations received, the Licensing Authority's statement of licensing policy and any relevant section of the statutory guidance to licensing authorities. Further, in determining the application the Licensing Authority could take such of the following steps as it considered appropriate and proportionate for the promotion of the licensing objectives:

- Take no further action
- To issue formal warnings to the premises supervisor and/or premises licence holder

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 29 MARCH 2018

- Modify the conditions of the licence (including, but not limited to hours of operation of licensable activities)
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises licence supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

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

The report set out paragraphs 1.5, 9.12, 9.13, 9.25, 9.38, 9.42, 9.43, 11.1, 11.2, 11.16 to 11.18 and 11.24 to 11.28 of the Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2017). The report also set out paragraphs 7.15.1, 10.5.1, 15.1.1 and 15.3.1 of the Council's Statement of Licensing Policy. The case law of East Lindsey District Council V Abu Hanif was attached to the report at Appendix VI for information.

Mr Gurmit Singh Gurwara, Premises Licence Holder and Designated Premises Supervisor, was present and addressed the Sub-Committee and was represented by Mr Surendra Panchal, Personal Licence Courses Ltd, who also addressed the Sub-Committee.

Russell Angell, Immigration Service was present at the meeting and addressed the Sub-Committee on the application. Peter Narancic, Reading Borough Council Licensing Team, Declan Smyth, Thames Valley Police Licensing Officer, and Ian Savill, Reading Borough Council Trading Standards were all present at the meeting and addressed the Sub-Committee.

Resolved -

That having reviewed the Premises Licence in respect of Today's Local, 441 Basingstoke Road, Reading, and having had regard to the licensing objectives, in particular the prevention of crime and disorder, and the oral and written representations made, the Secretary of State's guidance and the Council's Statement of Licensing Policy as detailed in the report, the Sub-Committee concluded that it would be appropriate and proportionate to revoke the Premises Licence due to:

- (a) the employment of an illegal worker. The Sub-Committee was satisfied that the Premises Licence Holder had not carried out the appropriate checks to establish whether the employee was an illegal worker/over stayer;
- (b) the Premises Licence Holder had failed to provide any documentary evidence to show that the employee had any right to work in the UK;
- (c) by reason of the manner in which the illegal worker was paid (in petty cash vouchers) it was clear that the Premises Licence Holder knew of the workers status and their illegibility to work in the UK;
- (d) the Premises Licence Holder had admitted employing an illegal worker by accepting the immigration fine;

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 29 MARCH 2018

- (e) the Premises Licence Holder had failed to pay the illegal worker the minimum wage;
- (f) the Premises Licence Holder had failed to provide any documents to show evidence of PAYE and NI contributions in respect of the illegal worker employed at the premises;
- (g) the failure of the Premises Licence Holder to promote the licensing objectives due to breaches of licence conditions found in 2015 and 2017;
- (h) the Sub-Committee also took into account matters which took place in 2015. The Sub-Committee were concerned that the Premises Licence Holder had failed to provide a credible account or reason for illicit alcohol being found on the premises.

(The meeting started at 9.30am and finished at 11.24am)

LICENSING ACT 2003 HEARING THURSDAY 19 APRIL 2018 @ 09.30 HOURS

APPLICATION FOR THE GRANT OF A PREMISES LICENCE

1. Premises:
<p>Today's Local 2-4 Park Lane Reading RG31 5DL</p>

2. Applicant:
<p>Mr Dip Patel</p>

3. <u>Premises Licence:</u>
<p>There is already a premises licence in force at this premises which is held by Parklane Stores Limited. This licence was revoked on 8 March 2018. Parklane Stores Limited have appealed that decision and are continuing to trade whilst the appeal is being determined by Reading Magistrates Court. Following a request from the premises licence holder's representative for an adjournment, the hearing was moved from 20 March 2018 to 19 April 2018.</p>

4. Proposed licensable activities and hours:
<p>The application is for the grant of a premises licence for the following activities:</p> <p><u>Sale of Alcohol (off the premises)</u> Monday to Sunday from 0800hrs until 2300hrs</p> <p><u>Opening Hours</u> Monday to Sunday from 0800hrs until 2300hrs</p>

5. Temporary Event Notices
<p>In considering any application the Licensing Authority should be aware of the possible use of Temporary Event Notices to extend entertainment activities or hours of operation. A premises may extend the hours or scope of their operation by the use of Temporary Event Notices. Up to 15 events per year can be held under this provision at a particular premises. These events may last for up to 168 hours provided less than 500 people are accommodated and provided the total number of days used for these events does not exceed 21 per year.</p>

6. Date of receipt of application: 31 January 2018
A copy of the application form is attached as <u>Appendix PN1</u>

7. Date of closure of period for representations: 28 February 2018

8. Representations received:

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

Reading Borough Council Licensing Team. Attached at [Appendix PN2](#)

Reading Borough Council Trading Standards. Attached at [Appendix PN3](#)

Thames Valley Police. Attached at [Appendix PN4](#)

A plan showing the premises location and surrounding area is attached at [Appendix V](#)

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

In considering representations received 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

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

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

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

Steps to promote the licensing objectives:

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

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

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

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

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

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

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

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

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

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

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.

Licensing Act 2003

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

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

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

The Council's Licensing Policy Statement:

11.3 Hours of Sales in Off Licences

11.3.1 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual shops that are known to be a focus of disorder and disturbance, then subject to relevant representations being received, a limit on licensing hours may be appropriate.



Reading
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 21

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

- System reference This is the unique reference for this application generated by the system.
- Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
- Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
- Yes No

Applicant Details

- * First name
- * Family name
- You must enter a valid e-mail address
- * E-mail
- Main telephone number Include country code.
- Other telephone number
- Indicate here if the applicant would prefer not to be contacted by telephone
- Is the applicant:
- Applying as a business or organisation, including as a sole trader
- Applying as an individual
- A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

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

Agent Business

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

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

Registration number

Business name

VAT number

Legal status

Your position in the business

Home country

If your business is registered, use its registered name.
Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	INFOTREE HOUSE
Street	NEWPORT ROAD
District	
City or town	HAYES
County or administrative area	
Postcode	UB4 8JX
Country	United Kingdom

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

Address OS map reference Description

Postal Address Of Premises

Building number or name	TODAY'S LOCAL
Street	2 - 4 PARK LANE
District	TILEHURST
City or town	READING
County or administrative area	
Postcode	RG31 5DL
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	18,250

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

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

Section 4 of 21

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

DIP

Family name

PATEL

Is the applicant 18 years of age or older?

Yes

No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

You must enter a valid email address

E-mail	<input type="text" value="NONE"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text"/> / <input type="text"/> / <input type="text"/> dd mm yyyy
* Nationality	<input type="text" value="BRITISH"/>

Documents that demonstrate entitlement to work in the UK

Section 5 of 21

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

Continued from previous page...

OFF LICENCE AND CONVENIENCE STORE

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes

No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes

No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes

No

Continued from previous page...

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes

No

Section 13 of 21

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

See guidance on regulated entertainment

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

Yes

No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes

No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

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

Continued from previous page...

SATURDAY

Start 08:00

End 23:00

Start

End

SUNDAY

Start 08:00

End 23:00

Start

End

Will the sale of alcohol be for consumption:

On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

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

NONE

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

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

NONE

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

DIP

Family name

PATEL

Date of birth

dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

NONE

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start End
Start End

WEDNESDAY

Start End
Start End

THURSDAY

Start End
Start End

FRIDAY

Start End
Start End

SATURDAY

Start End
Start End

SUNDAY

Start End
Start End

State any seasonal variations

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

NONE

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

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

NONE

Section 18 of 21

LICENSING OBJECTIVES

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

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

Continued from previous page...

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

1. Strict implementation of challenge 25 policy
2. CCTV to be installed and 31 days recording system
3. All staff to be trained in responsible alcohol retailing
4. Training manual will be available at the premises

b) The prevention of crime and disorder

1. The premise license holder shall ensure that CCTV camera and recorders are installed at the premises and are of a standard acceptable to and approved by the police
2. The system shall be maintained in good working order and at all times the premise is open to the public, be fully operational covering both internal and external areas of the premises to which the public have access. All images should be stored for a minimum of 31 days
3. The CCTV views are not to be obstructed, at least one CCTV camera is to be placed near to the exit in order to capture clear facial images of all patrons leaving the premises
4. A suitable trained staff member will be able to show and provide police or council licensing officers recent data footage with the minimum delay when requested.
5. All goods, including those subject to duty payments i.e. alcohol and tobacco products will be brought from cash and carries only on invoices and they will be available upon request. All alcohol will be purchased from AWRS registered cash & carry or wholesalers.
6. No alcoholic drinks or tobacco will be purchased by the premises from unannounced sellers calling at the premises
7. All staff employed at the premises will have UK right to work status checked, once passed that stage they shall be offered employment.

c) Public safety

1. Installation of appropriate safety equipment
2. Fire exit signs displayed
3. To comply with all current, fire, health and safety laws
4. CCTV working at all times

d) The prevention of public nuisance

1. Notice displayed asking customers to leave quietly from premises also customers will be told in person to leave quietly and not to disturb the local neighborhood
2. Strict policy in place to tell all staff not to serve alcohol to drunks at all
3. Appropriate signage will be displayed, in prominent position informing customers they are being recorded on CCTV
4. Street drinker signs displayed on premises, to prevent any street drinker disorder.

e) The protection of children from harm

1. A challenge 25 policy will be in force, where any person looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. Challenge 25 posters displayed where alcohol is sold.
2. The only acceptable ID will be those with photographic identification documents; including passport, photo-card, driving license or proof of age card bearing the PASS hologram.
3. An incident/refusal log shall be kept at the premises, and made available for inspection on request to an authorised officer of the council or the police which will record the following:
 - a) All crimes reported at the venue
 - b) Any complaints received, any faults in the CCTV system
 - c) Any refusal of the sale of alcohol, any visit by a relevant authority
 - d) CAD reference number where police are called

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific regulated entertainments please note that:

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

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

The fee payable will be based on the rateable value of the property. Band A - 0 - 4300 - Fee Payable - 100 Band B - 4301 - 33,000 - Fee Payable - 190 Band C - 33,001 - 87,000 - Fee Payable - 315 Band D - 87,001 - 125,000 - Fee payable - 450 Band E - 125,001 and over - Fee payable - 635 Additional fees apply to outdoor events.

* Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

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

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

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

Continued from previous page...

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

* Full name

MANPREET S. KAPOOR

* Capacity

DULT AUTHORIZED AGENT

Date (dd/mm/yyyy)

31/01/2018

Add another signatory

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

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/reading/apply-1> to upload this file and continue with your application.

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

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 15B OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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

Consent of individual to being specified as premises supervisor

DIP PATEL

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

of



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

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

NEW PREMISES

.....
[type of application]

by

DIP PATEL

.....
[name of applicant]

relating to a premises licence

N/A

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

for

TODAY'S LOCAL
2 - 4 PARK LANE
TILEHURST
READING
RG31 5DL

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

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

DIP PATEL

.....
[name of applicant]

concerning the supply of alcohol at

TODAY'S LOCAL
2 - 4 PARK LANE
TILEHURST

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

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

Personal licence number

LN 2006 1348

.....
[insert personal licence number, if any]

Personal licence issuing authority

.....

.....
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

DIP PATEL

Date

31 - 01 - 2018



Name of Officer	Richard French						
Type of Application	Grant of Premises Licence - Licensing Act 2003						
Name of Premises	Todays Local						
Address	4 Park Lane						
	Tilehurst						
	Reading						
Licensable Activities	Sale of alcohol from 0800 to 2300hrs (off sales)						
Finish Times	Mon	Tue	Wed	Thu	Fri	Sat	Sun
	2300	2300	2300	2300	2300	2300	2300
Content of Application:							
<p>The application was submitted on behalf of a Dip Patel on 31st January 2018. The application is for the retail sale of alcohol off the premises from 0800hrs until 2300hrs - 7 days a week.</p>							
Licensing Officer's Comments:							
<p>The Licensing team object to the application to operate the premises known as Todays Local, 4 Park Lane, Tilehurst, Reading as we believe granting a licence will undermine the promotion of the licensing objectives - notably the prevention of crime and disorder. We have concerns over the applicant and their suitability to run a licensed premises in accordance with legislation and the promotion of the licensing objectives. Section 18 (6) of the Licensing Act 2003 states that representations should relate to the <u>likely effect</u> of granting a licence on the licensing objectives and we believe that the likely effect of granting this licence is that the proposed licence holder will have no day to day control of this business and that he is, in effect, applying for a licence on behalf of someone else - notably the current business owner who has committed serious criminal offences at the premises. These offences including the employment an illegal worker and the sale or storage of counterfeit cigarettes on a licensed premises has led to a review of that premises licence to be submitted and that is to be heard on 8th March 2018.</p>							
<u>The approach of the Licensing Team:</u>							
<p>The Responsible Authorities named in the Licensing Act 2003 have to ensure that the licensing objectives are all actively <u>promoted</u> to <u>prevent</u> crime and disorder</p>							

and public nuisance. All four licensing objectives are of equal importance.

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

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

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

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

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

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

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

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

Section 8.42 underlines where the applicant can obtain information about the area

in which they propose to operate including the Council's licensing policy and online crime data resources such as police.uk

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

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

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

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

The application:

This application was originally submitted on 24th January 2018 by a different applicant other than Dip Patel. The original applicant was unable to prove with the correct documentation that he had a legal right to work in the UK. The current application - which we object to - was then submitted on behalf of Dip Patel on 31st January 2018 by the same licensing agents. We believe that Mr Patel has connections with the current licence holder for the same premises - Mr and Mrs Patwa. Mr and Mrs Patwa's licence is currently the subject of a review application due to serious criminal offences being carried out at the premises including the employment of an illegal worker and the sale or storage of counterfeit cigarettes on a licensed premises. This application is to be determined by the licensing committee on 8th March 2018.

Specific concerns with this application are listed as follows:

1. We believe that the applicant - Mr Dip Patel - has links with Mr and Mrs Patwa and believe that his name is being placed on this application for no other reason than to try and obtain a licence. We do not believe that Mr Patel will be in day to day control of this business and is likely attempting to gain a licence for the benefit of someone else. Given how quickly the original applicant was replaced by Mr Patel, this is clearly an application being made by someone on behalf of someone else. It cannot be the case that the licensing objectives are being actively promoted if applicants have no intention of running the business.
2. It is our belief that the current licence holders - Mr and Mrs Patwa - still have control over the business and the relevant business rates being paid. Therefore, they are likely to be benefitting financially from this application and continuing to direct how the business shall be run.
3. The applicant has not demonstrated within the operating schedule of the application that steps to address the problems previously identified at the premises have been or will be implemented. No steps have been proposed within the operating schedule that seem to address the previous poor compliance of the premises.
4. At no stage has the applicant seemingly taken cognisance of the Secretary of

State's guidance - particularly paragraphs 8.38 to 8.46. This would indicate that the applicant has not considered the likely effect of granting any licence on the promotion of the licensing objectives.

5. Questions remain about who is truly in control of this business and how they will actively promote the licensing objectives. What is the involvement of the current licence holders in this business? And what procedures have been put in place to prevent a re-occurrence of the events that have led to a review application for the current licence. It cannot be the case that serious crime and disorder occurs at a premises which leads to a review only for a proposed new licence holder - who we believe has no intention of operating the premises - to continue to carry out activities in this way and on behalf of someone else.

6. The relevant case law above in respect of Hope and Glory and East Lindsey DC v Abu Hanif clearly state that all licensing decisions are a matter of judgement for the licensing authority and should be aimed towards prevention and deterrence. We are not satisfied that granting this application to this applicant is consistent with that approach or Section 18 (6) of the Licensing Act - we believe that the likely effect of granting this licence will be the continued undermining of the licensing objectives to the financial benefit of people other than the applicant.

The licensing team therefore ask that this application be refused.

However, if the licensing committee were minded to grant the licence then they would need to be satisfied that the named licence holder and DPS - who is Mr Patel - would be running the business in a way that actively promotes the licensing objectives and not running the business on behalf of someone else who is not known to us at this time.

The licensing committee may also wish to consider some robust conditions if they were minded to grant this application:

Staff Training

1. Staff employed to sell alcohol shall undergo training upon induction before they are allowed to sell alcohol. This shall include, but not be limited to:-

- The premises age verification policy
- Dealing with refusal of sales
- Proxy purchasing
- Recognising valid identity documents not in the English language
- Identifying attempts by intoxicated persons to purchase alcohol
- Identifying signs of intoxication
- Conflict management
- How to identify and safeguard vulnerable persons who attend and leave the premises.

Such training sessions are to be documented and refreshed every six months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised officer of Thames Valley Police and Reading Borough Council upon request.

Challenge 25

2. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the 'Pass' hologram are to be accepted as identification. Military ID Cards can also be accepted.

3. CCTV

The premises licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 28 days with time and date stamping. The entire licensable area shall be covered by the CCTV. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or Reading Borough Council together with facilities for viewing upon request, subject to the provisions of the Data Protection Act. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.

Immigration (Right to work) Documents

4. The premises licence holder or nominated representative shall keep and maintain all right to work documents for all staff members. Right to work documents shall be kept at the premises and produced to authorised officers of Reading Borough Council and Thames Valley Police upon request.

Alcohol Wholesale Registration Scheme

5. The Premises Licence Holder shall have available on the premises, for inspection by an authorised officer of Reading Borough Council or Thames Valley Police at any reasonable time, true copies of invoices, receipts or other records of transactions for all tobacco and alcohol products purchased in the preceding three months. All alcohol products shall only be purchased from outlets registered with HMRC's Alcohol Wholesale Registration Scheme.

Refusal Book

6. A refusal register - whether written or electronic - shall be used, kept and maintained at the premises. The refusal register shall record the time and date of the refusal; which age restricted product was refused, details of the staff member refusing service and a description of the person refused. The refusal log shall be produced to authorised officers of Reading Borough Council and Thames Valley Police upon request.

Other

7. All staff involved in the sale of alcohol must attend and pass the BII Level 1 Award in Responsible Alcohol Retailing within 28 days of employment. All staff shall be trained on the law relating to underage sales and how to question and refuse sales if necessary. Records of the training and reminders given shall be retained and be readily made available to authorised officers of Reading Borough Council and the Police on request;

8. All incidents which impact on any of the four licensing objectives shall be recorded on a register kept at the premises for this purpose. In the case of refusals for under age sales, the date, time, person refusing, the reason for refusal and a brief description of the customer shall be recorded. The register must be made available to an authorised officer of the Licensing Authority and the Police on request;

9. Signs shall be placed at all exits asking customers to respect the needs of local residents and to leave the premises quietly.

10. No cans of super strength beer and cider above 6.5% ABV shall be sold on the premises at any time except for products identified as premium craft beers.

11. The licence holder shall actively participate in initiatives set up by Thames Valley Police; Reading Borough Council or Reading Pubwatch including initiatives to tackle drunken behaviour and street drinking, such as 'Reducing the Strength'.

Date Received	31/01/2018	Date Due	28/02/2018
----------------------	------------	-----------------	------------

Date	27	02	2018
-------------	----	----	------

Classification: OFFICIAL

**Application for the Premises Licence of Park Lane Food & Wine, 4 Park Lane, Tilehurst,
RG31 5DL**

27th February 2018

This relates to an application by Mr Dip Patel for a Premises Licence under the Licensing Act 2003 to retail alcohol from the above named premises.

The Trading Standards Service as a responsible authority under the Licensing Act 2003 make representations against the application based on the following concerns:

- The premises is subject to a current licence review by Reading Borough Council's Licensing Service on the back of a number of serious criminal breaches of law relating to counterfeit goods and immigration that undermine the licensing objective of the prevention of crime and disorder. This Service supported that licence review and has made representations recommending serious consideration of revoking the licence.
- The previous (current) Premises Licence Holder, Mr Kriplesh Patwa, was in control of the premises at the time the licence review was served. It is believed, based on reliable intelligence that Mr Patwa is highly likely to be involved in the business and the Trading Standards Service, as set out in representations supporting the licence review, remain of the view that Mr Patwa is unsuitable for retailing alcohol.
- The person representing Mr Patel is also the person representing Mr Patwa which may be a coincidence or an attempt to circumvent the review process by installing a new PLH, when, all things considered, the suspicion is that it will be "business as usual" with Mr Patwa running the business.
- Mr Dip Patel would appear to be director of two limited companies, one based in retail and one in hairdressing. Both addresses for Mr Patel on Companies House are for two convenience shops (one of which is the residential address provided in the application). As there has been no dialogue during the course of the application with the responsible authorities, it is not known what other economic interests Mr Patel has and where his priorities lie.
- It has been proven, over the past few years, that premises licence holders who are responsible for more than one business can struggle with the responsibilities of running licensed premises in an acceptable way and exercise appropriate control over the businesses in their absence, particularly when those business are geographically spread. There is nothing in the application's conditions that alludes to how the premises will actually be run.
- It is highly recommended that further scrutiny of this application is made prior to any decision as to whether it is granted. On the information provided by the application and that known of the applicant, this Service has serious concerns that the objectives of the Licensing Act 2003 will not be met by the proposed arrangements.



END

Classification: OFFICIAL

Division/Station : Reading Police Station Licensing Dept

From : PC 5787 Simon Wheeler

To : Reading Borough Council

Ref : Application for premises licence, Todays Local, 2- 4 Park Lane, Reading Date : 21st February 2018

Subject :

Objection

To whom it may concern

I PC 5787 Simon Wheeler on behalf of the Chief Officer of Thames Valley Police wish to formally object to the proposed application for a premises licence submitted by Dip Patel in relation to Todays Local, 2-4 Park Lane, Tilehurst, Reading as it is believed that both this current applicant and application in its current format is likely to undermine the Licensing objectives with specific regard to that of the prevention of crime and disorder.

Thames Valley Police suspect that the applicant Mr Dip Patel has had previous involvement with this premises as an associate of Mr Kripleshkumar Patwa the previous Designated Premises Supervisor (DPS). And that there is a likely potential that the new applicant will either maintain business links with the current Premises Licence Holders and DPS of whom the current licence on this premises is in the process of review; or will have direct involvement on their behalf.

The background to concerns at the premises are as follows:-

On 23rd 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, 2-4 Park Lane, Reading, Berkshire.

Immigration officers then began to check the details of a staff member employed within the premises and it soon became apparent that he was in fact an illegal worker, whom was being employed illegally to work within the shop.

At the same time Thames Valley Police were 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 Patwa was accompanied by a second male now suspected to be Mr Dip Patel (current applicant) and whom he introduced as “a friend”.

Mr Patwa made statements to immigration, Reading Borough council officers and Police officers that the staff member was a trainee and had been employed for just under one week. This has since been proven to be a false statement and documentation has since been provided that shows the employee had been employed as a worker at the shop for at least a year prior to the inspection.

Clearly due to the serious immigration offence committed at the premises under its current licence, as well as poor licensing compliance you may understand that there is even more concern in relation to this application. This is clearly due to the concern regarding the very real possible link between Mr Patwa and Mr Patel. The concern of Thames Valley Police is that this application has been made in an attempt to circumvent the current review process relating to this premises and if granted will likely lead to the continuation of poor practice and a failure to uphold the licensing objectives.

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

Further to this the application has been made without prior consultation with either Thames Valley Police or as far as we are aware the Licensing Authority. We believe the applicant has not taken into account knowledge of the local area, any concerns that we may have had regarding crime and disorder or prior concerns at the premises or the opinions of the authorities in relation to the operating schedule.

Had this taken place relevant conditions could have been recommended by Thames Valley Police to address any concerns in relation to the operating schedule which may have included caveats to provide some reassurance that the issues discovered whilst trading as Park lane Food & Wine cannot be repeated.

Notwithstanding of course the current concern over Mr Patels links to Mr Patwa.

The current Section 182 Secretary of States Guidance in relation to the Licensing Act 2003 section 8.38 – 8.46 is relevant in relation to this. (Appendix 1)

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

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

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

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

In conclusion we strongly feel that this application in its current format and without further scrutiny is likely to undermine the licensing objectives, due to its failure to address sufficient conditions within the operating schedule that would provide reassurance that the failings of Park Lane Food & Wine are not repeated.

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

“Importantly the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence”

Therefore in this situation we state our opinion that the licensing objectives are prospective and can be preventative and would urge the Licensing Sub-Committee to refuse this application for a premises licence in order to prevent the Licensing objectives from being undermined.

If the Licensing Sub-Committee were of a mind to grant this application we would strongly recommend that the following conditions be added to the operating schedule.

Staff Training

1. Staff employed to sell alcohol shall undergo training upon induction before they are allowed to sell alcohol. This shall include, but not be limited to:-

- The premises age verification policy
- Dealing with refusal of sales
- Proxy purchasing
- Recognising valid identity documents not in the English language
- Identifying attempts by intoxicated persons to purchase alcohol
- Identifying signs of intoxication
- Conflict management
- How to identify and safeguard vulnerable persons who attend and leave the premises.

Such training sessions are to be documented and refreshed every six months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised officer of Thames Valley Police and Reading Borough Council upon request.

Challenge 25

2. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the 'Pass' hologram are to be accepted as identification. Military ID Cards can also be accepted.

3. CCTV

The premises licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or Reading Borough Council together with facilities for viewing upon request, subject to the provisions of the Data Protection Act. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.

Immigration (Right to work) Documents

4. The premises licence holder or nominated representative shall keep and maintain all right to work documents for all staff members. Right to work documents shall be kept at the premises and produced to authorised officers of Reading Borough Council and Thames Valley Police upon request.

Alcohol Wholesale Registration Scheme

5. The Premises Licence Holder shall have available on the premises, for inspection by an authorised officer of Reading Borough Council or Thames Valley Police at any reasonable time, true copies of invoices, receipts or other records of transactions for all tobacco and alcohol products purchased in the preceding three months. All alcohol products shall only be purchased from outlets registered with HMRC's Alcohol Wholesale Registration Scheme.

Refusal Book

6. A refusal register – whether written or electronic – shall be used, kept and maintained at the premises. The refusal register shall record the time and date of the refusal; which age restricted product was refused, details of the staff member refusing service and a description of the person refused. The refusal log shall be produced to authorised officers of Reading Borough Council and Thames Valley Police upon request.

Other

7. All staff involved in the sale of alcohol must attend and pass the BII Level 1 Award in Responsible Alcohol Retailing within 28 days of employment. All staff shall be trained on the law relating to underage sales and how to question and refuse sales if necessary. Records of the training and reminders given shall be retained and be readily made available to authorised officers of Reading Borough Council and the Police on request;

8. All incidents which impact on any of the four licensing objectives shall be recorded on a register kept at the premises for this purpose. In the case of refusals for under age sales, the date, time, person refusing, the reason for refusal and a brief description of the customer shall be recorded. The register must be made available to an authorised officer of the Licensing Authority and the Police on request;

9. Signs shall be placed at all exits asking customers to respect the needs of local residents and to leave the premises quietly.

10. No cans of super strength beer and cider above 6.5% ABV shall be sold on the premises at any time except for products identified as premium craft beers.

11. The licence holder shall actively participate in initiatives set up by Thames Valley Police; Reading Borough Council or Reading Pubwatch including initiatives to tackle drunken behaviour and street drinking, such as ‘Reducing the Strength’.

Please note that these above conditions have been specifically developed to address the concerns that Thames Valley Police have with regards to this application and we feel are supported by our written submission.

Appendices:-

Appendix 1 – Secretary of States Section 182 Guidance LA03 – Section 8.38 – 8.46.

8.38 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.39 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.40 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.41 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.42 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics websites;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

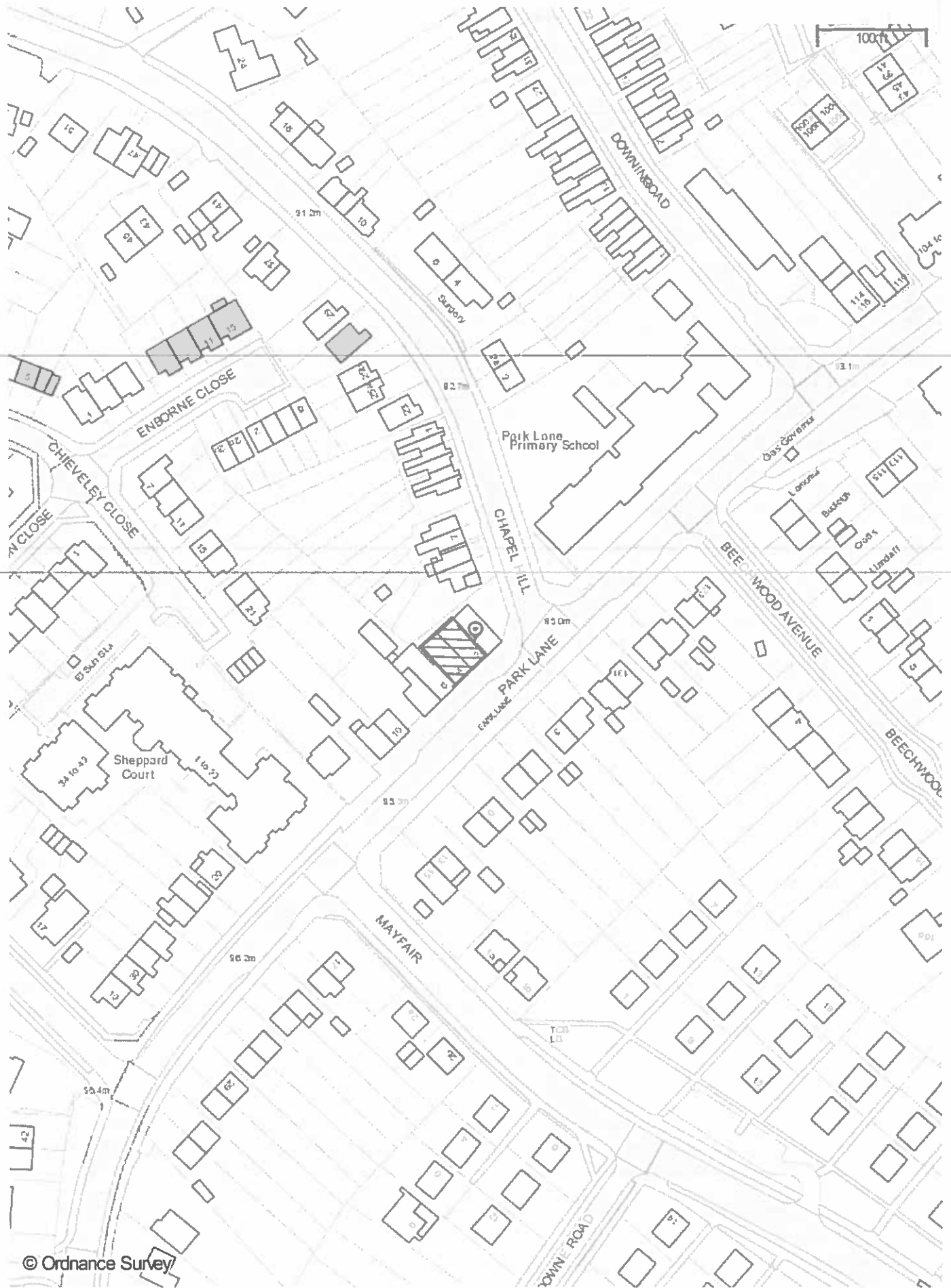
8.43 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish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

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

8.45 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to

promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

8.46 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.



© Ordnance Survey

iShare printing
Scale: 1:1417

Printed on: 5/3/2018 at 12:39 PM

