

**LICENSING ACT 2003 HEARING ON THURSDAY 19 JULY 2018 @ 9.30 HOURS**

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

**1. Premises:**

Perfect Fried Chicken  
51 Wokingham Road  
Reading  
RG6 1LH

**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 Perfect Fried Chicken, 51 Wokingham Road, Reading RG6 1L.

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

The premises operates as a takeaway (and restaurant). The premises licence holders at the time of this submission are stated as Aadil Asghar and Nabeel Asghar. They have been the named premises licence holders since March 2007.

The premises licence pursuant to the Licensing Act 2003 which permits the provision of late night refreshment (the sale of hot food and drink) from 2300hrs until 0100hrs from Monday to Saturday and until midnight on a Sunday. This is also consistent with the planning consent issued to the premises by Reading Borough Council's planning team. The premises licence - as it reads at the moment with the timings and conditions - has been the same since September 2010.

The premises were visited on 7th November 2017 in a joint operation between the Licensing team and officers from the Home Office Immigration Enforcement team. Immigration Enforcement have been a 'Responsible Authority' under the Licensing Act since April 2017 to predominantly deal with the prevention and detection of immigration offences that may be being committed on licensed premises which therefore undermine the prevention of crime and disorder licensing objective. This, more often and not, is the detection of persons working in a licensed premises who have no legal right to work in the UK which would be contrary to the various Immigration Acts. On attendance at the premises one illegal worker was found working and the details are as follows:

1. A 24 year old Pakistani male, was encountered working illegally in the kitchen area, and was escorted off the premises and detained pending his removal from the UK. It should also be noted that on a previous joint visit with colleagues from Home Office

Immigration Enforcement on 14th September 2017, a person who was suspected of being an illegal worker climbed over a fence at the back of the premises and ran away as soon as officers walked into the premises. It has never been ascertained whether this was the same worker who was discovered on 7th November 2017 and detained. 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 1990's. The premises licence holder has employed a person who has no right to work or live in the UK. Clearly, right to work checks were not being carried out. The Immigration Act 2016 amended Section 21 of the Immigration, Asylum and Nationality Act 2006 and is the relevant legislation that deals with the employment of illegal workers. It states:

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

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

(a) employs another person ("the employee") who is disqualified from employment by reason of

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

(1B) For the purposes of subsections (1) and (1A) a person is disqualified from employment by

reason of the person's immigration status if the person is an adult subject to immigration control

and—

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

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

(i) is invalid,

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

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

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

(a) on conviction on indictment—

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

(ii) to a fine, or

(iii) to both

The Immigration Act 2016 also inserted paragraph 24B into the Immigration Act 1971 which states:

(1) A person ("P") who is subject to immigration control commits an offence if—

(a) P works at a time when P is disqualified from working by reason of P's immigration status, and

(b) at that time P knows or has reasonable cause to believe that P is disqualified from working by reason of P's immigration status.

(2) For the purposes of subsection (1) a person is disqualified from working by reason of the person's immigration status if—

(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 doing work of that kind.

The offence of employing illegal workers is now also a relevant offence in the Licensing Act 2003. The Licensing Act 2003 Guidance at 11.27 and 11.28 now states that the employment of illegal workers is to be regarded as a crime that should be taken particularly seriously and that revocation of the premises licence - even in the first instance - should be seriously considered. The licence holder is undermining the crime and disorder licensing objective as well as failing to ensure that the people he employs are legally in the country or entitled to work. There are potentially numerous other criminal offences which may apply to the employment of illegal workers and these are summarised as follows:

1. 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.

The Conducting of unauthorised licensable activity As stated above, the premises has a licence pursuant to the Licensing Act 2003 to provide night refreshment (sale of hot food and drink) from 2300hrs until 0100hrs - Monday to Saturday and until midnight on a

Sunday. The current licence also contains a condition that should the required planning permission be obtained then the premises could extend those hours until 0230hrs. This licence with this condition has been in force since September 2010.

All planning applications to extend their hours have been refused therefore the licensing hours - until 0100hrs on a Monday to Saturday and until midnight on a Sunday - remain unchanged. Through our interactions and observations of the premises, it is clear that they have been operating in clear breach of the premises licence and conducting unlicensed activity. The first record we have of this unauthorised activity is back in 2010 and the most recent record is from 26th May 2018.

It should be noted that each unauthorised activity is a criminal offence and is contrary to Section 136 (1) of the Licensing Act 2003. To knowingly carry out unlicensed activity is an offence under Section 136 (2) of the Licensing Act 2003. What follows is a brief summary of the Licensing team's interactions with the premises and the relevant appendix where that interaction can be found within this review application. The most recent interaction comes first:

26th May 2018 - Joint visit of Thames Valley Police and Reading Borough Council to the premises. This visit was to obtain CCTV footage of other nights where the premises was suspected of trading not in accordance with a licence. Officers observed licensable activity (the provision of late night refreshment) being carried out between 0144hrs and 0234hrs. Officers advised staff they were carrying out unlicensed activity and criminal offences but staff carried on anyway. It should be noted that the time the officers were at the premises was significantly past the hours for licensable activity stated on the licence. This is an offence under Section 136 (1) of the Licensing Act 2003. A data request for the CCTV footage was given to the management to establish whether the premises had been open on other nights conducting unauthorised and unlicensed activities.

14th April 2018 - Reading Borough Council licensing officer observed the premises open and selling hot food at 0300hrs. Photos attached of customers seating and a door supervisor in-situ. Again, licensable activities should have ceased at 0100hrs. This is an offence under Section 136 (1) of the Licensing Act 2003.

11th February 2018 - Reading Borough Council licensing officers observed the premises open at 0220hrs and 0304hrs. Photos attached showing premises is open with up to 15-20 customers seated and eating. This is an offence under Section 136 (1) of the Licensing Act 2003.

A licensing officer observed the premises open and serving customers at 0340hrs on 2nd April 2017 and a police report states that the premises was open at 0404hrs. Both of these reports - from the RBC licensing officer and TVP - show the premises open significantly past permitted licensing hours.

12th and 13th April 2014 - Reading Borough Council licensing officers observe the premises open past 0200hrs on two consecutive trading days. Officers were able to purchase a portion of chips at 0207hrs on the 12th April 2014 and observed the premises open at 0225hrs on 13th April 2014. A letter detailing this was sent to the premises licence holder and was the second letter sent in relation to operating past permitted hours in the space of a week. The content of the letter also indicates that the premises licence holder received the letter and was therefore aware that he was open past permitted hours and did not have planning permission either. This is contrary to Section 136 (1) of the Licensing Act 2003 and was arguably knowingly done so contrary to

Section 136 (2) of the Licensing Act 2003.

5th and 6th April 2014 - Reading Borough Council licensing officers observe the premises open past permitted hours. This is contrary to Section 136 (1) of the Licensing Act 2003.

10th and 11th July 2010 - Reading Borough Council licensing officer observe the premises open past permitted hours. This is contrary to Section 136 (1) of the Licensing Act 2003. An application for the variation of the premises licence (to increase the hours) was then applied for after this letter which led to the hours and conditions as laid out in the current licence.

The above incidents shows a clear and consistent pattern of the premises conducting unauthorised licensable activity at 51 Wokingham Road. Letters, the premises licence and the planning permission all clearly state what the hours of operation should be. Therefore, there does not seem to be any plausible explanation as to why the licence holder is deliberately carrying on licensable activity not in accordance with an authorisation. It's the Officer's belief - backed up by the evidence in this review application and the failure of the premises licence to provide the CCTV footage for the dates requested when officers attended on 26th May 2018 - that the premises has always operated until 0300hrs most nights and 0400hrs on weekends without a licence being in place. This would seem to be backed up by internet searches which lists the premises opening hours as way past what is permitted by the premises licence. These are clear breaches of Section 136 (1) of the Licensing Act 2003 and would suggest that they were knowingly done - which would be an offence under Section 136 (2) of the Licensing Act 2003.

#### Breach of premises licence conditions

Under the Licensing Act, every breach of condition is a criminal offence and means that licensable activity is being carried on not in accordance with an authorisation. Each breach of condition is contrary to Section 136 (1) of the Licensing Act 2003. It is worth remembering a further two points: Firstly, that conditions are attached to a premises licence as they are deemed appropriate and proportionate to promote the four licensing objectives at that premises. Secondly, the conditions currently attached to the premises licence have been on the licence since September 2010. Therefore we do not believe it likely that licence holders would not know what they are - particularly as the licence holder attended the meeting in 2010 when they were put onto the licence. Detailed below are the last four licensing inspection visits and the outcomes. These are further detailed at the relevant appendix attached to this review application:

3rd May 2017) - Breaches found:

- No Part A of the licence could be produced
- No Part B of the licence was displayed
- No Section 57 notice could be found
- No training records as required by condition 1 and 2 under Annex 2 of the licence

It is also worth noting that this letter specifically makes reference to the premises hours of operation and that it makes reference to the unauthorised activity stated above that took place and was observed on 19th March 2017 and 2nd April 2017. It also mentions the fact that the licence holder did not know whether the correct planning permissions were in place to trade later.

7th November 2017 - Breaches found as well as an illegal worker who was found in the kitchen, had no right to work and was detained:

- No training records for all staff as required by condition 1 and 2 under Annex 2
- Door Supervisor register incomplete contrary to condition 2d under Annex 3

7th and 8th March 2018 - Breaches found on 7th March 2018:

- Still discrepancies with the door supervisor register
- Premises licence holder not able to work CCTV when requested to do so.

When officers returned to the premises the next day (8th March 2018), the licence holder stated that there was an issue with the CCTV and that it only had recordings from 5pm on 8th March 2018 which was approximately one hour before officers attended. Therefore condition 2(a) on the licence in relation to CCTV being kept for 28 days and produced immediately to authorised officers was not being complied with. A quick visit to the premises on 21st March 2018, found that the whilst cameras had been installed at the premises - including new ones for more coverage - the CCTV system was still inoperable and unavailable to officers.

Officers from Reading Borough Council and Thames Valley Police attended the premises on 26th May 2018 to obtain the footage as outlined in the data request. Condition 2a on the premises licence states that the footage should be made immediately available to authorised officers. To date, that footage has not been produced meaning the licence holder is in breach of the condition. The Door Supervisor Register held at the premises The photo attached shows the door supervisor on duty at the premises on 14<sup>th</sup> April 2018 at 0300hrs. Observations carried out by officers on 11th February 2018 also noted that a door supervisor was on duty at 0220hrs and 0304hrs. The door supervisor was also on duty during the most recent visit to the premises on 26th May 2018 between 0144hrs until 0234hrs. The Licensing Officer found it curious therefore as to why the door supervisor register states within all of its entries that the door supervisor finished at 1am. These are in all of the entries that has the same door supervisor on duty. This has been countersigned by the licence holder and/or representative as required by condition 2(d) on the licence as being correct. The premises was still open past 0300hrs on 11<sup>th</sup> February 2018 and the door supervisor was still carrying out his duties at the premises. The premises was also still open on 26th May 2018 and 14th April 2018 past 0100hrs. This is despite the door book stating he had finished at 0100hrs and this had been countersigned by the licence holder or nominated representative. That is also despite the fact that the premises should have been closed at 0100hrs as per the timings on the licence and planning permission. Given what has been outlined in this review application about the hours the premises has been seen trading to and the hours the premises is suspected of trading to, this can only lead to the following conclusions:

- The premises is open and employing a door supervisor to be at the premises until 0300hrs at the very least
- The door book entries, countersigned by the licence holder which state the door supervisor finished his shift at 0100hrs, are entirely inaccurate and incorrect
- The premises is open past 0100hrs in breach of its licence and planning consent as per officer observations and attendance at the premises
- The condition at 2(b) makes reference to door supervisor(s) - which would indicate that there should be more than one door supervisor on duty as it is a plural
- It is suspected that the CCTV footage, of which still has not been received, would not only show the premises open past 0100hrs but that the door supervisor would still be on duty. This would render the door register inaccurate to say the very least.

On 19-20 May 2018 - On this occasion there was a different door supervisor on duty. It is noted that he has signed out and finished work at 0300hrs. We are of the belief that the premises is always staying open until at least this time and that the entries in the door book that state the other door supervisor finishes at 0100hrs are clearly inconsistent

with the evidence stated in this application and the observations of officers.

10-11 February 2018 is the same evening/morning that officers observed the premises open at 0220hrs and 0304hrs and this entry has been signed by the premises licence holder.

13-14 April 2018 is the same evening/morning that officers observed the premises open at 0300hrs. This entry has not been signed by any duty manager and still states the finish time of the door supervisor as 0100hrs which is contrary to the officer observations.

25-26 May 2018 is the same evening/morning that officers from RBC and TVP attended the premises between 0144hrs and 0234hrs. The door supervisor and premises were still operating past 0100hrs. No duty manager has signed off this entry. No credible explanation has been received for these entries within the book.

#### Summary

In summary, the offences outlined in this review application are particularly serious. 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 unauthorised activity taking place at the premises is wilful and continuous. Numerous documents - including the licence issued to the licence holder and the planning consent issued to the same licence holder - show quite explicitly what is permitted at the premises in terms of activities and permitted hours. The unauthorised activity documented within this review shows clearly that the premises is trading past 0300hrs on a regular basis. The licence holder has been told in the licensing team's interactions with him via letter and in person, what the hours of operation are at 51 Wokingham Road. There can be no other possible explanation than the continuous opening for unlicensed activity is deliberate. Every single time the premises opens for unlicensed activity is an offence under the Licensing Act. Being in breach of conditions is also an offence under the Licensing Act. Knowingly doing this is also an offence under the Licensing Act 2003.

**Allowing this premises to continue to operate with the benefit of a premises licence will merely serve to perpetuate the criminal activity 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.**

4. Date of receipt of application:	31.05.2018
A copy of the review application received is attached at <u>Appendix I</u>	
5. Date of closure of period for representations:	28.06.2018

## 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 Reading Borough Councils Planning team which is attached at [Appendix IV](#)

Additional information provided by Reading Borough Council's Licensing team which is attached at [Appendix V](#)

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

## 7. Background

The premises is located in East Reading on the main Wokingham Road.

The Premises Licence Holder is stated as: Mr Aadil Asghar and Nabeel Asghar.

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 VII](#)

### Licensable Activities authorised by the Licence

The times the licence authorises the carrying out of licensable activities

#### Hours for the Playing of Recorded Music

Monday	from 0800hrs until 0100hrs
Tuesday	from 0800hrs until 0100hrs
Wednesday	from 0800hrs until 0100hrs
Thursday	from 0800hrs until 0100hrs
Friday	from 0800hrs until 0100hrs
Saturday	from 0800hrs until 0100hrs
Sunday	from 0800hrs until 2400hrs

#### Hours for the Provision of Late Night Refreshment

Monday	from 2300hrs until 0230hrs
Tuesday	from 2300hrs until 0230hrs
Wednesday	from 2300hrs until 0230hrs
Thursday	from 2300hrs until 0230hrs
Friday	from 2300hrs until 0230hrs
Saturday	from 2300hrs until 0230hrs
Sunday	from 2300hrs until 0230hrs



If planning permission is not granted then the licensable activities and opening times will revert to ceasing at 0100hrs Monday to Saturday and 2400hrs on Sunday.

Whereby planning permission is granted:

5(a) Last orders for food and beverages shall be 0215 hours Monday to Sunday for the provision of late night refreshment. This shall also be applicable in respect of internet sales;

(b) No member of the public shall be on the premises after 0230 hours Monday to Sunday;

(c) The shutters shall be pulled down so that they are three quarters shut at 0215 hours Monday to Sunday and the shutters shall be fully closed at 0230 hours Monday to Sunday.

### Hours the Premises is Open to the Public

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(c) The shutters shall be pulled down so that they are three quarters shut at 0215 hours Monday to Sunday and the shutters shall be fully closed at 0230 hours Monday to Sunday.

### **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 2018**

##### **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;

##### **Purpose**

1.7 This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

1.8 The police remain key enforcers of licensing law. This Guidance does not bind police officers who, within the parameters of their force orders and the law, remain operationally independent. However, this Guidance is provided to support and assist police officers in interpreting and implementing the 2003 Act in the promotion of the four licensing objectives.

### **The role of responsible authorities (eg Police)**

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area<sup>5</sup>. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities 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.

### **Hearings**

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**

11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities.

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

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

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

#### Reviews arising in connection with crime

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

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

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The

licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

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

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

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

### **Reading Borough Council Licensing Policy Statement**

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

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

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

### **7.15 Crime & Disorder Act 1998**

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

### **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.

pfc19.07.2018a/pn

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

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

*(Insert name of applicant)*

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

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Perfect Fried Chicken 51 Wokingham Road	
<b>Post town</b> Reading	<b>Post code (if known)</b> RG6 1LH
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Aadil Asghar and Nabeel Asghar	
<b>Number of premises licence or club premises certificate (if known)</b> LP8000170 (dated 18/09/2010)	

**Part 2 - Applicant details**

I am

Please tick ✓ yes

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

☐

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

☒

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

☐



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

Please tick ✓ yes

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

☐

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

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

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

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

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

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

Please tick one or more boxes ✓

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

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

**Employment of an Illegal Worker**

On 17<sup>th</sup> November 2017 – the premises were found employing 1 illegal worker.

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

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

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

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

**Conducting unauthorised licensable activity:**

The premises has a licence to conduct licensable activity up until 1am Monday to Saturday and until midnight on a Sunday. This is also consistent with their planning consent issued by Reading Borough Council. The premises licence contains a condition that states should the premises achieve the requisite planning permission then they could then stay open until 0230hrs. No such planning permission has been given. Therefore, the premises is not only in breach of this condition – which has been on the licence since September 2010 – they have also been observed on multiple occasions over many years undertaking licensable activity without a licence – most recently on 26<sup>th</sup> May 2018. Every time unlicensed activity takes place at a premises, that is a criminal offence and contrary to Section 136 (1) of the Licensing Act 2003. To knowingly carry it out is an offence under Section 136 (2) of the Licensing Act 2003.

**Breach of conditions**

The premises has, on multiple visits, been in breach of its licence conditions – most recently in relation to the provision of CCTV at the premises and the failure to make footage available to RBC and TVP on 26<sup>th</sup> May 2018. These multiple breaches are set out in the body of the review paperwork. Every breach of condition is a criminal offence and contrary to Section 136 (1) of the Licensing Act 2003.

**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)**

**Background**

The premises known as Perfect Fried Chicken currently have a premises licence pursuant to the Licensing Act 2003 which permits the provision of late night refreshment (the sale of hot food and drink) from 2300hrs until 0100hrs from Monday to Saturday and until midnight on a Sunday. This is also consistent with the planning consent issued to the premises by Reading Borough Council's planning team. The premises licence – as it reads at the moment with the timings and conditions – has been the same since September 2010.

The premises operates as a takeaway. The premises licence holders at the time of this submission are stated as Aadil Asghar and Nabeel Asghar. They have been the named premises licence holders since March 2007.

**Employment of Illegal Worker – Visit of 7<sup>th</sup> November 2017**

The premises were visited on 7<sup>th</sup> November 2017 in a joint operation between the Licensing team, and officers from the Home Office Immigration Enforcement team. Immigration Enforcement have been a 'Responsible Authority' under the Licensing Act since April 2017 to predominantly deal with the prevention and detection of immigration offences that may be being committed on licensed premises which therefore undermine the prevention of crime and disorder licensing objective. This, more often and not, is the detection of persons working in a licensed premises who have no legal right to work in the UK which would be contrary to the various Immigration Acts.

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

1. A 24 year old Pakistani male, was encountered working illegally in the kitchen area, and was escorted off the premises and detained pending his removal from the UK.

It should also be noted that on a previous joint visit with colleagues from Home Office Immigration Enforcement on 14<sup>th</sup> September 2017, a person who was suspected of being an illegal worker climbed over a fence at the back of the premises and ran away as soon as officers walked into the premises. It has never been ascertained whether this was the same worker who was discovered on 7<sup>th</sup> November 2017 and detained.

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 1990's. The premises licence holder has employed a person who has no right to work or live in the UK. Clearly, right to work checks were not being carried out.

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

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

and—

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

The Immigration Act 2016 also inserted paragraph 24B into the Immigration Act 1971 which states:

- (1) *A person ("P") who is subject to immigration control commits an offence if—*
  - (a) *P works at a time when P is disqualified from working by reason of P's immigration status, and*
  - (b) *at that time P knows or has reasonable cause to believe that P is disqualified from working by reason of P's immigration status.*
- (2) *For the purposes of subsection (1) a person is disqualified from working by reason of the person's immigration status if—*
  - (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 doing work of that kind.*

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

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

1. 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.

#### **The Conducting of unauthorised licensable activity**

As stated above, the premises has a licence pursuant to the Licensing Act 2003 to provide night refreshment (sale of hot food and drink) from 2300hrs until 0100hrs – Monday to Saturday and until midnight on a Sunday. The current licence also contains a condition that should the required planning permission be obtained then the premises could extend those hours until 0230hrs. This licence with this condition has been in force since September 2010. All planning applications to extend their hours have been refused therefore the licensing hours – until 0100hrs on a Monday to Saturday and until midnight on a Sunday – remain unchanged. The current premises licence can be found at **appendix RF-1**. The current planning permission for the premises can be found at **appendix RF-2**.

Through our interactions and observations of the premises, it is clear that they have been operating in clear breach of the premises licence and conducting unlicensed activity. The first record we have of this unauthorised activity is back in 2010 and the most recent record is from 26<sup>th</sup> May 2018. It should be noted that each unauthorised activity is a criminal offence and is contrary to Section 136 (1) of the Licensing Act 2003. To knowingly carry out unlicensed activity is an offence under Section 136 (2) of the Licensing Act 2003.

What follows is a brief summary of the Licensing team's interactions with the premises and the relevant appendix where that interaction can be found within this review application. The most recent interaction comes first:

**Appendix RF-3 (26<sup>th</sup> May 2018)** - Joint visit of Thames Valley Police and Reading Borough Council to the premises. This visit was to obtain CCTV footage of other nights where the premises was suspected of trading not in accordance with a licence. Officers observed licensable activity

(the provision of late night refreshment) being carried out between 0144hrs and 0234hrs. Officers advised staff they were carrying out unlicensed activity and criminal offences but staff carried on anyway. It should be noted that the time the officers were at the premises was significantly past the hours for licensable activity stated on the licence. This is an offence under Section 136 (1) of the Licensing Act 2003. The data request for the CCTV to establish whether the premises had been open on other nights conducting unauthorised and unlicensed activities can be found at appendix RF-4

**Appendix RF-5a and 5b (14<sup>th</sup> April 2018)** – Reading Borough Council licensing officers observed the premises open and selling hot food at 0300hrs. Photos attached of customers eating and a door supervisor in-situ. Again, licensable activities should have ceased at 0100hrs. This is an offence under Section 136 (1) of the Licensing Act 2003.

**Appendix RF-6 (11<sup>th</sup> February 2018)** - Reading Borough Council licensing officers observed the premises open at 0220hrs and 0304hrs. Photos attached showing premises is open with up to 15-20 customers seated and eating. This is an offence under Section 136 (1) of the Licensing Act 2003.

**\*\*Not attached as an appendix to this application but a licensing officer observed the premises open and serving customers at 0340hrs on 2<sup>nd</sup> April 2017 and a police report of 19<sup>th</sup> March 2017 states that the premises was open at 0404hrs. Both of these reports – from the RBC licensing officer and TVP – show the premises open significantly past permitted licensing hours\*\***

**Appendix RF-7 (12<sup>th</sup> and 13<sup>th</sup> April 2014)** - Reading Borough Council licensing officers observe the premises open past 0200hrs on two consecutive trading days. Officers were able to purchase a portion of chips at 0207hrs on the 12<sup>th</sup> April 2014 and observed the premises open at 0225hrs on 13<sup>th</sup> April 2014. A letter detailing this was sent to the premises licence holder and was the second letter sent in relation to operating past permitted hours in the space of a week (see Appendix RF-8 below). The content of the letter also indicates that the premises licence holder received the letter in Appendix RF-8 and was therefore aware that he was open past permitted hours and did not have planning permission either. This is contrary to Section 136 (1) of the Licensing Act 2003 and was arguably knowingly done so contrary to Section 136 (2) of the Licensing Act 2003.

**Appendix RF-8 (5<sup>th</sup> and 6<sup>th</sup> April 2014)** – Reading Borough Council licensing officers observe the premises open past permitted hours. This is contrary to Section 136 (1) of the Licensing Act 2003.

**Appendix RF-9 (10<sup>th</sup> and 11<sup>th</sup> July 2010)** – Reading Borough Council licensing officer observe the premises open past permitted hours. This is contrary to Section 136 (1) of the Licensing Act 2003. An application for the variation of the premises licence (to increase the hours) was then applied for after this letter which led to the hours and conditions as laid out in the current licence within appendix RF-1.

The above shows a clear and consistent pattern of the premises conducting unauthorised licensable activity at 51 Wokingham Road. Letters, the premises licence and the planning permission all clearly state what the hours of operation should be. Therefore, there does not seem to be any plausible explanation as to why the licence holder is deliberately carrying on licensable activity not in accordance with an authorisation. It is our belief – backed up by the evidence in this review application and the failure of the premises licence to provide the CCTV footage for the dates requested when officers attended on 26<sup>th</sup> May 2018 – that the premises has always operated until 0300hrs most nights and 0400hrs on weekends without a licence being in place. This would seem to be backed up by internet searches which lists the premises opening hours as way past what is permitted by the premises licence. See **appendix RF-10** from a web search. These are clear breaches of Section 136 (1) of the Licensing Act 2003 and would suggest that they were knowingly done – which would be an offence under Section 136 (2) of the Licensing Act 2003.

### **Breach of premises licence conditions**

As stated at the beginning of this review application, every breach of condition is a criminal offence and means that licensable activity is being carried on not in accordance with an authorisation. Each breach of condition is contrary to Section 136 (1) of the Licensing Act 2003. It is worth remembering a further two points: Firstly, that conditions are attached to a premises licence as they are deemed appropriate and proportionate to promote the four licensing objectives at that premises. Secondly, the conditions currently attached to the premises licence have been on the licence since September 2010. Therefore we do not believe it likely that licence holders would not know what they are – particularly as the licence holder attended the meeting in 2010 when they were put onto the licence.

Detailed below are the last four licensing inspection visits and the outcomes. These are further detailed at the relevant appendix attached to this review application:

#### **Appendix RF-11 (3<sup>rd</sup> May 2017) – Breaches found:**

- No Part A of the licence could be produced
- No Part B of the licence was displayed
- No Section 57 notice could be found
- No training records as required by condition 1 and 2 under Annex 2 of the licence

It is also worth noting that this letter specifically makes reference to the premises hours of operation and that it makes reference to the unauthorised activity stated above that took place and was observed on 19<sup>th</sup> March 2017 and 2<sup>nd</sup> April 2017. It also mentions the fact that the licence holder did not know whether the correct planning permissions were in place to trade later.

#### **Appendix RF-12 (7<sup>th</sup> November 2017) – Breaches found as well as an illegal worker who was found in the kitchen, had no right to work and was detained:**

- No training records for all staff as required by condition 1 and 2 under Annex 2
- Door Supervisor register incomplete contrary to condition 2d under Annex 3

#### **Appendix RF-13 (7<sup>th</sup> and 8<sup>th</sup> March 2018) – Breaches found on 7<sup>th</sup> March 2018:**

- Still discrepancies with the door supervisor register
- Premises licence holder not able to work CCTV when requested to do so

When officers returned to the premises the next day (8<sup>th</sup> March 2018), the licence holder stated that there was an issue with the CCTV and that it only had recordings from 5pm on 8<sup>th</sup> March 2018 which was approximately one hour before officers attended. Therefore condition 2(a) on the licence in relation to CCTV being kept for 28 days and produced immediately to authorised officers was not being complied with. A quick visit to the premises on 21<sup>st</sup> March 2018, found that the whilst cameras had been installed at the premises – including new ones for more coverage – the CCTV system was still inoperable and unavailable to officers.

As outlined above and in appendix RF-3, officers from Reading Borough Council and Thames Valley Police attended the premises on 26<sup>th</sup> May 2018 to obtain the footage as outlined in the data request at appendix RF-4. Condition 2a on the premises licence states that the footage should be made immediately available to authorised officers. To date, that footage has not been produced meaning the licence holder is in breach of the condition.

### **The Door Supervisor Register held at the premises**

The photo attached at appendix RF-5b shows the door supervisor on duty at the premises on 14<sup>th</sup> April 2018 at 0300hrs. Observations carried out by officers on 11<sup>th</sup> February 2018 also noted that a door supervisor was on duty at 0220hrs and 0304hrs. The door supervisor was also on duty during the most recent visit to the premises on 26<sup>th</sup> May 2018 between 0144hrs until 0234hrs.

It is curious therefore as to why the door supervisor register states within all of its entries that the door supervisor finished at 1am. These are in all of the entries that has the same door supervisor on duty. This has been countersigned by the licence holder and/or representative as required by



condition 2(d) on the licence as being correct. The premises was still open past 0300hrs on 11<sup>th</sup> February 2018 and the door supervisor was still carrying out his duties at the premises. The premises was also still open on 26<sup>th</sup> May 2018 and 14<sup>th</sup> April 2018 past 0100hrs. This is despite the door book stating he had finished at 0100hrs and this had been countersigned by the licence holder or nominated representative. That is also despite the fact that the premises should have been closed at 0100hrs as per the timings on the licence and planning permission. Given what has been outlined in this review application about the hours the premises has been seen trading to and the hours the premises is suspected of trading to, this can only lead to the following conclusions:

- The premises is open and employing a door supervisor to be at the premises until 0300hrs at the very least
- The door book entries, countersigned by the licence holder which state the door supervisor finished his shift at 0100hrs, are entirely inaccurate and incorrect
- The premises is open past 0100hrs in breach of its licence and planning consent as per officer observations and attendance at the premises
- The condition at 2(b) makes reference to door supervisor(s) – which would indicate that there should be more than one door supervisor on duty as it is a plural
- It is suspected that the CCTV footage, of which still has not been received, would not only show the premises open past 0100hrs but that the door supervisor would still be on duty. This would render the door register inaccurate to say the very least.

The door supervisor book entries can be found at **appendix RF-14(a-d)**

I would also like to draw the attention of the committee to appendix RF-14(d). This is the occasion where there is a different door supervisor on duty. It is noted that he has signed out and finished work at 0300hrs. We are of the belief that the premises is always staying open until at least this time and that the entries in the door book that state the other door supervisor finishes at 0100hrs are clearly inconsistent with the evidence stated in this application and the observations of officers.

Appendix RF-14(a) is the same evening/morning that officers observed the premises open at 0220hrs and 0304hrs (mentioned at Appendix RF-6) and this entry has been signed by the premises licence holder.

Appendix RF-14(b) is the same evening/morning that officers observed the premises open at 0300hrs (mentioned at Appendix RF-5a and Appendix RF-5b). This entry has not been signed by any duty manager and still states the finish time of the door supervisor as 0100hrs which is contrary to the officer observations.

Appendix RF-14(c) is the same evening/morning that officers from RBC and TVP attended the premises between 0144hrs and 0234hrs (mentioned at appendix RF-3). The door supervisor and premises were still operating past 0100hrs. No duty manager has signed off this entry.

No credible explanation has been received for these entries within the book.

### **Summary**

In summary, the offences outlined in this review application are particularly serious. 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 unauthorised activity taking place at the premises is wilful and continuous. Numerous documents – including the licence issued to the licence holder and the planning consent issued to the same licence holder – show quite explicitly what is permitted at the premises in terms of activities and permitted hours. The unauthorised activity documented within this review shows

clearly that the premises is trading past 0300hrs on a regular basis. The licence holder has been told in the licensing team's interactions with him via letter and in person, what the hours of operation are at 51 Wokingham Road. There can be no other possible explanation than the continuous opening for unlicensed activity is deliberate. Every single time the premises opens for unlicensed activity is an offence under the Licensing Act. Being in breach of conditions is also an offence under the Licensing Act. Knowingly doing this is also an offence under the Licensing Act 2003.

Allowing this premises to continue to operate with the benefit of a premises licence will merely serve to perpetuate the criminal activity 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 – The current premises licence for 51 Wokingham Road, Reading
- Appendix RF-2 – The current planning permission for 51 Wokingham Road, Reading
- Appendix RF-3 – Police report for visit to premises on 26<sup>th</sup> May 2018
- Appendix RF-4 – Data request for various CCTV footage delivered 26<sup>th</sup> May 2018
- Appendix RF-5 – Photos from 14<sup>th</sup> April 2018 at 0300hrs
- Appendix RF-6 – Photos from 11<sup>th</sup> February 2018 at 0220hrs
- Appendix RF-7 – Letter from licensing ref opening past permitted hours – 12/13 April 2014
- Appendix RF-8 – Letter from licensing ref opening past permitted hours – 5/6 April 2014
- Appendix RF-9 – Letter from licensing ref opening past permitted hours – 11/12 July 2010
- Appendix RF-10 – Internet search of company opening hours taken 29<sup>th</sup> May 2018
- Appendix RF-11 – Letter from licensing inspection of 3<sup>rd</sup> May 2017
- Appendix RF-12 – Letter from licensing inspection of 7<sup>th</sup> November 2017
- Appendix RF-13 – Inspection sheet from licensing inspection of 7<sup>th</sup> and 8<sup>th</sup> March 2018
- Appendix RF-14a – Door supervisor logs from the premises door book 10<sup>th</sup> Feb to 11<sup>th</sup> Feb 2018
- Appendix RF-14b – Door supervisor logs from the premises door book 13<sup>th</sup> April to 14<sup>th</sup> April 18
- Appendix RF-14c – Door supervisor logs from the premises door book 25<sup>th</sup> May to 26<sup>th</sup> May 18
- Appendix RF-14d – Door supervisor log from the premises door book 19<sup>th</sup> May to 20<sup>th</sup> May 18
- Appendix RF-15 – Case law of East Lindsey DC v Abu Hanif (2016)

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

N/A

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

Please tick ✓ yes

☐

If yes please state the date of that application

Day		Month		Year		
1	1	1	1	1	1	1

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

N/A

Please tick ✓

yes

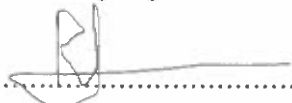
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

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

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

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

Signature



Date **31<sup>st</sup> May 2018**

Capacity **Licensing Enforcement Officer**

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

**Notes for Guidance**

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

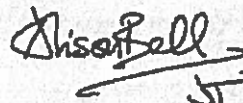
**Application At:** Perfect Fried Chicken 51 Wokingham Road Reading Berkshire

**Application No:** 07/00910/VARIAT

**CONDITIONS & REASONS**

1. The premises shall not be used for the preparation and/or sale of food or be available for internet use outside the hours of 8am to 1am (the following day) Mondays to Saturdays and 10am to midnight on Sundays and Bank Holidays. Reason: in order to protect local residents from unreasonable disturbance arising from the use, in accordance with Policy RET 5 of the Reading Borough Local Plan (1998).
2. All other of the Conditions of Consent No. 01/00458/FUL (as varied under consent 02/01162/VARIAT) apply to this Consent, viz:
  1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which the permission was granted. Reason: To prevent an accumulation of unimplemented planning permissions and in accordance with Section 41(1) of the Town and Country Planning Act 1971.
  2. Prior to the commencement of development, internal layout plans detailing the areas to be used for internet facilities, customer tables and seating, kitchen and sales counter shall be submitted to and approved in writing by the local planning authority. Thereafter, the internal layout as approved shall be implemented and retained in accordance with the approved plans, unless the prior written consent of the local planning authority to any change is first obtained. Reason: as a case has been made for permitting this particular use as an exception to Council policy and to enable the local planning authority to control the use of the building.
  3. The premises shall be used for an Internet Cafe only (with ancillary take-away facilities), wherein internet facilities are permanently available for customer use, and for no other purpose (including any other purpose in the same Use Class of the Schedule to the Town & Country Planning (Use Classes Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification. Reason: as a case has been made for permitting this particular use as an exception to Council policy and to enable the local planning authority to control the use of the building.
  4. See now above.
  5. Prior to the commencement of development plans detailing the parking layout at the rear of the site shall be submitted to and approved in writing by the local planning authority.
  6. The refuse and cycle storage shall be provided in accordance with the approved details prior to the first occupation of any dwelling on the site. Reason: in the interest

**Date:** 31st August 2007



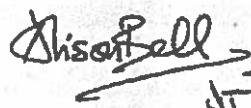
**Head of Planning & Building Control**

of the amenity of residents and to reduce reliance on the private motor car in accordance with the Council's Balanced Transport Strategy.

7. Suitable ventilation and filtration equipment shall be installed to suppress and disperse fumes and/or smell created from the food preparation operations on the premises. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues. Details of the equipment shall be submitted to and approved by the local planning authority in writing prior to commencement of use. Details to include outlet height which in general should be at least 1m above ridge height of the nearest building. Reason: to ensure that the use has adequate ventilation equipment to ensure that neighbouring properties are not unreasonably polluted by odours from the use.

8. The development hereby permitted shall be constructed in accordance with the following plans only:- numbers SP.01, SP.02, SP.03. Reason: for the avoidance of doubt.

Date: 31st August 2007



Head of Planning & Building Control



## NOTES

### APPEALS

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. Appeals must be made using an official form which is obtainable from Customer Support Unit, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN Phone: 0117 372 8000. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted, otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (a), to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.
- (2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Common Council, or on the Council of the district in which the land is situated, as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- (3) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.
- (a) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.

### BERKSHIRE ACT 1986 - Section 32

- (1) Except as provided in subsection (a) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show -
  - (a) That there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended, And
  - (b) That the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.
- (2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1990, unless notice of the provisions of this section is endorsed on or accompanies the planning permission.
- (3) Section 16(7) and (8) and section 36(2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act 1984.
- (4) Any person aggrieved by the action of the district council in rejecting plans under this section, may appeal to a magistrates' court.
- (5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

### SECTION 76 TOWN AND COUNTRY PLANNING ACT 1990

- 76-(1) This section applies when planning permission is granted for any development that will result in the provision -
  - (a) Of a building or premises to which section 4 of the Chronically Sick and Disabled Persons Act 1970 applies (buildings or premises to which the public are to be admitted whether on payment or otherwise);
  - (b) Of any of the following (being in each case, premises in which persons are employed to work) -
    - (i) Office premises, shop premises and railway premises to which the Offices, Shops and Railway Premises Act 1963 applies;
    - (ii) Premises which are deemed to be such premises for the purposes of that Act; or
    - (iii) Factories as defined by section 175 of the Factories Act 1961,
  - (c) Of a building intended for the purposes of a university college or college, or of a school or hall of a university;
  - (d) Of a building intended for the purposes of an institution within the PCFC funding sector; or
  - (e) Of a building intended for the purposes of a school or an institution which provides higher education or further education (or both) and is maintained or assisted by a local education authority.
- (2) The local planning authority granting the planning permission shall draw the attention of the person to whom the permission is granted -
  - (a) In the case of such a building or premises as are mentioned in subsection (1)(a)
    - (i) To sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970; and
    - (ii) To the Code of Practice for Access of the Disabled to Buildings (British Standards Institution code of practice BS 5810: 1979) or any prescribed document replacing that code,
  - (b) In the case of such premises as are mentioned in subsection (1)(b), to sections 7 and 8A of that Act and to that code or any such prescribed document replacing it;
  - (c) In the case of such a building as is mentioned in subsection (1)(c), (d) or (e), to sections 7 and 8 of that Act and to Design Note 18 "Access for Disabled People to Educational Buildings" published in 1984 on behalf of the Secretary of State, or any prescribed document replacing that note.
- (3) Expressions used in subsection (1)(d) and (e) and in the Education Act 1944 have the same meanings as in that Act.

### HAZARDOUS WASTE AND MATERIALS

Your attention is drawn to the possibility that development of land or redevelopment of properties will give rise to hazardous material probably in the form of contaminated soil or building construction waste (e.g. asbestos lagging around pipe work) needing disposal. Under the requirements of the Control of Pollution Act 1974 and regulations made there under it is an offence if such material is not deposited in appropriate sites licensed by the County Council acting in their capacity as Waste Disposal Authorities and additional procedures may have to be followed. Details of the sites in Berkshire and advice on suitability of wastes involved and procedures necessary can be obtained from:

Environment Agency, Isis House, Howbery Park, Wallingford, Oxon, OX10 8BD Tel: 0870 8506506

There may also be occasions when hazardous substances such as gas from former landfill sites could be a problem. The County Surveyor's Waste Management Group have agreed to list and map all such sites and copies will be available from the above address.

### BUILDING REGULATIONS

This planning permission does not give approval under the Building Regulations. Before any works are commenced you should check with the Building Control Section of the Planning Department whether any approval is required under the Building Regulations.



**Submitting Officer**
**Shoulder No/Name:** P5787 Wheeler

**Station:** Reading

**LPA:** Reading

**Incident References**
**Premises Name/Location:** Perfect Fried Chicken, 51 Wokingham Road, Reading

**Incident Date:** 26<sup>th</sup> May 2018

**Incident Time:** 01:44 - 02:40

**Command & Control URN:** 151 26/05/18

**Crime Report(s):** N/A

**CCTV Seized?** Requested

**Sources of Information:** PC 5787 Wheeler (Premises Visit), Anthony Chawama (RBC)

**Nature of Incident – what happened?**

Visit to premises to ensure the compliance with late night refreshment operating hours and in order to serve a data protection request for CCTV relating to other suspected breaches of late night refreshment hours.

**Premises Response – what part did staff play? How did they react/assist (include good/poor performance)?**

Licensable activities must cease at 0100 hours.

The provision of late night refreshment was observed to be taking place from 0144 hours until 0234 hours.

On entry to the premises having conducted exterior observation from 0144 hrs 7-8 customers were seated and eating hot food. A further member of the public entered and purchased what was observed to be piping hot food whilst he was stood next to Officers.

The member of staff serving who identified himself as Sabheel Asghar was informed that the licence conditions did not allow service beyond 0100 hours and that by serving he was committing offences. Sabheel stated "I do not know about that" and ignored the statement of the uniformed Police officer and continued to serve stating further "It's busy, It's Ramadan". Sabheel shook his head and then continued to further serve hot food to more customers who continued to enter and collect hot food.

A further warning was issued to Sabheel and details for the premises licence holder were requested for immediate contact. After a few minutes and his failure to contact the PLH a phone number was given to officers.

A male purporting over the phone to be Aadil Asghar (one of the two PLH's) stated that he could not attend the premises due to the ill health of a family member but he did agree to speak with Sabheel. After that conversation Sabheel apologised and then began to stop serving food and shut the shop.

A further male soon arrived who identified himself as Mohammed Asghar (the father of Aadil), who removed Sabheel from the premises, and apologise for breaching the hours of operation stating that he did not know that the staff were opening late.

**Police Response – what action was taken? Please identify the main officers who dealt with the incident**

A data protection request form was issued requesting evidence for a large number of suspected breaches of hours for late night refreshment between 28/04/18 and 26-05/18 - the form was left with Mohammed Asghar (Father of PLH).

MA stated that he would ask his son to contact PC Wheeler immediately to provide the CCTV, details for the officer were provided. As of this date 27/05/18 no contact from PLH has been received.

Gen 40 completed for information of RBC Licensing and serious consideration recommended for the review of this premises licence due to the apparent wilful breach of licensing hours.

## LICENSED PREMISES INCIDENT REPORT

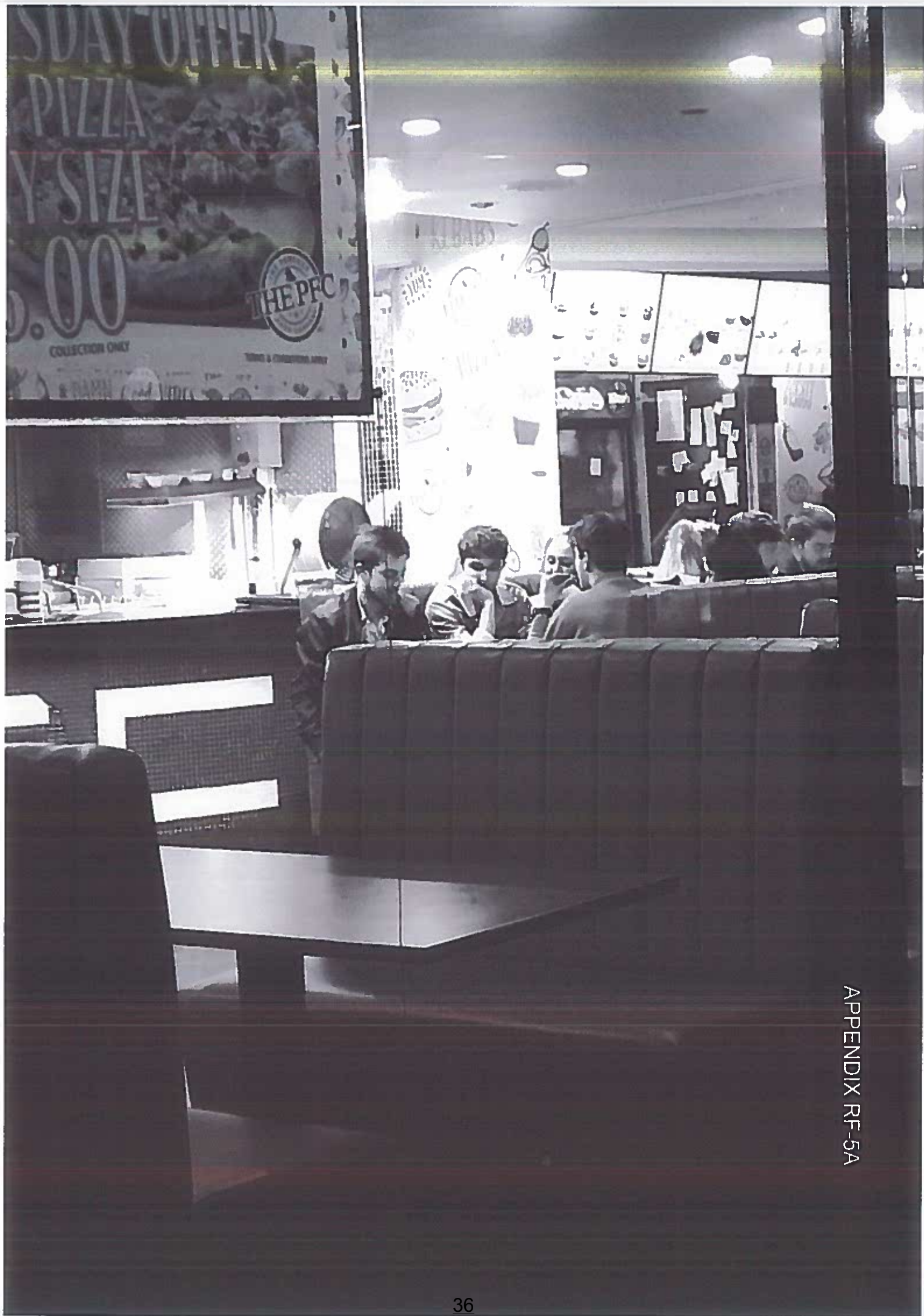
Persons Involved - to add more rows click into the final cell of this table				
Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)
Sabheel Asghar		managing shop		
Aadil Asghar		PLH spoken to on phone		
Mohammed Asghar		Father of PLH	Date request left	

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

## LICENSING DATA ACCESS REQUEST FORM – CCTV IMAGES

<b>Date of request</b>	<b>Date of recording</b>	<b>Time from:</b>	<b>Time to:</b>
25 <sup>th</sup> May 2018	20 <sup>th</sup> May 2018 19 <sup>th</sup> May 2018 13 <sup>th</sup> May 2018 12 <sup>th</sup> May 2018 6 <sup>th</sup> May 2018 5 <sup>th</sup> May 2018 29 <sup>th</sup> April 2018 28 <sup>th</sup> April 2018	0245hrs	0330hrs
<b>Officer Name/Position</b>	<b>Station or Address</b>	<b>Flare reference (Office use only)</b>	<b>Occurrence ref: (Police)</b>
Simon Wheeler Thames Valley Police	Reading Police Station Castle Street Reading RG1 7TH	N/A	N/A
<b>Contact email:</b> simon.wheeler@thamesvalley.pnn.police.uk			
<b>Contact Tel:</b> N/A			
<b>Area within premises (Describe as accurate as possible)</b>			
Request to Aadil Asghar and Nabeel Asghar (stated premises licence holders) Relating to the premises known as: Perfect Fried Chicken 51 Wokingham Road Reading  All relevant cameras covering both internal and external areas, with specific regard to the camera covering the service counter			
<b>Reason for request (Continue overleaf if necessary)</b>			
The premises been observed by officers operating outside of permitted hours for licensable activities. The premises licence clearly states that the opening hours and licensable activities should cease at 0100hrs (Monday to Saturday) and 0000hrs (Sunday). The premises has no planning permission to operate past these times and the planning permission also states that a takeaway should be ancillary to an internet café. The CCTV requested is necessary to investigate the crime of undertaking licensed activity without an authorisation being in place and is consistent with condition 2(a) on the premises licence. The licence condition states that this footage should be made immediately available to officers of the Council and Thames Valley Police. Planning permission was refused by the Council and upheld by the planning inspectorate for a change of permitted hours to 3am on 19 <sup>th</sup> March 2018.			
<b>Data Controller - Record action/viewing only/or decision to provide copy (If negative result or request considered unlawful please provide rationale for this decision)</b>			
<b>Date produced:</b>	<b>By whom:</b>	<b>Exhibit reference:</b>	<b>Signature:</b>
<b>Comments:</b>			

The completion of this log is to satisfy the need for audit and continuity of image management as required by the Data Protection Act 1998 & any subsequent judicial proceedings.



APPENDIX RF-5A









Alison Bell  
 Director of Environment and  
 Neighbourhood Services  
 Civic Offices, Reading, RG1 7AE  
 ☎ 0118 937 3737  
 SMS TEXT: 81722

┌ The Manager  
 Perfect Fried Chicken  
 51 Wokingham Road  
 Reading  
 By Hand

┐ Fax: 0118 9372 557  
 Our Ref: LIC/evu 051004

Direct: ☎ 0118 9373 762 Option 3  
 e-mail: jean.champeau@reading.gov.uk

15 April 2014

└ Your contact is: J S Champeau, Licensing and Environmental Protection

Dear Sir or Madam:

**Licensing Act 2003**  
**Premises:** Perfect Fried Chicken  
**Premises Address:** 51 Wokingham Road, Reading

On the 8 April 2014 I wrote to Mr Asghar, regarding the premises stay open past the permitted hours on the premises licence. On the weekend of 12<sup>th</sup> and 13<sup>th</sup> of April 2014 officers noted that the shop was again open past 0200hours.

On the 14 April 2014 I made a telephone call to the premises and spoken to a lady who indicated that Mr Asghar had received my letter but had today gone abroad for one month. The lady indicated that she operated the day shift until 1800hours and a night shift manager starts work at 1800 hours.

The licensing Act 2003 requires that any premises selling hot food between the hours of 2300 and 0500 must hold a valid premise licence. 51 Wokingham Road has such a licence. (Copies enclosed) It is a legal requirement to comply with the hours indicated on the premise licence, failure to do so may result in a £20,000 fine and or 2 year imprisonment.

**This letter is sent and should be received as a warning against any future breaches of your premises licence. Should any future breaches occur, formal action may be considered.**

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

Yours faithfully

Jean Sebastien Champeau  
 Senior Licensing & Enforcement Officer



Alison Bell  
Director of Environment and  
Neighbourhood Services  
Civic Offices, Reading, RG1 7AE  
☎ 0118 937 3737  
SMS TEXT: 81722

Fax: 0118 9372 557  
Our Ref: LIC/EVU 051004

Direct: ☎ 0118 9373 762 Option 3  
e-mail: [jean.champeau@reading.gov.uk](mailto:jean.champeau@reading.gov.uk)

8 April 2014

Mr A Asghar & Mr N Asghar  
Perfect Fried Chicken  
51 Wokingham Road  
Reading  
RG6 1LH

Your contact is: Jean Sebastien Champeau, Licensing and Environmental Protection

Dear Sirs

**Licensing Act 2003**  
**Premises:** Perfect Fried Chicken  
**Premises Address:** 51 Wokingham Road, Reading

On 5 and 6 April 2014 licensing officers noted that you are staying open past your permitted hours, I have enclosed a copy of your Premise Licence, please note you are only permitted to open past 0100hours when you have been granted planning permission.

I have spoken with the council's planning section and they have confirmed that planning permission for the extended hours was refused.

**This letter is sent and should be received as a warning against any future breaches of your premises licence. Should any future breaches occur, formal action may be considered.**

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

Yours faithfully

Jean Sebastien Champeau  
Senior Licensing & Enforcement Officer



Anita Cacchioli  
F.Inst.SRM.Hons MCMI MInstD  
Director of Environment, Culture  
and Sport

Civic Centre, Reading, RG1 7AE  
☎ 0118 937 3737

Fax: 0118 937 2557

Our Ref: LIC/PN/048659/wjl  
Your Ref:

Direct: ☎ 0118 937 2269  
e-mail: peter.narancic@reading.gov.uk

16 July 2010

┌  
  
Mr Aadil Asghar  
Premise Licence Holder  
51 Wokingham Road  
Reading  
Berkshire  
└ RG6 1LH

Your contact is: Peter Narancic, Licensing and Environmental Protection

Dear Mr Asghar

**LICENSING ACT 2003**  
**PREMISE LICENCE NUMBER - LP3000063**  
**PREMISE NAME - PERFECT FRIED CHICKEN**  
**ADDRESS - 51 WOKINGHAM ROAD, READING.**

I understand that you are the Premise Licence Holders and jointly responsible for the above premises.

Acting on information received from a member of public who alleges you are 'open all hours', an Enforcement Officer visited your premises in the early hours of Saturday 10 July 2010 between 00.50 to 01.17 and on Sunday 11 July 2010 between the hours of 01.23 and 01.40. On both occasions your shop was open and your staff were serving customers, as takeaways and at your tables.

May I remind you that your permitted hours of operation are:

**Monday - Saturday 08.00 hours to 01.00 hours**  
**Sunday 08.00 hours to 24.00 hours**

I have enclosed further copies of your licence for reference and your original application form, together with a planning letter dated 31 August 2007. Your application clearly shows the hours you applied for.

From the evidence we gathered, it is clear that you have been operating illegally by operating outside your licensable hours. May I further remind you that any breach of condition is an offence, which is prosecutable in the Magistrates court and could result in a fine of £20,000.00 and/or 6 months in prison for each occasion.

In addition your licence may also be reviewed, which may result in your licence being suspended, revoked or your hours reduced.

You must stop carrying out these unlicensed activities with immediate effect.

We intend to continue to monitor your premises, and if in future should you fail an out of hours test purchase you may be prosecuted. I have also informed Reading Borough Council Planning department and Thames Valley Police.

**This letter is sent and should be received as a warning against any future breaches of your premises licence. Should any further breaches occur, formal action may be considered.**

Should you wish to discuss these issues, please telephone me on the above number.

Yours faithfully

Peter Narancic  
Senior Licensing and Enforcement Officer

cc Planning Section  
Thames Valley Police

Anita Cacchioli  
F.Inst.SRM.Hons MCMI MInstD  
Director of Environment, Culture  
and Sport

Civic Centre, Reading, RG1 7AE  
☎ 0118 937 3737

Fax: 0118 937 2557

Our Ref: LIC/PN/048659/wjl  
Your Ref:

Direct: ☎ 0118 937 2269  
e-mail: peter.narancic@reading.gov.uk

16 July 2010

┌  
  
Mr Nabeel Asghar  
Premise Licence Holder  
51 Wokingham Road  
Reading  
└ Berkshire  
RG6 1LH

Your contact is: Peter Narancic, Licensing and Environmental Protection

Dear Asghar

**LICENSING ACT 2003**  
**PREMISE LICENCE NUMBER - LP3000063**  
**PREMISE NAME - PERFECT FRIED CHICKEN**  
**ADDRESS - 51 WOKINGHAM ROAD, READING.**

I understand that you are the Premise Licence Holders and jointly responsible for the above premises.

Acting on information received from a member of public who alleges you are 'open all hours', an Enforcement Officer visited your premises in the early hours of Saturday 10 July 2010 between 00.50 to 01.17 and on Sunday 11 July 2010 between the hours of 01.23 and 01.40. On both occasions your shop was open and your staff were serving customers, as takeaways and at your tables.

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Should you wish to discuss these issues, please telephone me on the above number.

Yours faithfully

Peter Narancic  
Senior Licensing and Enforcement Officer

cc Planning Section  
Thames Valley Police

## Perfect Fried Chicken



3.2 ★★★★★ (135)

Pizza Takeaway



OVERVIEW

REVIEWS

PHOTOS

ABOUT



CALL



DIRECTIONS



SAVE



WEBSITE

Reservations required · Breakfast · Outdoor seating



51 Wokingham Rd, Reading RG6

1LH

1.4 mi

London Rd



Tuesday

11am–3am

Wednesday

11am–3am

Thursday

11am–3am

Friday

11am–4am

Saturday

11am–4am

Sunday

11am–3am



Mr Aadil Asghar & Nabeel Asghar  
Premises Licence Holders  
Perfect Fried Chicken  
51 Wokingham Road  
Reading  
RG6 1LH

Alison Bell

Director of Environment and  
Neighbourhood Services

Civic Offices, Bridge St, Reading,  
RG1 2LU

☎ 0118 937 3787

Our Ref: LIC/PN/EVU52943

Your Ref:

Direct: ☎ 0118 9372269

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

22 May 2017

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

Dear Mr Aadil Asghar & Mr Nabeel Asghar

**Licensing Act 2003**

**Premises Licence Number - LP8000170**

**Name of Premise - Perfect Fried Chicken**

**Address - 51 Wokingham Road, Reading RG6 1LH**

On Wednesday 3 May 2017 I visited your premises with officers from Immigration Enforcement to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection.

From our records and my conversation with Mr Aadil Asghar, you are both joint premises licence holders and jointly responsible for the premises known as Perfect Fried Chicken 51 Wokingham Road, Reading RG6 1LH.

During my inspection, I found the following items that require your attention as outlined below. Your risk rating has been rated high risk and is a great concern to the responsible Authorities. As you will be aware matters of non-compliance under the Licensing Act 2003 are deemed criminal offences including operating beyond your legal hours.

1. A copy of Part A of your premises licence was not available for inspection. Cost of replacement (for both) is £12.
2. A copy of Part B Summary of your premises licence was not available for inspection.
3. You did not have a section 57 notice in relation to Part A of your premises licence displayed in your premises.
4. You could not produce a copy of your premises plan.

5. When requested you could not produce training records for your staff members. As you will be aware, all staff must be fully trained in relation to the Licensing Act 2003, so that they know and understand what the four licensing objectives are. All training should be in English and be recorded in writing for each employee and countersigned by the premises licence holder. Refresher training should also form part of your policy.

You were unable to tell me if you had planning permission or not.

Please will you confirm if you have or have not obtained the correct planning permission to enable you to operate the later hours varied by the Licensing Applications Committee. Although you were issued with a premises licence, terms and conditions with extended hours by Licensing Applications Committee, you were informed that you must not operate past your existing planning hours without the relevant planning consent. Additionally, you must fully comply with all your terms and conditions which include having SIA doormen on Fridays and Saturdays from 23.00 hours.

As you are aware if planning permission has not been granted then the licensable activities and opening times will revert to ceasing at 0100hrs Monday to Saturday and 2400hrs on Sunday.

Until you can show me otherwise, these are the hours you have to operate to.

On Sunday 19 March 2017 at 04.04 hours Thames Valley Police were called to a fight incident at 0400. URN 243 refers. It appears your premises were operating past its hours without door staff on duty. Investigation continuing.

On Sunday 2 April 2017 at 03.45 hours, I saw that your premises were open with several customers entering and being served at the counter when you should have been shut. I saw also saw customers sat down at tables eating and I saw you were also operating without doorman, which is another breach of licensing law and conditions. I did not see evidence that staff were winding down or cleaning before closure.

Your own CCTV will confirm what I saw on this date.

For information we operate a three tier procedure similar to our trading standards and police partners where following licensing inspections where issues of non - compliance have been found which we believe have undermined any of the four licensing objectives and we believe the management is underperforming we invite the premises licence holder to a performance management meeting and following discussions a plan of action is agreed in regard to future conduct. If following this, no or little improvement is made, an application to review the premises licence may

made. However, if we receive evidence that the premises licence(s) holder have committed a serious criminal offence, the licence may be reviewed without further notice.

### **Recommendations**

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

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

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

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

Yours faithfully

Mr Peter Narancic  
Senior Licensing & Enforcement Officer

Cc

Reading Borough Council Legal team

UK Immigration Department

Thames Valley Police





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

Our Ref:EVU 053196

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

8 November 2017

┌ Aadil Asghar & Nabeel Asghar  
 Perfect Fried Chicken  
 51 Wokingham Road  
 Reading  
 RG6 1LH

└ Your contact is: Mr Richard French, Licensing

Dear Sirs

**Licensing Act 2003**  
**Premises Licence Number: LP8000170**  
**Premises: Perfect Fried Chicken**  
**Premises Address: 51 Wokingham Road, Reading**

On the 7<sup>th</sup> November 2017 I visited your premises with officers from Home Office Immigration to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection. Immigration Enforcement arrested and detained a man found working in your kitchen who was suspected of working illegally in the UK. Immigration Enforcement will write to you in relation to this matter. This letter will focus on the licence inspection carried out by myself with a staff member who identified herself as Pratima Tripathiee.

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

1. Condition 2 (d) on page 10 of your premises licence in relation to your door supervisor register was not being complied with. The full name of the door supervisor was incomplete and only identified as 'Ibrahim'. Further, the date and time that the door supervisor started and ended work at the premises needs to be countersigned by the duty manager and they then need to sign the register at the bottom of the page. You were also not able to tell me which door supervisor company 'Ibrahim' works for. Please provide this information to me as a matter of urgency. I would like to remind you that door supervisor badges and their validity should be checked on the SIA website at - <https://www.sia.homeoffice.gov.uk/Pages/licensing-rolh.aspx>
2. Condition 1 on page 9 of the licence in relation to all staff being trained was not being complied with. I was informed that up to 5 members of staff worked at the premises yet only 3 training records could be produced. Please ensure that all staff are trained and that it is documented and refreshed accordingly.

3. You are reminded that it is a legal requirement for all employers to check their employees have the right to live and work in the UK before employing them. You are therefore advised to keep these records at the premises and check them on a regular basis.

Please ensure that the above points are rectified within 14 days.

If you have any questions in relation to this letter then please email me.

Yours faithfully

Mr Richard French  
Licensing Enforcement Officer

**PREMISES – RECORD OF INSPECTION DATED:**

Licence No:	LPR000170
Name:	PERFECT FRUIT CHICKEN
Address:	51 WOKINGHAM ROAD READING, RG6 1LM
Type:	Premises Licence   Club Premises Certificate

Licence Inspection	
Summary on Display: <input type="checkbox"/> Yes <input type="checkbox"/> No	Correct Part A/Conditions held at Premises: <input type="checkbox"/> Yes <input type="checkbox"/> No
Premises Licence Holder: A ASCHER/N/ASCHER/DPS:	
DPS as per Licence: <input type="checkbox"/> Yes <input type="checkbox"/> No	DPS Present? <input type="checkbox"/> Yes <input type="checkbox"/> No
If No, Reason:	Authorised Person: A ASCHER

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? N/A
Late Night Refreshment: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sale/Supply of Alcohol: <input type="checkbox"/> Yes <input type="checkbox"/> No Location: On   Off   Both
Does the Licence/Certificate permit activities carried on? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No N/A	

Conditions of Licence/Certificate
① Just supervisor back - Company, Recos Services Ltd. 9/2/18 - 'out time 0100hrs', 10/2/18 - 'out time 0100hrs', 23/2/18 - 'out time 0100hrs', 24/2/18 - 'out time 0100hrs'

Summary of Key Points Discussed
① Staff training records for 6 staff - Moazzam Ali - dated 2/2/18. - Prabhu Tripathi 1/4 - Mushtaq Ahmad - dated 5/7/17. - Shehroz Malik - 15/7/17 - Mohammad Tawel - dated 1/7/17. - Adrian Stancu - dated 2/11/17.

Document Checklist
<input type="checkbox"/> Age policy operated <u>N/A</u> <input type="checkbox"/> Section 57 <u>4</u> <input type="checkbox"/> Training Records <u>7</u> <input type="checkbox"/> Authorisation List <u>N</u>

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

Inspection Outcome: ☐ Satisfactory ☐ Unsatisfactory

Inspecting Officer(s): NICHOLAS FRENCH

Signature of licensee or representative(s):

Date of Inspection: 7th MARCH 2018 + 8th MARCH

Time Started: 15:30 | Time Ended: 16:00 (7th March)

\* All immigration right to work docs in a file.  
(advised).



CONTINUATION SHEET OF ISSUES DISCUSSED:

\* Stated hours on Google:

Sunday to Thursday - 11am - 3am

Friday + Saturday - 11am - 4am

\* FRD - The Original PFC Ltd - 09970948  
stated hours on front reg 10am - 3am  
1 director - Aadil Asghar

- Door Supervisor Ibrahim Omotola  
Badge number 0130 1106 65270789

- 02/03/18 - out time for door  
supervisor missing

- 03/03/18 - no entry for door supervisor  
but CCM opened.

- 16/2/18 - out time for door supervisor  
missing

- 17/2/18 - out time for door supervisor  
missing

\* Door bank still lacking duty manager  
signature.

INSPECTING OFFICER: NICHOLAS FROST

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

DATE OF INSPECTION: 7/3/18.

- CCV - 4 cameras - 2 in operation over counter  
and front door. Time out by 18 mins

visit on 8th March @ 1800hrs to view CCV. CCV  
not working. Footage started at 1700hrs on 8th  
March - no other footage available.



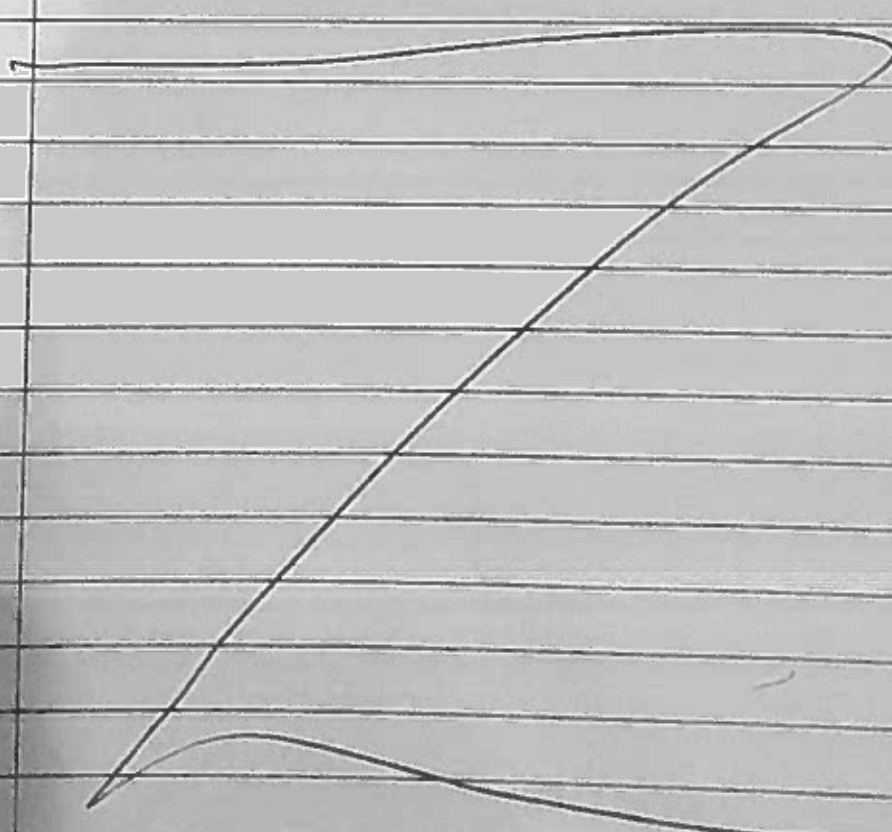


DAY: FRIDAYDATE: 13 4-18

## DAILY DOOR STAFF REGISTRATION

DUTY MANAGER:

DOOR SUPERVISOR'S NAME	SIA NUMBER	TIME IN	INITIALS	TIME OUT	INITIALS
J. OMOTOIA	81301106 65270759	220	1.	0100	1.

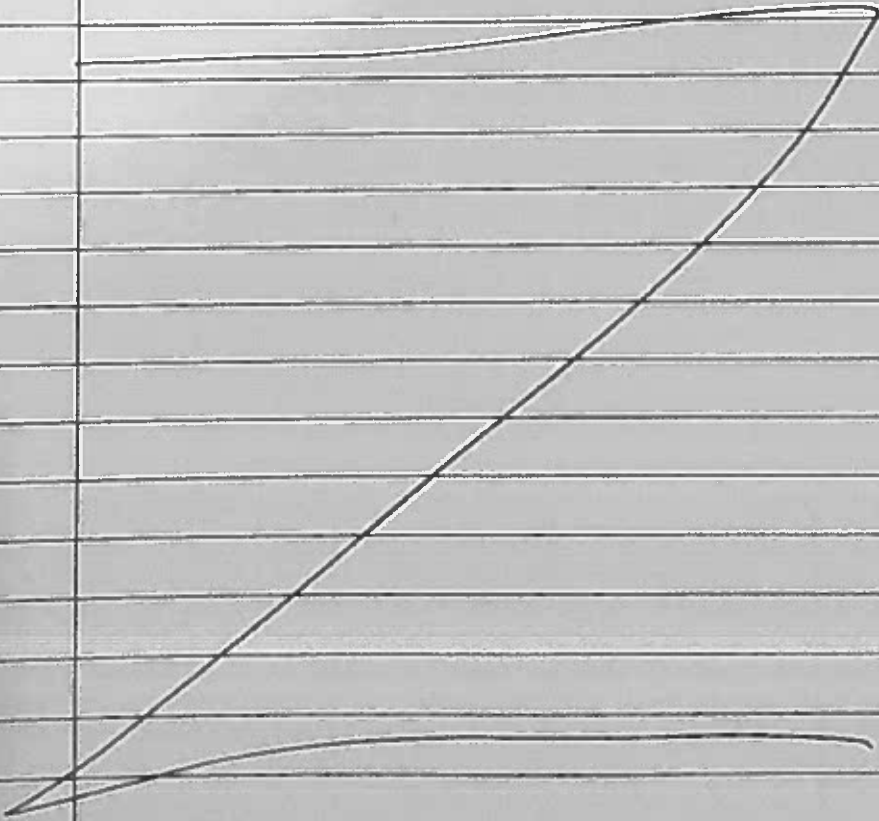
OCCUPANCY		INCIDENT DETAIL	TIME
TIME	NUMBER	NOTHING TO REPORT	
			

DAY: 25/5/18 DATE: FRI - APPENDIX RF-14C

## DAILY DOOR STAFF REGISTRATION

DUTY MANAGER:

DOOR SUPERVISOR'S NAME	SIA NUMBER	TIME IN	INITIALS	TIME OUT	INITIALS
1. MOTOLA	0130/106	2200	1	0100	1.
	65270759				
PROSE SERVICES					

OCCUPANCY		INCIDENT DETAIL	TIME
TIME	NUMBER	BOOKING ON	
			

DUTY MANAGER'S SIGNATURE:



DATE: 20-05-18

**DUTY MANAGER:**[illegible][illegible]

56



Judgments

**QBD, ADMINISTRATIVE COURT**

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

CO/345/2016

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

THE ADMINISTRATIVE COURT

Royal Courts of Justice

Strand

London WC2A 2LL

Thursday, 14 April 2016

**B e f o r e:**

**MR JUSTICE JAY**

**Between:**

**EAST LINDSEY DISTRICT COUNCIL**

**Appellant**

**v**

**ABU HANIF**

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

**Respondent**

Computer- Aided Transcript of the Stenograph Notes of

WordWave International Limited trading as DTI

165 Fleet Street London EC4A 2DY

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

(Official Shorthand Writers to the Court)

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

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

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

(Approved)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. No.

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

D. No.

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

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

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

26. MR JUSTICE JAY: Yes.

27. MR KOLVIN: Should I start with here.

28. MR JUSTICE JAY: Yes.

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

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

31. MR JUSTICE JAY: It has.

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

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

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

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

35. MR JUSTICE JAY: I see.

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

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

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

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

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

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

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



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

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

45. MR KOLVIN: Thank you.

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

47. MR KOLVIN: Thank you, my Lord.

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

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

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

51. MR KOLVIN: Thank you.

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

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

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

55. MR JUSTICE JAY: Yes. (Handed)

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

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

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

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

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

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

62. MR JUSTICE JAY: Okay.

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

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

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

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

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

68. MR KOLVIN: Yes.

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

70. MR KOLVIN: Yes, they are.

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

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

73. MR JUSTICE JAY: No- one objects.

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

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

76. MR KOLVIN: Thank you very much indeed.

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

78. MR KOLVIN: No.

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

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

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

82. MR KOLVIN: Indeed.

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

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

85. MR JUSTICE JAY: Thank you very much.

## Witness Statement

Page 1 of 3

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN:

Statement of: **Simon Wheeler**Age if under 18 (if over insert "over 18"): **Over 18**Occupation: **Police Constable 5787**

This statement (consisting of .....3..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: **Simon Wheeler**Date: **20/06/2018**

I am Police Constable 5787 WHEELER of the Thames Valley Police, currently stationed at Reading Police Station.

On Saturday 26<sup>th</sup> May 2018 at 0144 hours I was on duty in uniform and at the time working with Anthony CHAWAMA a Reading Borough Council Licensing Enforcement Team member. At this time we were located in WOKINGHAM ROAD, READING, BERKSHIRE and observed that PERFECT FRIED CHICKEN, 51 WOKINGHAM ROAD, READING was open and trading.

We were at the location to both serve a data protection request to the premises licence holder for CCTV relating to enquiries regarding the suspected supply of late night refreshment outside of their permitted hours, as well as to ensure that on this occasion they were not also carrying out unlicensable activity.

The premises licence states:-

**"Hours for the Provision of Late Night Refreshment**

Monday	from 2300hrs until 0230hrs
Tuesday	from 2300hrs until 0230hrs
Wednesday	from 2300hrs until 0230hrs
Thursday	from 2300hrs until 0230hrs
Friday	from 2300hrs until 0230hrs
Saturday	from 2300hrs until 0230hrs
Sunday	from 2300hrs until 0230hrs

If planning permission is not granted then the licensable activities and opening times will revert to ceasing at 0100hrs Monday to Saturday and 2400hrs on Sunday."

**"Hours the Premises is Open to the Public**

Monday	from 0800hrs until 0230hrs
Tuesday	from 0800hrs until 0230hrs

Signature: **Simon Wheeler**Signature Witnessed by: **N/A**

## Witness Statement

Continuation of Statement of Simon Wheeler

Wednesday from 0800hrs until 0230hrs  
 Thursday from 0800hrs until 0230hrs  
 Friday from 0800hrs until 0230hrs  
 Saturday from 0800hrs until 0230hrs  
 Sunday from 0800hrs until 0230hrs

If planning permission is not granted then the licensable activities and opening times will revert to ceasing at 0100hrs Monday to Saturday and 2400hrs on Sunday."

On this occasion I was fully aware that the planning permission mentioned within the premises licence operating schedule had not been granted and therefore the hours for provision of late night refreshment and the hours that the premises could remain open to the public is 0100 hours.

Clearly in this situation these conditions were not being complied with and therefore unlicensable activity was taking place.

At 0211 hours both CHAWAMA and myself entered the premises and on entry observed approximately seven to eight customers within the premises. During the visit I also observed piping hot food being sold to customers and then being handed across the counter to them. I also observed customers already within the premises in seated positions at tables eating hot food.

An Asian male whom provided his details as Sabheel [REDACTED] b. [REDACTED] was stood serving behind the counter and gave the impression by his actions that he was the person in charge of the premises at this time.

I stated to [REDACTED] that I was the Reading uniformed Police Licensing officer and that the licence for the premises did not allow the service of hot food or drink beyond 0100 hours nor did it allow the restaurant to be open to the public after 0100 hours.

I stated to [REDACTED] that continuing to remain open and providing late night refreshment was an unlicensable activity, and therefore offences were being committed. I asked [REDACTED] to stop serving the hot food immediately in order to prevent further unlicensable activity.

[REDACTED] replied "I DO NOT KNOW ABOUT THAT" and ignored me; instead continuing to serve hot food. My request was then reiterated to which [REDACTED] replied "IT'S BUSY, IT'S RAMADAN".

[REDACTED] shook his head and then again continued to hand customer's hot food across the counter.

Due to the non-compliance from [REDACTED] regarding my request to cease unlicensable activity I called my control room via my police radio and asked them to begin a running log which I could use to detail their service after hours. This log can be identified as URN 151 of 26/05/2018.

[REDACTED] was then forcefully asked by me to provide contact details of the premises licence holders; either AADIL or NABEEL so that I could contact them to detail the staff members non-compliance and to ensure that the premises closes. After a few minutes and what appeared stalling tactics from [REDACTED] he begrudgingly provided a phone number for AADIL which I rang.

Signature: Signature Witnessed by: N/A

## Witness Statement

Page 3 of 3

Continuation of Statement of Simon Wheeler

The phone was answered by a male stating he was AADIL and I reiterated my statements to him that I had already made to [REDACTED], confirming their unlicensable activity. AADIL stated that he could not attend the restaurant due to the ill health of a family member but agreed to speak to [REDACTED].

I passed the phone to [REDACTED] and a short conversation took place between him and AADIL, after which [REDACTED] immediately agreed to close the restaurant and finally ceased serving hot food.

Only minutes after the phone call an older Asian male arrived at the restaurant who stated that he was [REDACTED]. The father of one of the premises licence holders AADIL, but no relation to Sabheel [REDACTED].

[REDACTED] removed [REDACTED] (Sabheel) from the premises and apologised for the restaurant being open late.

Due to the previous and numerous times that the premises had been suspected to have been trading beyond its hours over a distinct period of time I left a copy of a CCTV data protection request form requesting the provision of footage relating to the alleged breaches of licensable hours. This written request was left in the custody of [REDACTED] who stated he was attending as the representative of the premises licence holder AADIL.

I left the restaurant along with CHAWAMA who had been dealing with the SIA door staff located within the premises at 0234 hours and confirm that at the time of leaving the restaurant was closed to the public.

This statement has been completed using both my recollections and notes that were recorded by me at the time within my pocket notebook serial no C65120, pages 77, 78 and 79, as well as the live URN log that I requested from the Police control room and which was subsequently updated by me on the night in question.

Signature:  5737Signature Witnessed by: N/A

ID: 17167496

## PERFECT FRIED CHICKEN

51, WOKINGHAM ROAD, READING, RG6 1LH

URN: Date: Time: Location Reference:  
 151 26/05/2018 02:23 7/9/166/250  
 Beat Code: EA48  
 Caller: EA62 5787 WHEELER CONSTABLE  
 Classification: MISCELLANEOUS : MESSAGE DELIVERY/ENQUIRY  
 Response: TELEPHONE RESOLUTION  
 Result: FORCE REPORT  
 Closing Type L2: MESSAGES  
 Closing Type L3: NO QUALIFIER  
 Brief Details:  
 LICENSING CHECK -

Time(mins) from +IC:	Despatch = n/a	At Scene = n/a	Leave Scene = 1
Force ID:	Res Type:	RD:	AS: LS: RC: AI: DW: CI:
5787	SD		
5787	SD	02:23	02:24

## Details from incident log:

02:23	26/05/2018	C1684	F
02:24	26/05/2018	C1684	EA62 - WILL UPDATE LOG THEY ARE TRADING OVER HOURS
03:58	26/05/2018	5787	STAFF WERE OBSERVED SERVING HOT FOOD AT 0144 HOURS AND
03:58	26/05/2018	5787	7-8 CUSTOMERS COULD BE SEEN INSIDE.
03:58	26/05/2018	5787	OFFICERS FROM TVP AND RBC ENTERED AT 0211 HOURS AND AGAIN
03:58	26/05/2018	5787	OBSERVED A NUMBER OF CUSTOMERS INSIDE THE PREMISES.
03:58	26/05/2018	5787	PIPING HOT FOOD WAS SEEN BEING SOLD TO THE CUSTOMERS.
03:58	26/05/2018	5787	STAFF MEMBER [REDACTED] OF 2 [REDACTED]
03:58	26/05/2018	5787	[REDACTED] WAS IN CHARGE OF THE SHOP. HE WAS INFORMED
03:58	26/05/2018	5787	THAT UNLICENSABLE ACTIVITY WAS TAKING PLACE AS THE
03:58	26/05/2018	5787	LICENCE DOES NOT ALLOW THE PROVISION OF LATE NIGHT
03:58	26/05/2018	5787	REFRESHMENT AFTER 0100 HOURS.
03:58	26/05/2018	5787	ASGHAR WAS ALSO TOLD THAT IF THE SERVICE OF HOT FOOD AND
03:58	26/05/2018	5787	THE PREMISES BEING OPEN TO THE PUBLIC CONTINUED THAT HE
03:58	26/05/2018	5787	IS NOW KNOWINGLY COMMITTING OFFENCES.
03:58	26/05/2018	5787	[REDACTED] STATED THAT HE WAS NOT THE MANAGER AND HE DID NOT
03:58	26/05/2018	5787	KNOW THIS. [REDACTED] CONTINUED TO SERVE HOT FOOD AND ALLOW
03:58	26/05/2018	5787	CUSTOMERS INTO THE PREMISES IN FRONT OF THE INSPECTING
03:58	26/05/2018	5787	OFFICERS AND IN SPITE OF THEIR WARNING AND PRESENCE.
03:58	26/05/2018	5787	ONE OF THE PREMISES LICENCE HOLDERS AADIL ASGHAR WAS
03:58	26/05/2018	5787	CONTACTED VIA MOBILE ON A NUMBER PROVIDED BY [REDACTED]
03:58	26/05/2018	5787	[REDACTED] AND STATED THE SHOP WOULD CLOSE AND SPOKE
03:58	26/05/2018	5787	WITH [REDACTED] OVER THE PHONE.
03:58	26/05/2018	5787	[REDACTED] (FATHER OF THE OWNER) ARRIVED AND ENSURED
03:58	26/05/2018	5787	THE PREMISES EVENTUALLY CLOSED AT 0234. A DATA
03:58	26/05/2018	5787	PROTECTION REQUEST FORM WAS LEFT AT THE PREMISES FOR
03:58	26/05/2018	5787	PROVISION OF CCTV RELATING TO THIS OFFENCE AND PREVIOUS
03:58	26/05/2018	5787	OFFENCES.
03:58	26/05/2018	5787	GEN 40 SHALL REFER AND DETAILS TO RBC LICENSING DEPT.
03:58	26/05/2018	5787	URN CAN BE CLOSED
			**** NO TEXT IN CLOSED LOG ****



**Narancic, Peter**

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**From:** ISD Alcohol Licensing <Alcohol@homeoffice.gsi.gov.uk>  
**Sent:** 19 June 2018 18:08  
**To:** French, Richard  
**Subject:** RE: Licensing review application - Perfect Fried Chicken, 51 Wokingham Road, Reading, RG6 1LH [OFFICIAL] AL14851

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

Good afternoon,

Further to receiving the above review I wish to notify you of further checks that I have discovered there has been quite a few visits to the premises from 2015 - 2017 where illegal workers were encountered by our immigration officers.

Two illegal workers found on the premises. £9,166.66 still outstanding for Mohammed Asghar and also £10k outstanding for Aadil Asghar for the Original PFC Ltd trading as Perfect Fried Chicken, for the employment of 1 illegal worker.

Regards

**Paul Wynter**

*Interventions and Sanctions Directorate | Alcohol and LNR licensing Team*  
*Immigration Enforcement*  
**Apollo House | 3rd Floor**  
 36 Wellesley Rd | Croydon  
 CR9 2BY

☎: 02081963332 ✉: [paul.wynter@homeoffice.gsi.gov.uk](mailto:paul.wynter@homeoffice.gsi.gov.uk)

For new applications-[Alcohol@homeoffice.gsi.gov.uk](mailto:Alcohol@homeoffice.gsi.gov.uk)

For enquiries relating to license applications or ongoing reviews-[IE.Alcoholenquiries@homeoffice.gsi.gov.uk](mailto:IE.Alcoholenquiries@homeoffice.gsi.gov.uk)

For reviews to be considered or initiated along with hearing dates-[IE.Alcoholreviews@homeoffice.gsi.gov.uk](mailto:IE.Alcoholreviews@homeoffice.gsi.gov.uk)

**Narancic, Peter**

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**From:** Amoah, Alison  
**Sent:** 20 June 2018 18:20  
**To:** French, Richard  
**Subject:** RE: Licensing review application - Perfect Fried Chicken, 51 Wokingham Road, Reading, RG6 1LH -PLANNING RESPONSE [OFFICIAL]

Richard,

A planning application to “Change of use at ground floor from A1 retail to Internet Cafe (A3 restaurant) without complying with condition 4 to change opening hours” (170880) was refused by the Council on 28<sup>th</sup> July 2017 for the following reason:

*“1. The proposed extension to the opening hours of this premises would be likely to have an unduly detrimental effect on the amenities of nearby residential properties in terms of noise and disturbance including from people visiting the premises, vehicle deliveries, home delivery vehicles, and from the extract system, and fumes. As such the proposal is contrary to Policy CS34: Pollution and Water Resources, of the Core Strategy (2008, altered 2015), and Policy DM4: Safeguarding Amenity, of the Sites and Detailed Policies Document (2012, altered 2015).”*

This decision was appealed by the applicant, but the decision was upheld by the Planning Inspectorate (March 2018), the conclusion of which states *“Notwithstanding the fact that I have found no conflict with odour policies, I conclude that condition 4 is necessary to protect local residents from unreasonable disturbance beyond the authorised opening hours. Its removal would conflict with the policies in the development plan to which I have already referred. The benefits which have been outlined by the appellant are insufficient to outweigh the harm which I have identified. So for the reasons given, and having regard to all other matters raised, the appeal is dismissed.”*

It is clear from the evidence within the licence review application that the premises has for some time operated opening hours beyond the licence hours and beyond the operational hours for which planning permission was originally granted. In the context of the above decision opening the premises beyond the agreed hours has a detrimental effect on residential amenity and revoking the licence would contribute to meeting the licensing objective of “prevention of public nuisance.”

Regards,

Alison

Alison Amoah  
 Principal Planner  
 Planning, Development and Regulatory Services/ Environment and Neighbourhood Services

Reading Borough Council  
 Civic Centre  
 Bridge Street  
 Reading RG1 2LU

0118 937 2286 (72286)  
 07855 125859

*From the 1st April 2017 we will be charging for copies of decision notices, site history searches and s106 enquires*

**Narancic, Peter**

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**From:** French, Richard  
**Sent:** 28 June 2018 12:53  
**To:** Narancic, Peter  
**Subject:** Additional Info - PFC, 51 Wokingham Road - licence review  
**Attachments:** PFC Additonal Info.pdf

Dear Peter,

Please find attached some additional documentation I would like to submit in relation to the review application for PFC, 51 Wokingham Road, Reading.

The additional information is as follows:

Additional Info RF-1A – Statement of Licensing Enforcement Officer Anthony Chawama

Additional Info RF-1B – Food Registration form dated 27/02/2012

Additional Info RF-1C – Food Registration form dated 09/12/2014

Additional Info RF-1D – Food Registration form dated 11/07/2016 (I have redacted what I believe to be a home address from this doc)

Additional Info RF-1E – Food Registration form dated 01/03/2018

Kind Regards

Richard French  
 Licensing Enforcement Officer  
 Licensing Team | Directorate of Environment and Neighbourhood Services

Reading Borough Council  
 Licensing Team  
 Civic Offices  
 Bridge Street  
 Reading  
 RG1 2LU

Office Tel: 0118 937 2846  
 Mobile: 07583 679046  
 Email: [richard.french@reading.gov.uk](mailto:richard.french@reading.gov.uk)  
 Secure Email: [Richard.French@reading.gcsx.gov.uk](mailto:Richard.French@reading.gcsx.gov.uk)  
 Web: [www.reading.gov.uk/licensing](http://www.reading.gov.uk/licensing)

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



Please Note that Public Sector Protective Document Marking is in operation. All sensitive emails and documents originating from Local Authorities should be marked OFFICIAL or OFFICIAL-SENSITIVE. Documents & emails unmarked are to be treated with usual professional courtesy. Those marked OFFICIAL are to be circulated with consideration. Those marked OFFICIAL-SENSITIVE should usually be circulated only to those the author has included in the send field. Secure email will also be used as an additional control measure where applicable for OFFICIAL and OFFICIAL-SENSITIVE external emails.

## LICENSING REVIEW APPLICATION

PERFECT FRIED CHICKEN  
51 WOKINGHAM ROAD, READING

### STATEMENT OF ANTHONY CHAWAMA

I am employed by Reading Borough Council as a Licensing Enforcement Officer. My main duties include enforcement of Licence Premises, Hackney Carriage Drivers and Vehicles and Private Hire Drivers, Vehicles and Operators.

On Saturday 10<sup>th</sup> and Sunday 11<sup>th</sup> July 2010, I was on duty in with my colleague Mamadou Wone Licensing Enforcement Officer. When I observed the premises was open past permitted hours. (see appendix RF-9)

On Saturday 5<sup>th</sup> and Sunday 6<sup>th</sup> April 2014, I was on duty in Reading with my colleague Mamadou Wone Licensing Enforcement Officer. When I observed the premises was open past permitted hours. (see appendix RF-8)

On Saturday 12<sup>th</sup> and Sunday 13<sup>th</sup> April 2014, I was on duty in Reading with my colleague Edward Foster Licensing Enforcement Officer. When I observed the premises was open past permitted hours. I then sent my colleague Edward Foster in to purchase a portion of chips. (see appendix RF-7)

On Sunday 11<sup>th</sup> February 2018, I was on duty in Reading with my colleague Richard French Licensing Enforcement Officer. We visited the premises twice at 0220hrs and 0304hrs, when I observed the premises were open past permitted hours. Photos taken showing premises is open with up to 15-20 customers seated and eating. (shown at Appendix RF-6)

On Thursday 8<sup>th</sup> March 2018, I attended premises with Richard French to obtain a copy of CCTV footage the licence holder 'AADIL ASHGAR' stated that there was an issue with the CCTV and that it only had recordings from 5pm on 8<sup>th</sup> March 2018 which was approximately one hour before we arrived. I was further informed by Mr French that the cameras were still inoperable on 21<sup>st</sup> March 2018 when he attended the premises with colleagues from Home Office Immigration Enforcement.

On Saturday 14<sup>th</sup> April 2018, I was on duty in Reading with my colleague and fellow Enforcement Officer Mamadou Wone. When I observed the premises was open past permitted hours at 0300hrs. Officer Wone took photo. (shown at Appendix RF-5a and RF-5b)

On Saturday 26<sup>th</sup> May 2018 I revisited the premises with Pc Simon Wheeler of Thames Valley Police to obtain the footage as outlined in the data request form. The staffs in the premises ignored our request and continue to serve hot food past there permitted hours to various people coming in and out. I then spoke to the SIA security officer for the premises and told him that he was taking part in out illegal activities. He then replied with words to effect; "I finished work at 1am I'm just waiting to eat some food". I then looked at the 'DAILY DOOR STAFF REGISTRATION

BOOK' and notice the book wasn't filled up for the night, I then point this out to the SIA security officer who then fills in the log in my presence. I then notice an Asian male came into the shop that I recognised to be 'Mr MOHAMMED ASGHAR' from previous encounters; Pc Wheeler had a conversation with him handed the data request form over to him. They then closed the shop for the night. (see Appendix RF-3 and appendix RF-4)

30<sup>th</sup> May 2018, at 1433hrs I received a phone call from [REDACTED] the person identifies himself as; 'AADIL ASGHAR' from PFC and said he will like to meet with us to discuss the issue about the CCTV request from us. I told him he needs to supply it ASAP. Mr ASGHAR then claimed he needed to get a decoder to transfer the CCTV and he will ring us back.

*A. Chaudhary*

28<sup>th</sup> June 2018

Legislation covered by inspection: Food Hygiene (England) Regulations 2006 ☒ Food Safety Act 1990 (as amended) ☒ Health & Safety at Work etc. Act 1974 ☐ Other legislation..... ☐

Reason for inspection: Programmed/licensing inspection ☒ Topic Inspection ☐ New business ☐ Sampling visit ☐  
Revisit ☐ Accident ☐ Complaint ☐

Name of Premises PFC Business Type Restaurant / Takeaway

Address 51 Wokingham Road

Registered Office Address 51 Wokingham Road

Email [REDACTED] Tel [REDACTED] Fax.....

Person seen Ali Asghar Position Director

Name of Proprietor/Food Business Operator (if different) Aayan Fast Food Ltd

Safety Representative..... Competent person.....

Business days & hours 7 days 11-230 > 5 employees: Y / N Male Nos:..... Female Nos:..... < 18 yrs:.....

Areas inspected Kitchen, server, Back room, walk-in fridges, stores

Documentation checked ☒ = Yes Detail in comments if not adequate ☒ = Not available ☐ = Not requested at visit

Food Hazard Analysis Verbal ☐ Written ☐ Management Risk Assessment ☐ Workplace Transport Risk Assess ☐

Temperature Log ☐ F/HS Training Record ☐ Safety Policy/ Accident Book ☐ Work at Height Risk Assessment ☐

Pest Control ☐ Existing F/HS Award ☐ Asbestos Register/Risk Assess ☐ Manual Handling Risk Assessment ☐

Food Samples taken ☐ HASAWA Poster ☐ Slip & Trip Risk Assessment ☐ Stress Risk Assessment ☐

Comments: Matters Arising (L = Legal Requirement and R Recommendation)

Routine food hygiene inspection + Health & Safety

① No food safety management system in operation in your business. Document one & implement by 12th March 2012.

② Temperature records only completed until 23/2/12 ensure done daily.

③ At least one staff member at on duty at all times should be trained in the system & in documenting how its controlled.

④ temperatures should also be taken after 4pm before the evening shift.

Action Proposed: Inspection report form left ☐ Letter to follow ☐ Formal notices(s) ☐ Revisit ☐ Award (B/S/G) ☐

Overall impression of premises..... Leaflets: left ☐ to send ☐ food registration form: left ☐ to send ☐

Name of Inspector Debbie Owen / J. B. Owen Signature [Signature] Date of next visit.....

Designation SE10 / CPO Date & Time 27/2/12 Telephone No: 0118 939 2225

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

Signed [Signature] Title.....

Note: This report only covers the areas inspected at the time of the visit. It does not indicate compliance with any provision of the Health and Safety at Work etc. Act 1974, Food Safety Act 1990 (as amended), any of the regulations made under these acts or Food Hygiene (England) Regulations 2006 or other legislation as detailed above. It is an informal indication of areas of the business requiring attention. If you have any queries regarding this report, please telephone the officer named above or write to: Mr Pol Exeter, Consumer Protection Manager, Consumer Protection (Environmental Health) Reading Borough Council, Civic Centre, Reading RG1 7TD. Or email consumerprotection@reading.gov.uk.

Legislation covered by Inspection: Food Hygiene (England) Regulations 2006 ☐ 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 Perfect Fish Chicken Business Type T. AWAY

Address 51 WOODHURST RD RG6 1LH

Registered Office Address STARGO, READING LTD CO No 08528766

Email [REDACTED] Tel [REDACTED] Mobile [REDACTED]

Person Seen TRIPATHI PRATIMA Position MANAGER

Name of Food Business Operator/Dutyholder Mr. PLOZAN

Business days & hours 11.00 am - 2.30 am Areas Checked       

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

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

L/R CIM IMPROVEMENT ON LAST INSPECTION BUT MORE WORK REQUIRED

FH/SI SEE BELOW

H&S TIDY STAIR WALK + AS DISCUSSED DO FOLLOWING:

1 PROVIDE CLEANING SCHEDULE FOR STAFF TO FOLLOW

2 PROVIDE TEMP RECORDS TO RECORD COOKED + HOTTED CHICKEN

3 KEEP DIARY UP TO DATE START ASAP

2 CIM Some Staff eg PLOZAN DID NOT KNOW WHAT TEMP COOKED CHICKEN MUST REACH. PROVIDE TRAINING TO LEVEL 2 FOR ALL FOOD HANDLERS

3 KEEP RECORD OF THEIR TRAINING TRAINING ORGANIZED FOR NEXT WEEK

4 POOR CLEANING OF FOLLOWING: 2 MONTH

5 PIZZA DOUGH GUARD + BENEATH MOTOR CLEAN + DISINFECT

6 TIN OPENER BLADE KEEP CLEAN + PUT ON

7 FRIDGE HANDLES eg PIZZA FRIDGE CLEAN. SCHEDULE IMMEDIATE

8 HEAVY PRUDY UNCLE DIRT

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

Food Hygiene Rating Criteria Assessed	SCORE						Your Premises Rating is  3
	Good				Poor		
Compliance with food safety procedures	0	5	10	15	20	25	
Compliance with structural requirements	0	5	10	15	20	25	
Confidence in management /control procedures	0	5	10		20	30	

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

Officer Name JOHN DEMETRIOU Signature [Signature] Designation FTO

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

Date & Time 9/12/14 4.30 am/pm. Telephone No: 0118 937 2255 Date of Next Visit 1 MONTH

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 MANAGER Job Title MANAGER

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 Law Manager or Health & Safety Regulation 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)



ADDITIONAL INFO RF-1E

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..... Perfect Fried Chicken Business Type..... Takeaway / Restaurant

Address..... 51, Wokingham Road, Reading, RG6 1LH

Registered Office Address..... Same as above

Email..... [REDACTED] Tel/mobile..... [REDACTED]

Person Seen..... Adil Asghar Position..... Director

Name of Food Business Operator/Dutyholder..... The Original PFC Ltd

Business days & hours..... 10am - 1am Areas Checked..... kitchen, store, Back yard

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

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

L/R S/FH/CIM FStd/H&S

L CIM Your Safer Food better business pack was last completed in 2012. You must review your procedure and controls regularly, especially when your menu changes.

Download a new pack from food standards agency website, complete this (within 4 weeks)  
Ensure all food handlers especially your chef receives training on the Safer Methods and control you need to carry out (within 8 weeks)

L CIM If you decide to use the Safer Food Better Business Pack, you must complete the daily record, weekly record.

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

Food Hygiene Rating Criteria Assessed	SCORE						Your Premises Rating is
Compliance with food safety procedures	0	5	10	15	20	25	2
Compliance with structural requirements	0	5	10	15	20	25	
Confidence in management /control procedures	0	5	10		20	30	

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

Officer Name..... Frankie Makombe Signature..... [Signature] Designation..... EHO

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

Date & Time..... 1/3/2018 14:55 am/pm. Telephone No: 0118 937 4363 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..... Adil Asghar Job Title..... Director

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



Legislation covered by Inspection: Food Safety & Hygiene (England) Regulations 2013 ☐ Food Safety Act 1990 (as amended) ☒ Health & Safety at Work etc. Act 1974 ☒ Other legislation..... ☐

Reason for Visit: Proactive ☐ Reactive ☐ Advisory ☐ Sample Taken (detailed below) ☐ Revisit ☐

Name of Premises Perfect Ind Chicken Business Type TAWAN + home deli down

Address ST DOUGLAS RD READING RG6 1LU (Home Addr. of

Registered Office Address EARLEY RG5 1AS (Mr. A. Ali Asghar) FATHER

Email [REDACTED] Tel [REDACTED] Mobile [REDACTED] New LEI Co

Person Seen DIRECTOR AADIL ASGHAR (Son) Mgr @outlook.com Position THE ORIGINAL PFC LTD

Name of Food Business Operator/Dutyholder Sanjiv Asghar (D. 8588780) 099709482

Business days & hours 10.00 am - 3.00 am Areas Checked BYARD, STORE, KITCHEN

List of Documents checked ✓ = Yes x = Not available \ = not applicable Written FSMS ☒ Clearing 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 Good PROGRESS BUT MORE REQUIRED  
MGMT  
DIARY / TEMP RECORDS NOT UP TO DATE MUST ENSURE

TEMP RECORDS + DIARY WITH OPEN + CLOSING CHECKS FLY UP TO  
DATE ASAP

2 L - ALLERGY INFORMATION NOT CORRECT / MISSING INFO. eg BURGERS  
contain SULPHITES, ALAC TURKEY CONTAIN SOYA - Not included.  
YOU MUST RECHECK YOUR ALLERGY INFORMATION TO PROVIDE  
ACCURATE INFORMATION TO CUSTOMERS + PREVENT THEIR HARM  
FROM MISINFORMATION 3 WEEKS

3 L STRUCTURE / EQUIPMENT  
THE FLOOR IN THE BASEMENT IS BADLY DAMAGED IN 2  
PLACES MAKING IT DIFFICULT TO CLEAN. YOU REPAIR THE  
FLOOR COVERING LEAVING IT IN SOUND, SLIP PROOF WASHABLE  
CONDITION WITH NO GAPS/HOLE MUST 1 MONTH

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			3
Compliance with structural requirements	0 5 10 15 20 25			
Confidence in management / control procedures	0 5 10 20 30			

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

Officer Name JOJO DIMITRIOU Signature [Signature] Designation LHO

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

Date & Time 11 / 7 / 2016 3.15 am/pm Telephone No: 0118 937 2234 Date of Next Visit MONTH

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 AADIL ASGHAR Job Title MANAGER

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)



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**LICENSING ACT 2003**  
**SCHEDULE 12**  
**PART A**

**PREMISES LICENCE**

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

Premises Licence Number	LP8000170
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**Premises Details**

<b>Trading name of Premises and Address</b>	
Perfect Fried Chicken 51 Wokingham Road Reading Berkshire RG6 1LH	
<b>Telephone Number</b>	<b>0118 935 3733</b>

<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>
Playing of Recorded Music - Indoor Late Night Refreshment - Indoor & Outdoor

**Authorised Hours for Licensable Activities**

<b>The times the licence authorises the carrying out of licensable activities</b>	
<b>Hours for the Playing of Recorded Music</b>	
Monday	from 0800hrs until 0100hrs
Tuesday	from 0800hrs until 0100hrs
Wednesday	from 0800hrs until 0100hrs
Thursday	from 0800hrs until 0100hrs
Friday	from 0800hrs until 0100hrs
Saturday	from 0800hrs until 0100hrs
Sunday	from 0800hrs until 2400hrs
<b>Hours for the Provision of Late Night Refreshment</b>	
Monday	from 2300hrs until 0230hrs
Tuesday	from 2300hrs until 0230hrs
Wednesday	from 2300hrs until 0230hrs

Thursday	from 2300hrs until 0230hrs
Friday	from 2300hrs until 0230hrs
Saturday	from 2300hrs until 0230hrs
Sunday	from 2300hrs until 0230hrs

If planning permission is not granted then the licensable activities and opening times will revert to ceasing at 0100hrs Monday to Saturday and 2400hrs on Sunday.

Whereby planning permission is granted:

5(a) Last orders for food and beverages shall be 0215 hours Monday to Sunday for the provision of late night refreshment. This shall also be applicable in respect of internet sales;

(b) No member of the public shall be on the premises after 0230 hours Monday to Sunday;

(c) The shutters shall be pulled down so that they are three quarters shut at 0215 hours Monday to Sunday and the shutters shall be fully closed at 0230 hours Monday to Sunday.

### Opening Hours

#### Hours the Premises is Open to the Public

Monday	from 0800hrs until 0230hrs
Tuesday	from 0800hrs until 0230hrs
Wednesday	from 0800hrs until 0230hrs
Thursday	from 0800hrs until 0230hrs
Friday	from 0800hrs until 0230hrs
Saturday	from 0800hrs until 0230hrs
Sunday	from 0800hrs until 0230hrs

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(c) The shutters shall be pulled down so that they are three quarters shut at 0215 hours Monday to Sunday and the shutters shall be fully closed at 0230 hours Monday to Sunday.

### Alcohol

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

NO ALCOHOL TO BE SOLD OR SUPPLIED UNDER THE PREMISES LICENCE

### Premises Licence Holder

Name, (registered) address of holder of premises licence

Name: Aadil Asghar & Nabeel Asghar

Address: 51 Wokingham Road, Reading, Berkshire, RG6 1LH

#### **Additional Details**

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

N/A - NO ALCOHOL TO BE SOLD OR SUPPLIED UNDER THE PREMISES LICENCE

#### **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**

N/A - NO ALCOHOL TO BE SOLD OR SUPPLIED UNDER THE PREMISES LICENCE

This Licence shall continue in force from **18/09/2010** unless previously suspended or revoked.

Dated: 22 October 2010

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

- 1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- 2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

Age Verification Policy (commencement 01/10/2014)

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



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

1. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

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

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

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

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

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

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

where—

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

## **Annex 2**

### **Conditions Consistent with the Operating Schedule**

#### **General**

1. All staff must be adequately trained in Licensing Objectives, particularly crime and disorder and public nuisance.

#### **Public Safety**

1. Adequately trained staff will make regular checks to the inside and outside of the premises to ensure public safety.

#### **Prevention of Public Nuisance**

1) All doors and windows must be kept closed after 2200hours.

2) The management must ensure that all staff are trained to keep the music quiet from 2200 hours every evening.

## Annex 3

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

1) Litter and rubbish shall be regularly cleared from outside the premises and the pavement outside the premises shall be swept every night;

### Conditions agreed with Thames Valley Police

2(a) The premises shall have installed a digitally recorded CCTV system. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 28 days with time and date stamping. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or a Thames Valley Police officer, together with facilities for viewing, upon request. Recorded images shall be of such a quality as to be able to identify the recorded person;

(b) The Premises Licence Holder shall have SIA door supervisors at the premises on a Friday and Saturday evening from 2300 hours until closing time the following morning and until the last customer has left the premises;

(c) The Premises Licence Holder shall produce a written risk assessment as to whether door staff should or should not be employed at the premises, between Sunday to Thursday inclusive. The report shall be produced on demand to a Licensing Officer of Reading Borough Council or a Thames Valley Police Officer;

(d) The Premises Licence Holder shall keep and maintain a register of door supervisors. The register shall show the following details:

- (i) the name, home address and registration number of all door supervisors working at the premises;
- (ii) SIA registration number;
- (iii) date and time that the door supervisor commenced duty, countersigned by the Duty Manager or their nominee;
- (iv) any occurrence or incident of interest must be recorded giving names of the door supervisors involved;
- (v) date and time the door supervisor finished work, countersigned by the Duty Manager or their nominee;

The door supervisor register must be kept at the licensed premises and be available for inspection by Thames Valley Police or an authorised officer from Reading Borough Council and shall be retained for a period of six months from the date of the event.

(e) The Premises Licence Holder shall ensure that all door supervisors whilst employed at the premises shall wear 'high visibility' arm bands to incorporate displaying their SIA badge;

### **Conditions agreed with Environmental Protection**

3(a) Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly. After 2300 hours staff shall be available to ensure that customers disperse quietly;

(b) The placing of refuse, such as bottles, into receptacles outside the premises shall only take place between 0800 hours and 2100 hours;

(c) Arrangements must be put in place to ensure that waste collection contractors do not collect refuse between 2100 hours and 0700 hours;

(d) During operating hours, the licensee or a nominated representative shall be available to receive and respond to nuisance related complaints. A contact number shall be readily available to residents upon request;

### **That the following additional conditions be attached to the Licence:**

4(a) Last orders for food and beverages shall be 0045 hours Monday to Saturday and 2345 hours on Sunday for the provision of late night refreshment. This shall also be applicable in respect of internet sales;

(b) No member of the public shall be on the premises after 0100 hours Monday to Saturday and 0000 hours on Sunday;

(c) The shutters shall be pulled down so that they are three quarters shut at 0045 hours Monday to Saturday and 2345 hours on Sunday, and the shutters shall be fully closed at 0100 hours Monday to Saturday and 0000 hours on Sunday;

### **Whereby planning permission is granted:**

5(a) Last orders for food and beverages shall be 0215 hours Monday to Sunday for the provision of late night refreshment. This shall also be applicable in respect of internet sales;

(b) No member of the public shall be on the premises after 0230 hours Monday to Sunday;

(c) The shutters shall be pulled down so that they are three quarters shut at 0215 hours Monday to Sunday and the shutters shall be fully closed at 0230 hours Monday to Sunday.

### **Annex 4**

#### **Plans**

As attached plan no. LS/01 dated 14/07/2005



Immigration  
Enforcement

## Additional submissions

PERFECT FRIED CHICKEN,  
51 WOKINGHAM ROAD,  
READING,  
RG6 1LH.

**05/02/10 EV102DNT1086**

NOPL served. Owner and Manager is Mohammed ASGHAR (01/01/1960 GBR). Held staff records on premises. 6 People encountered on premises 2 were immigration offenders:

- No evidence to work provided and not held by owner. Arrested for Illegal Entry. Changed Identity - Served Illegal Entry papers.
- No evidence to work provided and not held by owner. Arrested for Illegal Entry. Changed Identity -Served Illegal Entry papers and claimed asylum.

**02/07/13 EV101BKM1045**

Warrant executed - three staff were encountered on premises of whom one was cleared as having permission to work.

Two of those present were immigration offenders :  
one an overstayer on a Tier 4 student visa and one who was working in breach of her conditions (Tier 4, Code 3).

Both were arrested however the worker in breach was subsequently granted TR due to her having a minor child in the UK. The overstayer was detained. NOPL no. 21259 was served.  
Iss to Mohammed Ashgar

**29/04/15 TS20HVL1196**

Team entered property using a 17(2) warrant. Upon entry two males of Asian ethnicity were seen (one behind the counter, one to the rear of the kitchen) both dressed in a red t-shirt and red baseball cap. The male to the rear of the kitchen then, at speed made his way out the back door and evaded officers entering the property. Despite rear cover giving chase he managed to evade capture and is now at large. When questioned both the remaining employee and the owner (who later entered) stated that they did not know who the mystery person was! Both the remaining employee and owner were cleared as GBR nationals.  
Suggest this address is Re-Tasked in a couple of week in an attempt to apprehend the runner.

No Arrests made, all other employees cleared.

**06/09/15 TS21HRF1137**

Warrant executed at 19:45hrs.

Three males encountered on the premises. At 19:47hrs the manager of the business entered the premises and was cleared as a GBR national. One further employee was cleared as having extant leave to remain. Two offenders were identified as follows:

- TV/ [REDACTED] — PAK – Previously served as leave to remain by deception – Temporary Released, not arrested. ([REDACTED])
- [REDACTED] (Arrival Number) — Outstanding application already reporting – Temporary Released, not arrested. ([REDACTED])

Referral notice served with two names on it.

Both persons escorted from the premises and informed they are not allowed to work.

RN issued to MD ASHGAR

**18/06/15 TS21GCE1238**

Warrant executed, Officers initially gained entry to the premises through the back door as the premises was not open for business at the time of visit. On entering the premises we encountered two employees, the identity of the two employee encountered is as follows:

- A. Served RED 0001 and Detained – No Right to Work – Port ref TV/[REDACTED]
- B. Given IS96(New) and set for reporting – WIB – HO ref B1953911

While the officers were still at the premises the business owner Mohammed ASGHAR, and his son Mohammed Sabeel ASGHAR, entered the premises. Business served with Illegal Working Referral Notice with two names on it.

#### **21/07/16 TS21HVL1128**

Warrant executed. 1 Asian male, 1 Asian female and 1 white female encountered. All persons were cleared. All of the staff stated that they had never heard of the target.

#### **03/05/17 TS16ERS1177**

Perfect Fried Chicken, 51 Wokingham Road, Reading, RG6 1LH.

Licensing Officer in attendance: Peter Narancic. Police in attendance due to warning marker on target offender.

Officers entered the premises at 21:01hrs.

PAK, GBR and EU nationals encountered. One of which was as follows:

- ([REDACTED]) 10784371 — Arrested.

NOPL served with one name on it. Officers left the premises at 22:44hrs.

RN served to Aadil Ashgar

#### **14/09/17 TS16CNS1223**

Perfect Fried Chicken, 51 Wokingham Road, Reading, RG6 1LH – TS16CNS1223

A visit was conducted with licensing colleagues at 12:51. Entry was under the Licensing Act 2003. Upon entry one female was encountered behind the counter. Whilst inside a male scaled the wall at the rear and fled, this was in direct response to uniformed officers at the premises. The owner was contacted on the phone and was informed of his requirements when conducting right to work checks. No further action taken at the premises.

#### **07/11/17 TS16HOO1306**

Warrant executed at 1621 hours. Four staff encountered working, including the male who swiftly left via the rear during the council led compliance visit on 14/09/2017. This male was the only offender.

SC/5100096     Illegal Entrant

[REDACTED] had an Italian ID card which showed he had leave in Italy, but remained a Pakistani national. [REDACTED] was arrested and detained pending removal to Italy. Illegal working referral notice served on the business owner. Left without incident at 1735 hours.



No issues raised in subsequent de-brief.

RN served on Aadil ASHGAR

**21/03/18 TS16HOO1376**

This premise was visited alongside TS16CNS1309- at the same time as the premises were right opposite each other.

The premises entered under the licensing act 2003 as amended. The notice of occupier was served to a male who claimed to be the owner of the premise.

Officers entered the premise and 4 persons were located all were cleared as having extant leave to remain in the United Kingdom- The target was not encountered.

A CPCT referral was not made. All officers left at approximately 21:05- notice of occupier was updated to reflect the time officers left.

10 visits since 2010  
10 offenders encountered  
2 visits where all cleared  
2 visits with runners  
6 visits with offenders