

To: Councillors D Edwards (Chair) and
Grashoff

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29 May 2019

Your contact is: Julie Quarmby - Committee Services

NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 2 - 6 JUNE 2019

A meeting of the Licensing Applications Sub-Committee 2 will be held on Thursday, 6 June 2019 at 9.30 am in the Council Chamber, Civic Offices, Bridge Street, Reading, RG1 2LU. The Agenda for the meeting is set out below.

<u>ACTION</u>	<u>WARDS AFFECTED</u>	<u>Page No</u>
1. DECLARATIONS OF INTEREST		
(a) Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration; (b) Councillors to declare whether they wish to speak on the grounds they: (i) Have submitted a relevant representation as an interested party; or (ii) Will be speaking on behalf of an interested party.		
2. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - PAL FOOD & WINE	BATTLE	3 - 64
To consider an application for the review of a Premises Licence in respect of Pal Food & Wine, 397 Oxford Road, Reading RG30 1HA.		
3. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - FARMHOUSE PIZZA	BATTLE	65 - 108
To consider an application for the grant of a Premises Licence in respect of Farmhouse Pizza, 435 Oxford Road, Reading RG30 1HD.		

CIVIC OFFICES EMERGENCY EVACUATION: If an alarm sounds, leave by the nearest fire exit quickly and calmly and assemble on the corner of Bridge Street and Fobney Street. You will be advised when it is safe to re-enter the building.

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LICENSING ACT 2003 HEARING ON THURSDAY 6 JUNE 2019 @ 9.30 HOURS

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

1. Premises:

Pal Food & Wine
397 Oxford Road
Reading
Berkshire
RG30 1HA

2. Applicants Requesting Review:

Ian Savill on behalf of the Chief Inspector of Weights and Measures

3. Grounds for Review

The Trading Standards 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 Pal Food and Wine, 397 Oxford Road, Reading.

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

The premises was visited during the course of a joint operations with HMRC and a substantial quantity of illegal tobacco and alcohol was found on the premises. A few weeks later, the shop was visited during a Challenge 25 test purchase exercise when the 21 year old test purchaser was able to purchase alcohol without showing proof of age, in breach of the premises licence.

The premises licence holder has been in place since 2013. Trading Standards Service has had a number of interactions with the premises since that time, including:

31.03.2014 - complaint investigation into alleged selling of single cigarettes - open packet found behind till (claimed for personal use) - warning letter issued.

03.09.2014 - Failed a Community Alcohol Partnership (CAP) Challenge 25 test purchase exercise

11.09.2014 - shop visited during illegal tobacco detection exercise - none detected

03.11.2014 - complaint investigation into alleged counterfeit brandy - could not be verified as counterfeit

01.05.2015 - 2 bottles of duty diverted brandy seized - a letter warning of future conduct was sent to Mr Chopra.

17.02.2017 - Failed CAP Challenge 25 test purchase exercise.

24.07.2017 - Failed CAP Challenge 25 test purchase exercise - invited to attend free training session but did not attend.

01.10.2018 - mystery shopping exercise for illegal tobacco using a Romanian national, although no sale, a strong indication of availability was noted.

26.02.2019 - joint operation with the HMRC and Thames Valley Police. Packets of illegal cigarettes and alcohol were found in the premises.

14.03.2019 - a follow up visit took place and further alcohol was seized.

01.04.2019 - Failed CAP Challenge 25 test purchase exercise - the PLH attended free training on 9th April 2019.

Licensing team/TVP inspections and interactions with the premises.

The Licensing Authority fully support the application for the review of the premises licence for Pal Food and Wine at 397 Oxford Road, Reading. We also fully support the recommendation that the licence should be revoked.

Legislation, Case Law and Licensing Act 2003 Guidance

The sale or storage of smuggled goods on a licensed premises is an offence under paragraph 144 of the Licensing Act 2003. The goods were knowingly kept on the premises as some were concealed; they have not come from the legitimate supply chains; no invoices have been produced for them and they were then removed from the premises by the licence holder.

Paragraph 11.27 of the Secretary of State's Guidance to the Licensing Act 2003 lists some of the most serious criminal offences that can take place on licensed premises - namely using the premises for the sale or storage of smuggled tobacco or alcohol. Paragraph 11.28 goes on to say that this offence is so serious that the Licensing Authority should consider revoking the premises licence - even in the first instance.

It should be noted that paragraph 51 of the Licensing Act 2003 states that a review is of the premises licence and not the premises licence holder. Therefore the activities that have been carried on in accordance, or not in accordance, with a licence are what should be considered when determining a review application.

It should also be noted that in the High Court case (case stated) of East Lindsey DC v Abu Hanif it states:

That the licensing objectives require a prospective consideration of what is warranted in the public interest having regard to the twin considerations of prevention and deterrence.

On 03.09.2014, the Licensing team were informed by the Community Alcohol Partnership Officer that the premises had failed a Challenge 25 test purchase when alcohol was sold to an 18 year old with no ID being asked for. Whilst no offence of serving alcohol to a child took place, the premises is in breach of its licence condition in respect of operating a Challenge 25 age verification policy. A breach of licence condition is an offence under Section 136 (1) of the Licensing Act 2003.

On 01.05.2015, the Licensing team carried out a joint visit with the Community Alcohol Partnership officer (CAP) where two bottles of duty diverted brandy were found on the premises. As stated above, the sale or storage of duty diverted products on a licensed premises is an offence under Paragraph 144 of the Licensing Act 2003 and is listed at paragraph 11.27 of the Secretary of State's Guidance as one of the most serious criminal offences where revocation of a licence should be seriously considered even in the first instance. Licensing records also state that the premises were non compliant with the

licence conditions stated on the premises licence.

On 17.02.2017, the Licensing team were informed by the Community Alcohol Partnership Officer that the premises had failed another Challenge 25 test purchase. This is a breach of the Challenge 25 condition attached to the premises licence and is an offence under Section 136 (1) of the Licensing Act 2003.

On 24.07.2017, the Licensing team were informed by the Community Alcohol Partnership Officer that the premises had failed a third Challenge 25 test purchase - which, again, was a breach of the Challenge 25 condition stated on the premises licence. In response to this failure, the licence holder and staff were invited to attend some free training run by the Community Alcohol Partnership Officer. Unfortunately the licence holder or staff members did not attend.

On 25.07.2017, a joint Licensing team and Thames Valley Police visit to the premises found numerous conditions stated on the premises licence in breach and relevant documentation was unable to be provided. This included a lack of staff training; a contradictory age verification policy being in place with Challenge 18 and Challenge 25 posters; the inability to produce Part A of the premises licence and some other matters. A further concern was that the premises had been identified as one that was selling single cans of high strength beer and cider and customers were seen congregating outside the front of the premises drinking them.

On 20.10.2017, a joint Licensing team and Thames Valley Police visit to the premises found a number of the same conditions found in breach as per the previous visit carried out on 25.07.2017. Due to the persistent failure to comply with licence conditions; the failure of three Challenge 25 test purchases and the concerns around the sale of single cans of high strength beer and cider to street drinker, the premises licence holder was invited to a performance meeting at Reading Police Station on 01.11.2017.

On 01.11.2017, the premises licence holder attended a performance meeting at Reading Police Station. This meeting was held with PC Simon Wheeler and RBC Licensing Enforcement Officer Richard French. The meeting discussed the poor performance of the premises in relation to compliance and promotion of the licensing objectives. A number of conditions were proposed to be put on the licence which the authorities hoped may improve performance of the premises. The premises licence holder accepted these conditions to be placed on the licence.

On 25.02.2019, the Licensing team were informed by the Trading Standards Service of RBC that a significant quantity of duty diverted cigarettes and alcohol had been located at the premises during a visit that took place with HMRC.

On 14.03.2019, a joint visit took place between RBC Licensing and RBC Trading Standards team to the premises. It was noted that the suspected duty diverted alcohol had been removed from the premises by the premises licence holder. It was also noted that there were bottles of wine that were being sold well below the recommended retail price. This is detailed within the review paperwork submitted by Trading Standards. A Licensing inspection found, once again, that the condition in relation to staff training could not be demonstrated as being complied with; the CCTV system only recorded for 14 days and not the required 28 days and no invoices could be produced for alcohol products. These are all breaches of conditions and therefore an offence under the Licensing Act 2003.

On 01.04.2019, the Community Alcohol Partnership Officer informed the Licensing team that the premises had failed a fourth Challenge 25 test purchase.

The Enforcing Authorities have had repeated interactions with the premises licence holder yet there has been no noticeable improvement in performance. This has not only led to the committing of serious criminal offences in relation to the duty diverted alcohol/tobacco but has led to offences being carried out due to breaches of licence conditions and the undermining of the licensing objectives - notably the prevention of crime and disorder and the protection of children from harm. The Enforcing Authorities (Licensing/Trading Standards/Police/CAP Officer) have spent significant time trying to address these issues. A performance meeting held in November 2017 over the issues has not led to an improvement. Sample training records; the refreshing of conditions on the licence and the offer of free training from the CAP officer has seemingly not had any effect in terms of compliance. No satisfactory explanation or invoices have ever been received in relation to the two instances where duty diverted products were found on the premises.

Role of the designated premises licence holder(DPS)

The Licensing Act states the DPS is the person in day-to-day control of the licensed premises. The DPS must be a personal licence holder. They are the person nominated for the role by the premises licence holder and should be the person in day-to-day control of the premises. The DPS is required where the sale of alcohol by retail takes place and is the main point of accountability within premises where alcohol is sold. They should be easily identifiable by the police or other authorities as the person in charge of the premises. The role carries with it a great deal of responsibility. The DPS plays a key role in actively promoting the licensing objectives and in implementing the measures stated in the operating schedule and must ensure that the premises operate legally at all times.

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 (updated) conditions currently attached to the premises licence have been on the licence since November 2017.

4. Date of receipt of application: 17.04.2019
A copy of the review application received is shown at <u>Appendix PN-1</u>
5. Date of closure of period for representations: 14.5.2019

6. Representations received:
During the 28 day consultation period, representations were received in regard to this review application from;
Thames Valley Police which is shown at <u>Appendix PN-2</u>
The Licensing Team is shown at <u>Appendix PN-3</u>

7. Background

The premises is located in West Reading on the main Oxford Road.

The Premises Licence Holder and the designated premises supervisor is stated as: Mr Aman Singh Chopra and has held both these positions since 13 August 2013

The premises currently has the benefit of a premises licence for the activities and hours detailed below: A copy of the current licence (LMV000284 dated 30/11/2017) is shown at **Appendix PN-4**

A plan showing the premises and surrounding area is shown at **Appendix PN-5**

Licensable Activities authorised by the Licence

Hours for the Sale by Retail of Alcohol - Off the Premises

Monday	from 0600hrs until 2300hrs
Tuesday	from 0600hrs until 2300hrs
Wednesday	from 0600hrs until 2300hrs
Thursday	from 0600hrs until 2300hrs
Friday	from 0600hrs until 2300hrs
Saturday	from 0600hrs until 2300hrs
Sunday	from 0600hrs until 2300hrs

Other

Hours the Premises is Open to the Public

Monday	from 0600hrs until 2300hrs
Tuesday	from 0600hrs until 2300hrs
Wednesday	from 0600hrs until 2300hrs
Thursday	from 0600hrs until 2300hrs
Friday	from 0600hrs until 2300hrs
Saturday	from 0600hrs until 2300hrs
Sunday	from 0600hrs until 2300hrs

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 above 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 area⁵. 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.

Hearings

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

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

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

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

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All

licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

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

The Review process

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

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

Powers of a licensing authority on the determination of a review

11.6 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.

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

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

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

to the licence holder.

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

Reviews arising in connection with crime

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

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

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

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

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

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

Reading Borough Council Licensing Policy Statement

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

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

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

7.15 Crime & Disorder Act 1998

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

10.5 Review of Premises Licence

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

15. Enforcement

15.1 General

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

15.3 Inspections

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

Summary

In summary, the offences outlined in this review application are particularly serious. The selling and storage illicit alcohol and tobacco 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. In this case illicit alcohol was found on more than one occasion. There are no acceptable excuses or justification that can be offered for this. A licence holder as a responsible trader should be checking their alcohol and tobacco stock to ensure it is lawful to sell.

Given the serious nature of the criminal offences carried out by Mr Aman Singh Chopra, the premises licence holder, at his premises; his non-compliance regarding of licence conditions, 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 Trading Standards, Licensing Authority and Thames Valley Police. It is the Responsilbe Authorities 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.

Case law

High Court case (case stated) of East Lindsey DC v Abu Hanif

Lic/palfoodandwinereview/06.06.2019/pn

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**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 , **Ian Savill on behalf of The Chief Inspector of Weights and Measures**

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description 397 Oxford Road	
Post town Reading	Post code (if known) RG30 1HA
Name of premises licence holder or club holding club premises certificate (if known) Mr Aman Singh Chopra (trading as PAL Food and Wine)	
Number of premises licence or club premises certificate (if known) LMV000284	

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 Ian Savill on behalf of The Chief Inspector of Weights and Measures Reading Borough Council Civic Offices Bridge Street Reading RG1 2LU
Telephone number (if any) 0118 9372477
E-mail address (optional) ian.savill@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 type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

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

The shop was visited during the course of a joint operation with HMRC and a substantial quantity of illegal tobacco and alcohol was found on the premises. A few weeks later, the shop was visited during a Challenge 25 test purchase exercise when the 21 year old test purchaser was able to purchase alcohol without showing proof of age, in breach of the premises licence.

Therefore, the premises is failing in its duty to promote the licensing objectives of the prevention of crime and disorder and protecting children from harm.

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

The premises licence holder has been in place since August 2013. This Service has had a number of interactions with the premises since that time, including:

31st March 2014 – complaint investigation into alleged selling of single cigarettes – open packet found behind till (claimed for personal use) – warning letter issued
3rd September 2014 – Failed a Community Alcohol Partnership (CAP) Challenge 25 test purchase exercise
11th September 2014 – shop visited during illegal tobacco detection exercise – none detected
3rd November 2014 – complaint investigation into alleged counterfeit brandy – could not be verified as counterfeit
1st May 2015 – 2 bottles of duty diverted brandy seized – a letter warning of future conduct was sent to Mr Chopra (see Appendix 1)
17th Feb 2017 – Failed CAP Challenge 25 test purchase exercise
24th July 2017 – Failed CAP Challenge 25 test purchase exercise – invited to attend free training session at Tesco Extra, Portman Road (almost opposite) but did not attend.

These sorts of issues, individually and cumulatively, are of the type that, in context, are not typically sufficient to trigger a review.

More recently, however:

1st October 2018 – mystery shopping exercise for illegal tobacco using a Romanian national, although no sale, a strong indication of availability was noted.

26th February 2019 – joint operation with the HMRC. Packets of illegal cigarettes were found on the shop floor, hidden in a novelty metal coca cola tin (see photo 1A). PLH was asked if there were any more and replied “No”, but the following were found in the store room:

1440 sticks of Pect
5120 sticks of Marlboro Gold
540 sticks of L&M Blue
660 sticks of Marlboro Red

See photo attached (2A).

Additionally, four carrier bags were found containing illegal alcohol (non-duty paid and foreign labelled), including Soplica Vodka. In the store room hidden under two rugs were boxes of illegal wine (foreign labelled). There were bottles of Soplica and the wines seen on the shelves in the shop being offered for sale.

In the out building which is located across the court yard were lots of illicit beers, all foreign labelled. These cans and bottles of beer were also seen on the shelves offered for sale in the shop.

There were no invoices for any of the illegal spirits, wine or beer.

14th March 2019 – a follow up visit took place and wine was seized and while it has been tested and found to be satisfactory, the price the shop was charging of £2.99 (when wholesale price is £4.50 per bottle) and the lack of traceability suggests that the wine had been sourced from the black market.

1st April 2019 – Failed CAP Challenge 25 test purchase exercise – the PLH attended free training on 9th April 2019.

The Secretary of State's Section 182 guidance on the Licensing Act 2003 states at 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 (inter alia):

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

And at 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.

The PLH has not demonstrated that he is willing to run his business responsibly. A warning as to future conduct was issued in 2015 and work from the Licensing team that led to a minor variation on the licence in November 2017 does not appear to have had the desired effect as the criminality within the premises has continued unabated.

The consistent flow of relatively minor issues (in context) of the first few years of the PLH being in place have escalated into the more recent flagrant breaches of law in relation to illegal alcohol and tobacco and these are a very serious cause for concern. These breaches are compounded by the repeated Challenge 25 failures and, although it is acknowledged these are not under 18 tests, they remain a breach of the mandatory age verification policy in place on the licence.

Trading Standards Service, therefore, recommends that the licence for PAL Food and Wine, 397 Oxford Road, Reading is revoked.

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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 **16th April 2019**

.....

Capacity **Principal Trading Standards Officer on behalf of the Chief Inspector of Weights and Measures**

.....

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

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

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.

Appendix 1



Aman Singh Chopra
PAL Food And Wine
397 Oxford Road
RG30 1HA

Alison Bell
Director of Env
Neighbourhood
Civic Offices, B
2LU
☎ 0118 937 371
Fax: 0118 9372

Our Ref: 05178

Direct: ☎ 0118
e-mail:
matthew.knight

19/05/2015

Your contact is: **Matthew Knight - Regulatory Services**

Dear Aman Singh Chopra

Joint Illicit Alcohol Visit - 1/5/2015
2 x EJ Brandy

I refer to our visit with Thames Valley Police on the 1st May 2015, where 2 bottles of EJ Brandy was found for sale with damaged duty Stamps.

Following a discussion with yourself at the time you indicated that the alcohol was purchased at Thames Cash and Carry. Following a visit to Thames Cash and Carry and investigation by EJ Gallo the producers of this alcohol, It is believed that these two bottles are both duty diverted as the obliteration sticker had been removed indicating they were for sale outside of the UK

You will be revisited in the future and if *any* quantity of illegal alcohol is detected on your premises for a second time, you are likely to face more formal action, which could include prosecution or a review of your licence to sell alcohol.

This letter will be held on record and may be referred to in any future interactions with you or your business. If you would like any clarification on the above, or to discuss this matter further, please contact me using the address options above.

Yours sincerely

Matthew Knight

Community Alcohol Partnership Officer



Narancic, Peter

From: Smyth Declan <Declan.Smyth@thamesvalley.pnn.police.uk>
Sent: 13 May 2019 18:01
To: Licensing
Cc: Narancic, Peter
Subject: TVP Supportive Representation - Other Application for Pal Food & Wine, 397 Oxford Road, Reading, RG30 1HA: OBJECTION
Attachments: 19-05-13 PAL Food & Wine - TVP Rep.docx; 19-05-13 TVP-DS-1.docx; 19-05-13 TVP-DS-2.docx; 19-05-13 TVP-DS-3.docx

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

On 16/04/2019, we received a Review application relating to Pal Food & Wine, 397 Oxford Road, Reading, RG30 1HA

=====
smuggled/illegal tobacco and alcohol being sold or stored on the premises.
=====

Based on the supplied information, the Thames Valley Police response is:

*** Supportive Representation ***

Kind Regards

Declan Smyth

Declan Smyth C2107
Licensing Officer (Reading)
Police Station,
Castle St,
Reading RG1 7TH.

Telephone (Int) 351 6353, (Ext) 01865 845249, (Mobile) 07800 703169
Email: declan.smyth@thamesvalley.pnn.police.uk

NOT RESTRICTED



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

THAMES VALLEY POLICE

Division/Station : Reading Police Station Licensing Dept

From : C2107 Declan Smyth

To : Reading Borough Council

Subject :

Ref: PAL Food & Wine, 397 Oxford Road, Reading, Berkshire, RG30 1HA Date:13th May 2019

Supportive Representation

To whom it may concern

I C2107 Declan Smyth on behalf of the Chief Officer of Thames Valley Police wish to provide this representation in support of the review process relating to MR Aman Sing Chopra, PAL Food & Wine, 397 Oxford Road, Reading, Berkshire, RG30 1HA OJF.

This representation is based on this premises failure to uphold the licensing objectives by committing offences in relation the sale of duty diverted/smuggled alcohol and tobacco and to breaches of licence conditions.

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

On 26th February 2019 – Reading Borough Council weights and measures conducted a joint inspection with HRMC at PAL Food & Wine, 397 Oxford Road, Reading, Berkshire, RG30 1HA OJF.

- Packets of illegal cigarettes were found on the shop floor, hidden in a novelty metal coca cola tin. PLH was asked if there were any more and replied “No”, but the following were found in the store room:
 - 1440 sticks of Pect
 - 5120 sticks of Marlboro Gold
 - 540 sticks of L&M Blue
 - 660 sticks of Marlboro Red
- Additionally, four carrier bags were found containing illegal alcohol (non-duty paid and foreign labelled), including Soplica Vodka. In the store room hidden under two rugs were boxes of illegal wine (foreign labelled). There were bottles of Soplica and the wines seen on the shelves in the shop being offered for sale.
- In the out building which is located across the court yard were lots of illicit beers, all foreign labelled. These cans and bottles of beer were also seen on the shelves offered for sale in the shop.
- There were no invoices for any of the illegal spirits, wine or beer.

25th July 2017 – Thames Valley Police Inspection (APPENDIX TVP-DS-1)

20th October 2017 – Thames Valley Police Inspection (APPENDIX TVP-DS-2)

1st November 2017 – Thames Valley Police Tier 2 Meeting (APPENDIX TVP-DS-3)

Due to the history of this site and nature of the incidents leading to this review it is imperative that theses criminal activities and wholesale failures are not repeated.

The Secretary of State's Guidance on the Licensing Act 2003 (Section 11.27) clearly states that certain criminal activity taking place on licensed premises should be taken particularly seriously – this includes smuggled/illegal tobacco and alcohol being sold or stored on the premises.

The concern of Thames Valley Police is that this premises licence holder has shown a complete disregard for all manner of laws and has committed extremely serious criminal offences from the premises which he operates. Specifically the sale of counterfeit alcohol and tobacco may significantly raise concerns in relation to public safety and the potential for such goods to be related to the funding of organised crime, which clearly impacts the prevention of crime and disorder.

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

Appendices List

- **TVP-DS-1** TVP Inspection Letter
- **TVP-DS-2** TVP Inspection Letter
- **TVP-DS-3** TVP Tier 2 meeting letter



PC 5787 Wheeler
Reading Licensing Dept

Reading Police Station
Castle Street
Reading
Berkshire
RG1 7TH

Mr Aman Singh Chopra
397 Oxford Road
Reading
Berkshire
RG30 1HA

Tel: 101 (07973231273)

Email:

simon.wheeler@thamesvalley.pnn.police.uk

Friday 15th September 2017

Licensing Act 2003

Premises Licence Number: LP2001425

Premises: Pal Food & wines

Premises Address: 397 Oxford Road, Reading, Berkshire, RG30 1HA

Dear Mr Chopra

On Tuesday 25th July 2017 at 12.40pm I visited your premises to ensure you are complying with the above premises licence.

During this visit I was assisted by Ilmeet Kaur Chopra on site at the time.

As part of my inspection I found a number of items and breaches of the licence conditions that require rectification.

Part A of your licence was not available for presentation to me when requested.

Part B was available and on display.

Ilmeet Chopra did not know any of the four licensing objectives when asked.

Below outlines the breaches of conditions:-

Under the heading of prevention of crime and disorder.

2) All staff be adequately trained in customer safety and the prevention of sale of alcohol to under age persons.

This condition was not complied with no training had been provided that was tangible. Staff member stated that verbal training had been given stating to check ID when a person looked under 18. This was not Challenge 25 compliant. No training was available in relation to customer safety.

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

This condition was not complied with and no signs were available.

Conditions attached after a hearing by the Licensing Authority

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

This condition was not complied with.

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

This condition was poorly complied with, the last entry in the refusals log was completed on 08/12/2015 and poor detail was contained within the records.

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

This condition was not complied with, only one poster was on display and the member of staff was not operating this standard. Stating that anyone looking under 18 would be challenged.

Also the staff member failed to identify the acceptable forms of ID saying instead that a Passport and "Residents card" were the accreted forms in the premises.

During the inspection a male entered the shop and purchased a can of alcohol. This male smelt strongly of intoxicating liquor although was not displaying any visible signs of drunkenness. The male having purchased the can immediately opened it and began drinking directly outside of the shop in the designated no drinking area.

As you may be aware alcohol related Anti-Social behaviour (ASB) on the Oxford Road is a major cause for concern for residents and there is an expectation that

shop staff should be making customers aware that they should not be consuming from open containers in the street having purchased alcohol from your shops.

You are reminded that the people legally responsible for the premises under the Licensing Act 2003 are the premises licence holder and the designated premises supervisor.

Can you please ensure that all of the above points contained within this letter are rectified immediately.

This letter is sent and should be received as a warning against further breaches of your premises licence. A re-inspection will be carried out shortly to ensure that outlined breaches have been remedied.

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

Yours Faithfully

PC 5787 Simon Wheeler

Reading LPA Licensing Dept



PC 5787 Wheeler
Reading Licensing Dept

Reading Police Station
Castle Street
Reading
Berkshire
RG1 7TH

Mr Aman Singh Chopra
397 Oxford Road
Reading
Berkshire
RG30 1HA

Tel: 101 (07973231273)
Email:
simon.wheeler@thamesvalley.pnn.police.uk

Monday 23rd October 2017

Licensing Act 2003

Premises Licence Number: LP2001425

Premises: Pal Food & wines

Premises Address: 397 Oxford Road, Reading, Berkshire, RG30 1HA

Dear Mr Chopra

On Tuesday 20th October 2017 at 11:09am I visited your premises to ensure you are complying with the above premises licence as part of a re-inspection process following up from an inspection carried out on 25th July 2017.

During this visit I was assisted by Gulinder Singh Chopra on site at the time.

Part A of your licence was now available for presentation to me when requested and Part B of the licence remained on display.

Below outlines the breaches of conditions:-

Under the heading of prevention of crime and disorder.

2) All staff be adequately trained in customer safety and the prevention of sale of alcohol to under age persons.

This condition was not wholly complied with as although the staff member could verbally explain the Challenge 25 process, no written training was available to prove any training had been provided in relation to this and or specifically also in relation to customer safety.

Conditions attached after a hearing by the Licensing Authority

(a) All staff involved in the sale of alcohol must attend and pass the BII Level 1 Award in Responsible Alcohol Retailing. All staff shall be trained on the law relating to underage sales and how to question and refuse sales if necessary.

Records of the training and reminders given shall be retained and be readily made available to authorised officers of Reading Borough Council and the Police on request;

This condition was not complied with as there were no records or reminders available on site to prove any of this training had been provided.

NB – The seller on this occasion held a Personal Licence and has therefore attained BIIAB level 2 qualification. However, of further concern is that no records of refresher training were available and Gulinder Chopra did not know any of the four licensing objectives.

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

This condition was not fully complied with, the staff member failed to identify the acceptable forms of ID.

Due to the poor performance identified at your premises in relation to your compliance with your licence conditions you are required to attend **Reading Police Station, Castle Street, Reading at 2.00pm on Wednesday 1st November 2017** for a Tier 2 performance meeting.

During the meeting you will be required to bring with you all relevant documentation to prove due diligence in relation to adherence to all of your licence conditions. We will be discussing with you actions that we feel are necessary to ensure that you comply fully with your licence and may recommend further conditions that we feel are reasonable and proportionate to ensure the licensing objectives are not undermined by your operation.

You are reminded that the person legally responsible for the premises under the Licensing Act 2003 are the premises licence holder and the designated premises supervisor for which you are both.

As this is a formal process you are advised that you may wish to be accompanied in the meeting by a legal licensing advisor and recommend that you arrange this if you feel that is necessary.

Should you wish to discuss the contents of this letter, please telephone me on the above number.

Yours Faithfully

PC 5787 Simon Wheeler

Reading LPA Licensing Dept



**PC 5787 Wheeler
Reading Licensing Dept**

**Reading Police Station
Castle Street
Reading
Berkshire
RG1 7TH**

Aman Singh Chopra
397 Oxford Road
Reading
Berkshire
RG30 1HA

Tel: 101 (07973231273)
Email:
simon.wheeler@thamesvalley.pnn.police.uk

Sunday 12th November 2017

Licensing Act 2003

Premises Licence Number: LP2001425

Premises: Pal Food & Wines

Premises Address: 397 Oxford Road, Reading, Berkshire, RG30 1HA

Dear Mr Aman Singh Chopra

On 1st November 2017 you attended a formal performance meeting at Reading Police Station with both myself and Mr Richard French from Reading Borough Council.

As part of this process we discussed with you a number of concerns that had been outlined to you in letters dated the 15th September 2017 and 23rd October 2017 surrounding breaches of your licence conditions, general poor performance surrounding your management of the premises, and the impact this has had on undermining the licensing objectives.

You stated as part of the meeting that you had taken steps to implement training for staff. However when you showed us the training that you had delivered it was made up of a series of bullet point headings which contained no content and was insufficient.

A number of other areas in relation to failings were also discussed and it was agreed that as part of this formal process Thames Valley Police and Reading Borough Council wished to put forward a number of condition amendments that we believed were necessary to add to the premises licence in order to make them easier for you to understand as well as ensuring that you no longer undermine the licensing objectives by operating in an irresponsible manner.

These conditions we outline below, and as discussed at the meeting they can be added to the licence via a minor variation. Reading Borough Council also offer a pre application consultation service which you may wish to utilise in order to update your licence and I recall you were keen to use this service

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

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

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

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

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

4. Any cans of beer or cider at 6.5% ABV or above shall only be sold as a pack of 4.

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

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

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

All of the recommended conditions above have been specifically determined to address concerns raised after our inspections at your premises in relation to poor staff training, poor management structures, poor management of the sale of alcohol to children and intoxicated persons, as well as concerns over the irresponsible retail of alcohol to persons involved in street drinking and its related anti-social behaviour.

As you were reminded within the performance meeting we require your voluntary undertaking and agreement to add these conditions via minor variation to prevent the licensing objectives from being further undermined.

A failure to agree to these proportionate and necessary steps may lead to further action being taken and review of the premises licence if agreement cannot be reached.

Yours Faithfully

PC 5787 Simon Wheeler

Reading LPA Licensing Dept



Name of Officer	
Type of Application	Review of Premises Licence - Licensing Act 2003
Name of Premises	Pal Food and Wine
Address	397 Oxford Road
	Reading
	RG30 1HA
<u>Content of Application:</u>	
<p>The application is for the review of a premises licence in respect of the above mentioned premises. The application has been submitted by the Trading Standards Service (Chief Inspector of Weights and Measures) who are a named responsible authority in the Licensing Act 2003.</p>	
<u>Licensing Officer's Comments:</u>	
<p>The Licensing Authority - in its role as a Responsible Authority - fully support the application for the review of the premises licence for Pal Food and Wine at 397 Oxford Road, Reading. We also fully support the recommendation that the licence should be revoked.</p>	
<u>Legislation, Case Law and Licensing Act 2003 Guidance</u>	
<p>1.1 The sale or storage of smuggled goods on a licensed premises is an offence under paragraph 144 of the Licensing Act 2003. The goods were knowingly kept on the premises as some were concealed; they have not come from the legitimate supply chains; no invoices have been produced for them and they were then removed from the premises by the licence holder.</p>	
<p>1.2 Paragraph 11.27 of the Secretary of State's Guidance to the Licensing Act 2003 lists some of the most serious criminal offences that can take place on licensed premises - namely using the premises for the sale or storage of smuggled tobacco or alcohol. Paragraph 11.28 goes on to say that this offence is so serious that the Licensing Authority should consider revoking the premises licence - even in the first instance.</p>	
<p>1.3 It should be noted that paragraph 51 of the Licensing Act 2003 states that a review is of the premises licence and not the premises licence holder. Therefore the activities that have been carried on in accordance, or not in accordance, with a licence are what should be considered when determining a review application.</p>	

1.4 It should also be noted that in the High Court case (case stated) of East Lindsey DC v Abu Hanif it states:

That the licensing objectives require a prospective consideration of what is warranted in the public interest having regard to the twin considerations of prevention and deterrence.

1.5 The Secretary of State's Guidance to the Licensing Act 2003 (April 2018) also has three paragraphs that we would like to bring to the Committee's attention in respect of reviews and enforcement action:

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review.

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.

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.

Licensing team interactions with the premises

2.1 The premises licence holder and designated premises supervisor is stated as Aman Singh Chopra. He has held both of these positions since 9th August 2013. He is the sole licence holder stated on the premises licence.

2.2 On 3rd September 2014, the Licensing team were informed by the Community Alcohol Partnership Officer that the premises had failed a Challenge 25 test purchase when alcohol was sold to an 18 year old with no ID being asked for. Whilst no offence of serving alcohol to a child took place, the premises is in breach of its licence condition in respect of operating a Challenge 25 age verification policy. A breach of licence

condition is an offence under Section 136 (1) of the Licensing Act 2003.

2.3 On **1st May 2015**, the Licensing team carried out a joint visit with the Community Alcohol Partnership officer where two bottles of duty diverted brandy were found on the premises. As stated above, the sale or storage of duty diverted products on a licensed premises is an offence under Paragraph 144 of the Licensing Act 2003 and is listed at paragraph 11.27 of the Secretary of State's Guidance as one of the most serious criminal offences where revocation of a licence should be seriously considered even in the first instance. Our records also state that the premises were non compliant with the licence conditions stated on the premises licence. The letter sent to the premises licence holder in respect of the duty diverted brandy is attached at **appendix LIC-1**

2.4 On **17th February 2017**, the Licensing team were informed by the Community Alcohol Partnership Officer that the premises had failed another Challenge 25 test purchase. This is a breach of the Challenge 25 condition attached to the premises licence and is an offence under Section 136 (1) of the Licensing Act 2003.

2.5 On **24th July 2017**, the Licensing team were informed by the Community Alcohol Partnership Officer that the premises had failed a third Challenge 25 test purchase - which, again, was a breach of the Challenge 25 condition stated on the premises licence. In response to this failure, the licence holder and staff were invited to attend some free training run by the Community Alcohol Partnership Officer. Unfortunately the licence holder or staff members did not attend.

2.6 On **25th July 2017**, a joint Licensing team and Thames Valley Police visit to the premises found numerous conditions stated on the premises licence in breach and relevant documentation was unable to be provided. This included a lack of staff training; a contradictory age verification policy being in place with Challenge 18 and Challenge 25 posters; the inability to produce Part A of the premises licence and some other matters. A further concern was that the premises had been identified as one that was selling single cans of high strength beer and cider and customers were seen congregating outside the front of the premises drinking them. A copy of the Thames Valley Police letter detailing the issues found during this inspection is attached at **appendix LIC-2**.

2.7 On **20th October 2017**, a joint Licensing team and Thames Valley Police visit to the premises found a number of the same conditions found in breach as per the previous visit carried out on 25th July 2017. Due to the persistent failure to comply with licence conditions; the failure of three Challenge 25 test purchases and the concerns around the sale of single cans of high strength beer and cider to street drinker, the premises licence holder was invited to a performance meeting at Reading Police Station on 1st November 2017. The letter detailing the issues found during the inspection is attached at **appendix LIC-3**

2.8 On 1st November 2017, the premises licence holder attended a performance meeting at Reading Police Station. This meeting was held with PC Simon Wheeler and RBC Licensing Enforcement Officer Richard French. The meeting discussed the poor performance of the premises in relation to compliance and promotion of the licensing objectives. A number of conditions were proposed to be put on the licence which the authorities hoped may improve performance of the premises. The premises licence holder accepted these conditions to be placed on the licence. The letter detailing the issues discussed at the performance meeting and the agreed conditions is attached at **appendix LIC-4**. It should also be noted that the licence holder was then emailed some sample training documents he could adapt to carry out the staff training.

2.9 On 25th February 2019, the Licensing team were informed by the Trading Standards Service of RBC that a significant quantity of duty diverted cigarettes and alcohol had been located at the premises during a visit that took place with HMRC. This is detailed within the review paperwork submitted by Trading Standards.

2.10 On 14th March 2019, a joint visit took place between RBC Licensing and RBC Trading Standards to the premises. It was noted that the suspected duty diverted alcohol had been removed from the premises by the premises licence holder. It was also noted that there were bottles of wine that were being sold well below the recommended retail price. This is detailed within the review paperwork submitted by Trading Standards. A Licensing inspection found, once again, that the condition in relation to staff training could not be demonstrated as being complied with; the CCTV system only recorded for 14 days and not the required 28 days and no invoices could be produced for alcohol products. These are all breaches of conditions and therefore an offence under the Licensing Act 2003. The letter detailing the issues found during the inspection is attached at **appendix LIC-5**. The lack of staff training records was particularly disappointing given the licence holder was given some sample training records by ourselves after the performance meeting of 1st November 2017.

2.11 On 1st April 2019, the Community Alcohol Partnership Officer informed the Licensing team that the premises had failed a fourth Challenge 25 test purchase.

Summary

In summary, the premises has:

- 1) On more than one occasion been found to have duty diverted/smuggled products for sale or storage on the premises;
- 2) Failed four Challenge 25 test purchases;
- 3) Been subject to four licensing inspections and have been found non compliant during all of them;

The Enforcing Authorities have had repeated interactions with the premises licence holder yet there has been no noticeable improvement in performance. This has not only led to the committing of serious criminal offences in relation to the duty diverted alcohol/tobacco but has led to offences being carried out due to breaches of licence conditions and the undermining of the licensing objectives - notably the prevention of crime and disorder and the protection of children from harm.

The Enforcing Authorities (Licensing/Trading Standards/Police/CAP Officer) have spent significant time trying to address these issues. A performance meeting held in November 2017 over the issues has not led to an improvement. Sample training records; the refreshing of conditions on the licence and the offer of free training from the CAP officer has seemingly not had any effect in terms of compliance. No satisfactory explanation or invoices have ever been received in relation to the two instances where duty diverted products were found on the premises.

Given the serious nature of the criminal offences carried out at the premises; the constant breaching of licence conditions and the undermining of the promotion of the licensing objectives, the Licensing team fully support the review application submitted by Trading Standards and agree that the only appropriate and proportionate step to ensure the promotion of the licensing objectives is for the licence to be revoked.

Date Received	16/04/2019	Date Due	14/05/2019
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Date	26	04	2019
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Alison Bell
Director of Environment and
Neighbourhood Services
Civic Offices, Bridge St, Reading, RG1
2LU
☎ 0118 937 3787
Fax: 0118 9372557

┌ Aman Singh Chopra
PAL Food And Wine
397 Oxford Road
RG30 1HA

Our Ref: 051781

Direct: ☎ 0118 9372263
e-mail:
matthew.knight@reading.gov.uk

19/05/2015

└ Your contact is: Matthew Knight - Regulatory Services

Dear Aman Singh Chopra

**Joint Illicit Alcohol Visit - 1/5/2015
2 x EJ Brandy**

I refer to our visit with Thames Valley Police on the 1st May 2015, where 2 bottles of EJ Brandy was found for sale with damaged duty Stamps.

Following a discussion with yourself at the time you indicated that the alcohol was purchased at Thames Cash and Carry. Following a visit to Thames Cash and Carry and investigation by EJ Gallo the producers of this alcohol, It is believed that these two bottles are both duty diverted as the obliteration sticker had been removed indicating they were for sale outside of the UK

You will be revisited in the future and if *any* quantity of illegal alcohol is detected on your premises for a second time, you are likely to face more formal action, which could include prosecution or a review of your licence to sell alcohol.

This letter will be held on record and may be referred to in any future interactions with you or your business. If you would like any clarification on the above, or to discuss this matter further, please contact me using the address options above.

Yours sincerely

Matthew Knight

Community Alcohol Partnership Officer



Mr Aman Singh Chopra
397 Oxford Road
Reading
Berkshire
RG30 1HA

PC 5787 Wheeler
Reading Licensing Dept

Reading Police Station
Castle Street
Reading
Berkshire
RG1 7TH

Tel: 101 (07973231273)

Email:

simon.wheeler@thamesvalley.pnn.police.uk

Friday 15th September 2017

Licensing Act 2003

Premises Licence Number: LP2001425

Premises: Pal Food & wines

Premises Address: 397 Oxford Road, Reading, Berkshire, RG30 1HA

Dear Mr Chopra

On Tuesday 25th July 2017 at 12.40pm I visited your premises to ensure you are complying with the above premises licence.

During this visit I was assisted by Ilmeet Kaur Chopra on site at the time.

As part of my inspection I found a number of items and breaches of the licence conditions that require rectification.

Part A of your licence was not available for presentation to me when requested.

Part B was available and on display.

Ilmeet Chopra did not know any of the four licensing objectives when asked.

Below outlines the breaches of conditions:-

Under the heading of prevention of crime and disorder.

2) All staff be adequately trained in customer safety and the prevention of sale of alcohol to under age persons.

This condition was not complied with no training had been provided that was tangible. Staff member stated that verbal training had been given stating to check ID when a person looked under 18. This was not Challenge 25 compliant. No training was available in relation to customer safety.

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

This condition was not complied with and no signs were available.

Conditions attached after a hearing by the Licensing Authority

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

This condition was not complied with.

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

This condition was poorly complied with, the last entry in the refusals log was completed on 08/12/2015 and poor detail was contained within the records.

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

This condition was not complied with, only one poster was on display and the member of staff was not operating this standard. Stating that anyone looking under 18 would be challenged.

Also the staff member failed to identify the acceptable forms of ID saying instead that a Passport and "Residents card" were the accreted forms in the premises.

During the inspection a male entered the shop and purchased a can of alcohol. This male smelt strongly of intoxicating liquor although was not displaying any visible signs of drunkenness. The male having purchased the can immediately opened it and began drinking directly outside of the shop in the designated no drinking area.

As you may be aware alcohol related Anti-Social behaviour (ASB) on the Oxford Road is a major cause for concern for residents and there is an expectation that

shop staff should be making customers aware that they should not be consuming from open containers in the street having purchased alcohol from your shops.

You are reminded that the people legally responsible for the premises under the Licensing Act 2003 are the premises licence holder and the designated premises supervisor.

Can you please ensure that all of the above points contained within this letter are rectified immediately.

A re-inspection will be carried out shortly to ensure that outlined breaches have been remedied.

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

Yours Faithfully

PC 5787 Simon Wheeler

Reading LPA Licensing Dept



Mr Aman Singh Chopra
397 Oxford Road
Reading
Berkshire
RG30 1HA

PC 5787 Wheeler
Reading Licensing Dept

Reading Police Station
Castle Street
Reading
Berkshire
RG1 7TH

Tel: 101 (07973231273)
Email:
simon.wheeler@thamesvalley.pnn.police.uk

Monday 23rd October 2017

Licensing Act 2003

Premises Licence Number: LP2001425

Premises: Pal Food & wines

Premises Address: 397 Oxford Road, Reading, Berkshire, RG30 1HA

Dear Mr Chopra

On Tuesday 20th October 2017 at 11:09am I visited your premises to ensure you are complying with the above premises licence as part of a re-inspection process following up from an inspection carried out on 25th July 2017.

During this visit I was assisted by Gulinder Singh Chopra on site at the time.

Part A of your licence was now available for presentation to me when requested and Part B of the licence remained on display.

Below outlines the breaches of conditions:-

Under the heading of prevention of crime and disorder.

2) All staff be adequately trained in customer safety and the prevention of sale of alcohol to under age persons.

This condition was not wholly complied with as although the staff member could verbally explain the Challenge 25 process, no written training was available to prove any training had been provided in relation to this and or specifically also in relation to customer safety.

Conditions attached after a hearing by the Licensing Authority

(a) All staff involved in the sale of alcohol must attend and pass the BII Level 1 Award in Responsible Alcohol Retailing. All staff shall be trained on the law relating to underage sales and how to question and refuse sales if necessary.

Records of the training and reminders given shall be retained and be readily made available to authorised officers of Reading Borough Council and the Police on request;

This condition was not complied with as there were no records or reminders available on site to prove any of this training had been provided.

NB – The seller on this occasion held at Personal Licence and has therefore attained BIIAB level 2 qualification. However, of further concern is that no records of refresher training were available and Gulinder Chopra did not know any of the four licensing objectives.

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

This condition was not fully complied with, the staff member failed to identify the acceptable forms of ID.

Due to the poor performance identified at your premises in relation to your compliance with your licence conditions you are required to attend **Reading Police Station, Castle Street, Reading at 2.00pm on Wednesday 1st November 2017** for a Tier 2 performance meeting.

During the meeting you will be required to bring with you all relevant documentation to prove due diligence in relation to adherence to all of your licence conditions. We will be discussing with you actions that we feel are necessary to ensure that you comply fully with your licence and may recommend further conditions that we feel are reasonable and proportionate to ensure the licensing objectives are not undermined by your operation.

You are reminded that the person legally responsible for the premises under the Licensing Act 2003 are the premises licence holder and the designated premises supervisor for which you are both.

As this is a formal process you are advised that you may wish to be accompanied in the meeting by a legal licensing advisor and recommend that you arrange this if you feel that is necessary.

Should you wish to discuss the contents of this letter, please telephone me on the above number.

Yours Faithfully

PC 5787 Simon Wheeler

Reading LPA Licensing Dept



Aman Singh Chopra
397 Oxford Road
Reading
Berkshire
RG30 1HA

PC 5787 Wheeler
Reading Licensing Dept

Reading Police Station
Castle Street
Reading
Berkshire
RG1 7TH

Tel: 101 (07973231273)

Email:

simon.wheeler@thamesvalley.pnn.police.uk

Sunday 12th November 2017

Licensing Act 2003

Premises Licence Number: LP2001425

Premises: Pal Food & Wines

Premises Address: 397 Oxford Road, Reading, Berkshire, RG30 1HA

Dear Mr Aman Singh Chopra

On 1st November 2017 you attended a formal performance meeting at Reading Police Station with both myself and Mr Richard French from Reading Borough Council.

As part of this process we discussed with you a number of concerns that had been outlined to you in letters dated the 15th September 2017 and 23rd October 2017 surrounding breaches of your licence conditions, general poor performance surrounding your management of the premises, and the impact this has had on undermining the licensing objectives.

You stated as part of the meeting that you had taken steps to implement training for staff. However when you showed us the training that you had delivered it was made up of a series of bullet point headings which contained no content and was insufficient.

A number of other areas in relation to failings were also discussed and it was agreed that as part of this formal process Thames Valley Police and Reading Borough Council wished to put forward a number of condition amendments that we believed were necessary to add to the premises licence in order to make them easier for you to understand as well as ensuring that you no longer undermine the licensing objectives by operating in an irresponsible manner.

These conditions we outline below, and as discussed at the meeting they can be added to the licence via a minor variation. Reading Borough Council also offer a pre application consultation service which you may wish to utilise in order to update your licence and I recall you were keen to use this service

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

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

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

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

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

4. Any cans of beer or cider at 6.5% ABV or above shall only be sold as a pack of 4.

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

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

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

All of the recommended conditions above have been specifically determined to address concerns raised after our inspections at your premises in relation to poor staff training, poor management structures, poor management of the sale of alcohol to children and intoxicated persons, as well as concerns over the irresponsible retail of alcohol to persons involved in street drinking and its related anti-social behaviour.

As you were reminded within the performance meeting we require your voluntary undertaking and agreement to add these conditions via minor variation to prevent the licensing objectives from being further undermined.

A failure to agree to these proportionate and necessary steps may lead to further action being taken and review of the premises licence if agreement cannot be reached.

Yours Faithfully

PC 5787 Simon Wheeler

Reading LPA Licensing Dept



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

Our Ref: EVU 054004

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

14 March 2019

Aman Singh Chopra
 Pal Food and Wine
 397 Oxford Road
 Reading
 RG30 1HA

Your contact is: Mr Richard French, Licensing

Dear Sirs

Licensing Act 2003
Premises Licence Number:LMV000284
Premises: Pal Food and Wine
Premises Address: 397 Oxford Road, Reading

On Thursday 14th March 2019 I visited your premises with colleagues from RBC Trading Standards to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection. The inspection took place with Mr Gulinder Singh Chopra.

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

- 1) Condition 1 on your premises licence under the heading 'Conditions added after Minor Variation November 2017' relating to staff training records could not be demonstrated as being complied with. No training records or refresher training records could be produced for any member of staff. The condition states that all staff have to be trained upon induction and refreshed every six months. Those training records would then have to be kept for a year. Please ensure this is rectified immediately and that training records are kept on site for production to authorised officers.
- 2) Condition 3 on your premises licence under the heading 'Conditions added after Minor Variation November 2017' relating to CCTV was not being complied with. Having checked the CCTV system it was noted that the system only recorded for 14 days. It only went back to 28th February 2019. Please ensure this is rectified and that the system records for the required 28 days.
- 3) Condition 6 on your premises licence under the heading 'Conditions added after Minor Variation November 2017' relating to the production of invoices could not be demonstrated as being complied with. No invoices could be produced for various bottles of wine that colleagues from Trading Standards later seized. You are reminded that

invoices for all alcohol and tobacco products should be retained for three months and produced to authorised officers upon request. Please ensure this is rectified.

Advisories

4) Condition 4 on your licence in respect of only selling beer and cider with an alcohol content of over 6.5% in packs of 4 was broadly being complied with. However, whilst you have signs in place for some of those products affected by this, other products did not have any signage (such as K Cider). You are advised to ensure that all products above 6.5% are appropriately signed as being available only in a pack of 4.

Please ensure points 1-3 above are rectified within 14 days. Please notify me when you believe the issues have been resolved as a re-inspection may be required.

My trading standards colleagues will write to you separately in relation to the bottles of wine that were seized from the premises.

If you have any questions in relation to the contents of this letter then please contact me.

Yours faithfully

Mr Richard French
Licensing Enforcement Officer

LICENSING ACT 2003 PREMISES LICENCE - PART A

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

Premises Licence Number	LMV000284
--------------------------------	------------------

Premises Details

Trading name of Premises and Address	
Pal Food & Wine 397 Oxford Road Reading Berkshire RG30 1HA	
Telephone Number	0118 9393978

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

Licensable Activities

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

Authorised Hours for Licensable Activities

The times the licence authorises the carrying out of licensable activities	
Hours for the Sale by Retail of Alcohol	
Monday	from 0600hrs until 2300hrs
Tuesday	from 0600hrs until 2300hrs
Wednesday	from 0600hrs until 2300hrs
Thursday	from 0600hrs until 2300hrs
Friday	from 0600hrs until 2300hrs
Saturday	from 0600hrs until 2300hrs
Sunday	from 0600hrs until 2300hrs

Opening Hours

Hours the Premises is Open to the Public	
Monday	from 0600hrs until 2300hrs
Tuesday	from 0600hrs until 2300hrs
Wednesday	from 0600hrs until 2300hrs
Thursday	from 0600hrs until 2300hrs
Friday	from 0600hrs until 2300hrs
Saturday	from 0600hrs until 2300hrs
Sunday	from 0600hrs until 2300hrs

Alcohol

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

Sale of Alcohol by Retail - Off the Premises

Premises Licence Holder

Name, (registered) address of holder of premises licence

Name: Mr Aman Singh Chopra
Address: 397 Oxford Road, Reading, Berkshire, RG30 1HA

Additional Details

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

Name: Mr Aman Singh Chopra
Address: 397 Oxford Road, Reading, Berkshire, RG30 1HA

Designated Premises Supervisor

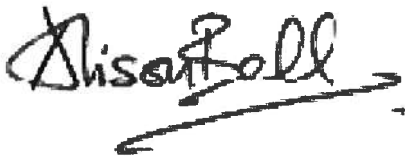
Personal Licence number and issuing authority of personal licence held by the designated premises supervisor where the premises licence authorises the supply of alcohol

Personal Licence Number: LP7001913
Issuing Authority: Reading Borough Council

This Licence shall continue in force from 30/11/2017 unless previously suspended or revoked.

Dated: 30 November 2017

Head of Environment & Consumer Services



Mandatory Conditions

Supply of Alcohol

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

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

Film Exhibitions

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

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

Door Supervisors

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

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

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

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

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

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

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

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

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

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

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

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

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

Age Verification Policy (commencement 01/10/2014)

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

Drink Measurements (commencement date 01/10/2014)

1. The responsible person must ensure that—

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

(i) beer or cider: ½ pint;

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

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

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

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

Minimum Permitted Pricing (commencement 28th May 2014)

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

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

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

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

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

where—

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Annex 2

Conditions Consistent with the Operating Schedule

Prevention of Crime & Disorder

1. Entry be refused to all persons who appear to be intoxicated with alcohol.
2. Rubbish bins be placed on the property to keep the external premises tidy
3. Signs shall be placed at all exits asking customers to respect the needs of local residents and to leave premises quietly.

Conditions added after Minor Variation November 2017

Staff Training

1. Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not be limited to:-
 - The premises age verification policy
 - Dealing with refusal of sales
 - Proxy purchasing
 - Recognising valid identity documents not in the English language
 - Identifying attempts by intoxicated persons to purchase alcohol
 - Identifying signs of intoxication
 - Conflict management
 - How to identify and safeguard vulnerable persons who attend and leave the premises.

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

Challenge 25

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

CCTV

3. The premises licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 28 days with time and date stamping. The entire licensable area shall be covered by the CCTV. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or Reading Borough Council together with facilities for

viewing upon request, subject to the provisions of the Data Protection Act. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.

Alcohol at 6.5% ABV or above

4. Any cans of beer or cider at 6.5% ABV or above shall only be sold as a pack of 4.

Immigration (Right to work) Documents

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

Alcohol Wholesale Registration Scheme

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

Refusal Book

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

Annex 3

Conditions attached after a hearing by the Licensing Authority

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

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

Annex 4

Plans

As attached plan dated 20 June 2007



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LICENSING ACT 2003 HEARING THURSDAY 6 JUNE 2019 @ 1100 HOURS

APPLICATION FOR THE GRANT OF A PREMISES LICENCE

<p>1. Premises: Farmhouse Pizza 435 Oxford Road Reading RG30 1HD</p>

<p>2. Applicant: SAN INT TRADING LTD 435 Oxford Road Reading RG30 1 HD</p>

<p>3. Premises Licence: There is currently no premises licence in place. As background, in April 2019 the Licensing team discovered the previous premises licence holder, Farmhouse Pizza Reading 1 Limited was dissolved on 30th October 2018 and therefore the premises was operating illegally since that date as the premises licence had lapsed as they failed to transfer the licence to another person within the stipulated 28 days.</p> <p>The application was submitted by Mr Solhail Anwar, the sole Director of SAN INT TRADING LTD and seeks to apply for the licensable activity and opening hours to the times stated below.</p> <p>A plan showing the location of the premises and surrounding area is shown at <u>Appendix PN-6</u></p>

<p>4. Proposed licensable activities and hours: The application is for the increase in hours for the following activities:</p> <p><u>Late Night Refreshment (Indoors)</u> Monday to Thursday 2300hrs to 0200hrs Friday to Sunday 23.00hrs to 0300hrs</p> <p><u>Hours open to the public</u> Monday to Thursday 0900hrs to 0200hrs Friday to Sunday 0900hrs to 0300hrs</p>
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<p>5. Temporary Event Notices In considering any application the Licensing Authority should be aware of the possible use of Temporary Event Notices to extend entertainment activities or hours of operation. A premises may extend the hours or scope of their operation by the use of Temporary Event Notices. Up to 15 events per year can be held under this provision at a particular premises. These events may last for up to 168 hours provided less than 500 people are accommodated and provided the total number of days used for these events does not exceed 21 per year.</p>

6. Date of receipt of application: 10 April 2019

A copy of the application form is attached as Appendix PN-1

7. Date of closure of period for representations: 08 May 2019

8. Representations received:

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

Reading Borough Council Licensing Team. A copy is attached at Appendix PN-2

Thames Valley Police. A copy is attached at Appendix PN-3

Planning team. A copy is attached at Appendix PN-4

Environmental Protection team (Noise). A copy is attached at Appendix PN-5

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

In considering representations received the Licensing Authority has a duty to carry out its functions with a view to promoting the four licensing objectives, which are as follows:

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

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

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

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

Steps to promote the licensing objectives:

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the

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

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

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

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

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

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

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

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

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

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

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

Relevant, vexatious and frivolous representations

9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

The role of responsible authorities

9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation

applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

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 areas. 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.

Integrating strategies

14.63 It is recommended that statements of licensing policy should provide clear indications of how the licensing authority will secure the proper integration of its licensing policy with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other plans introduced for the management of town centres and the night-time economy. Many of these strategies are not directly related to the promotion of the licensing objectives, but, indirectly, impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important.

Planning and Building Control

14.64 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

Licensing Act 2003

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

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

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

Reading Borough Council Statement of Licensing Policy 2018

2. Integrating Strategies

2.1 The Secretary of State's Guidance to the Licensing Act 2003 states that the licensing authority should outline how it will secure proper integration between its licensing policy with policies and strategies concerned with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other policy or plan introduced for the management of town centres and night time economies. The Licensing Authority agree that such co-ordination and integration is crucial to achieve the Council's aims for a safe and vibrant night time economy.

Licensing and Planning integration

2.2 The planning authority of Reading Borough Council is a responsible authority under the Licensing Act 2003. It can make representations on applications or call for reviews of existing licences based upon any of the four licensing objectives. The prevention of crime and disorder and prevention of public nuisance are shared concerns of the planning and licensing authorities.

2.3 The planning authority have a number of policies that impact on Reading's night time economy. The Licensing authority recognises that licensing applications should not be a rerun of the planning application process. The planning authority remains the regime that is directed at development of land and the use of premises upon it. The licensing authority remains the regime that is directed at the licensable activities and responsible management of said premises upon that land.

2.4 Whilst there is a clear distinction and separation between the licensing authority and planning authority in terms of their remit, there are times when there are overlapping considerations. In order to secure proper integration across the Council's range of policies, the Licensing authority will expect applicants to demonstrate that their proposed use of a premises is lawful in planning terms, including complying with any conditions and timings that may be imposed upon a planning consent prior to any application being submitted under the Licensing Act.

2.5 Where the planning authority has granted planning consent to a specific time, the Licensing authority would expect any applicants under the Licensing Act to not exceed that time within any application.

2.6 Where the planning authority has granted a planning consent that contains conditions that may undermine the promotion of the licensing objectives (such as a restriction in the opening hours based on potential public nuisance issues), the licensing authority would expect applicants to demonstrate how they will mitigate those issues within any application. Failure to do so could lead to representations being made against an application.

2.7 Whilst acknowledging that planning and licensing are separate regimes and that licensing authorities are not bound by the decisions of planning committees (and

vice versa), the licensing authority shall aim for the proper integration between licensing and all other Council policies, strategies and initiatives in order to actively promote the licensing objectives.

3.2 This Act requires local authorities and other bodies to consider crime and disorder reduction. Section 17 of the Act states that it shall be the duty of each authority, to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that is reasonably can to prevent, crime and disorder in its area (including anti social and other behaviour adversely affecting the local environment). This links specifically with the licensing objective of prevention of crime and disorder and the licensing authority will take into account all reasonable measures that actively promote this licensing objective.

The Anti-social Behaviour, Crime and Policing Act 2014

3.3 This Act gives a wide range of powers to local authorities and the police to tackle incidents of crime, disorder and nuisance that may be impacting on residents. The Act introduced public spaces protection orders which allows the local authority to designate areas in the borough where anti social behaviour such as street drinking will be prohibited. The Council has designated areas where street drinking is prohibited and is in the process of introducing a new public space protection order. The Act also gives powers to the local authority and police to close licensed premises where nuisance and anti social behaviour is taking place or likely to take place. This Act therefore clearly supports and actively promotes the licensing objectives contained within the Licensing Act 2003.

3.4 The Council's Licensing policy is therefore clear and unchallenged on the matter of the planning permission - particularly when it impacts on the promotion of the four licensing objectives - in this case, the prevention of public nuisance. It should also be noted that the planning authority is a named responsible authority in the Licensing Act 2003 and can make representations in relation to applications and call review of licences if it believes it is necessary to do so.

6.1 Conditions shall be appropriate and proportionate for the promotion of the licensing objectives and shall be unambiguous and clear in their stated aims. Conditions will also be tailored to the type, location and characteristics of the particular premises and the relevant licensable activities. Any condition imposed by the Authority shall also aim to avoid duplication of other legislation unless there is a requirement to impose such a condition in order to promote the licensing objectives (for example, a capacity limit for public safety reasons). This shall apply to all relevant applications (grant/variation of a premises licence or club premises certificate).

6.2 The operating schedule within an application should contain an assessment from the proposed licence holder of what they believe are appropriate and proportionate measures to enable them to carry out their proposed licensable activities. This assessment should be arrived at by taking cognisance of this policy and the Secretary of State's guidance which outlines the matters that an applicant should take into account such as issues in the locality and why their proposed measures are suitable for their proposed operation.

Late Night Refreshment (takeaways) and Conditions - General Approach

6.19 Late night food outlets are a major contributor to crime and disorder and anti social behaviour within Reading. Applicants who wish to provide hot food or drink

after 2300hrs and up to 0500hrs, will need to demonstrate that their proposed operation will not exacerbate issues of crime and disorder in that locality.

6.20 Applicants for late night refreshment are expected to take cognisance of the Secretary of State's Guidance and to include appropriate and proportionate measures within their operating schedule to assist in actively promoting the licensing objectives.

6.21 The licensing authority will expect all applicants who wish to provide late night refreshment to include measures for adequate staff training; measures to ensure that no public nuisance occurs from the premises as well as additional measures to assist in crime prevention such as CCTV and door supervisors.

6.22 Public nuisance can often occur from takeaways being sited in residential areas. This could be in relation to the use of delivery vehicles and the congregating of customers outside the premises. Applicants are expected to make an assessment of their proposed locality and implement measures to avoid disturbing local residents such as the use of electric bikes and the implementation of a dispersal policy.

6.23 Where it is practical, the authority will also look to ensure that all packaging used for the provision of hot food and drink shall be made of recyclable materials or be biodegradable. This will include all fixed premises and static vans.

7. Licensing Hours General Approach

7.1 The Licensing Act 2003 gives the licensing authority the power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of this policy. The licensing authority will make appropriate decisions on licensing hours for the locality of each premises. All applications will be considered on its individual merits.

7.2 When an application receives representations, the authority may consider reducing the opening hours and times for licensable activities if it considers it appropriate for the promotion of the licensing objectives.

7.3 As part of the operating schedule submitted with any application, the applicant is expected to take cognisance of the guidance, this policy and any other available data pertaining to their prospective locality and the potential impact their operation may have on that area.

7.4 Where it is deemed appropriate and proportionate to do so, the authority may seek to reduce the hours for licensable activities in order to promote an orderly and gradual dispersal from a certain area or certain premises.

7.5 All applicants and licence holders are expected to achieve and to adhere to any relevant planning permissions - including hours of operation. Applicants are expected to achieve planning permission before applying for any licence. Where the planning authority have set a terminal hour on a premises planning permission, the licensing authority will generally only grant a licence to that hour. This is to ensure consistency and integration between licensing and planning as detailed in section 2 of this policy.

Licensed Premises in Residential Areas

7.6 When dealing with applications and issuing licences, the authority is likely to impose stricter conditions on premises operating in residential areas if it considers it appropriate and proportionate to do so. This will apply to all premises types.

7.7 Generally, any licensed premises looking to open past 11pm (2300hrs) in a residential area will need to demonstrate clearly in their operating schedule that public nuisance will not result from later operation. As part of the operating schedule, applicants should read the Secretary of State's Guidance, this policy and any other relevant document and ensure that robust measures are included in any application.

7.12 The licensing authority will seek the input of the Council's Environmental Protection and Nuisance team when looking at measures that may be appropriate for the prevention of public nuisance. This will include taking cognisance of any representations that are submitted as part of the application process or any enforcement action they have taken under their own legislation - such as noise abatement notices.

Late Night Refreshment

7.16 There are concerns about noise, nuisance, crime and disorder and anti social behaviour in respect of premises open late and providing hot food and drink. Operators and potential applicants of late night refreshment venues wishing to open past 11pm will need to demonstrate that there are suitable policies and procedures in place to mitigate any undermining of the licensing objectives from their operation. If suitable practices and policies are not put in place and it is the belief of the Authority that crime and disorder and/or a public nuisance is likely to occur due to the late operation of late night refreshment premises, then the Authority will look at reducing the hours and or (subject to relevant representations being received) removing late night refreshment from an application in its entirety.

7.17 The Authority - whilst taking each application on its own merits - is unlikely to grant excessive hours to any premises if it believes it will undermine the promotion of the licensing objectives in the locality where it proposes to operate. Applicant's should ensure that their application takes cognisance of the information available - including crime data - and ensure that the operating scheduled is tailored accordingly. Premises within the Council's town centre Cumulative Impact Area will also need to ensure that they rebut the presumption of refusal against applications in that area.

8.16 The Licensing Authority expects all applicants for grants or variations of their premises licence or club premises certificate to outline robust measures to protect children from harm. This can include appropriate staff training as well as a Challenge 25 age verification policy for the sale of alcohol and any other measure which is deemed appropriate for the style of premises.

9. Enforcement

9.1 It is the responsibility under the Act for all responsible authorities; licence holders and prospective licence holders to actively promote the four licensing objectives. The Council along with partner agencies, has a wider responsibility to protect the public as a whole and prevent crime, harm or nuisance from taking place.

9.2 The Authority will carry out its licensing functions with a view to actively promoting the licensing objectives and maintaining public safety. This applies to the dual role the licensing authority has both as the administrator of the process and as a responsible authority.

9.3 The Licensing Authority has previously and will continue to work with other responsible authorities and partner agencies in order to ensure that the licensing objectives are promoted and that a consistent and joined up approach is taken to enforcement across Reading.

Inspections

9.6 The Authority will carry out inspections at all premises where a premises licence is in force. Additionally, an inspection may also be carried out where an application for a grant, variation or review is received by the Authority to ascertain the likely effect of granting any application on the promotion of the licensing objectives. Inspections may also be carried out if the Authority or one of our partner agencies/responsible authorities are made aware of complaints or other incidents that undermine the promotion of the licensing objectives.

9.7 Inspections will be carried out solely by the Licensing Authority or in conjunction with other partners such as Thames Valley Police, Home Office Immigration Enforcement and Trading Standards.

Summary

The Responsible Authorities object to the grant of a premises licence for Farmhouse Pizza 435 Oxford Road, Reading as the application is contrary to the Council's Licensing policy; does not appear to have been made in line with the Secretary of State's Guidance.

Therefore granting this grant will be inconsistent with the Authority's duty to actively promote the licensing objectives.

Case Law

East Lindsey DC v Abu Hanif (2016)

BBPA V Guildford Council application of Portsmouth City Council v 3D

Lic/farmhousepizza06.06.2019/pn/b



Reading
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 21

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

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?
 Yes No Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

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

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

Registration number

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

Fast Food Take Away

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21

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

See guidance on regulated entertainment

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

Yes

No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations

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

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

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

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

Continued from previous page...

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

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

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

Continued from previous page...

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

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

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

i put clear notice no selling of alcohol
no drunk and disorderly behavior on the premises area
vigilance in preventing the use and sale of illegal drugs at retail area
no violent and anti social behavior
no any harm to children

b) The prevention of crime and disorder

CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective.
A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
my Staff well trained asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit (ex. canned or bottled beer).

c) Public safety

Internal and external lighting fixed to promote the public safety objective.
Well trained staff adherence to environmental health requirements.
we keep a log book and recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective.
Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to

Continued from previous page...

prevent nuisance and disturbance to nearby residents.

I ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

I ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises. Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents

e) The protection of children from harm

no any harm to children

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. The fee payable will be based on the rateable value of the property. Band A - 0 - 4300 - Fee Payable - 100 Band B - 4301 - 33,000 - Fee Payable - 190 Band C - 33,001 - 87,000 - Fee Payable - 315 Band D - 87,001 - 125,000 - Fee payable - 450 Band E - 125,001 and over - Fee payable - 635 Additional fees apply to outdoor events.

* Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

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

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

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

Continued from previous page...

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

* Full name

* Capacity

Date (dd/mm/yyyy)

Add another signatory

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

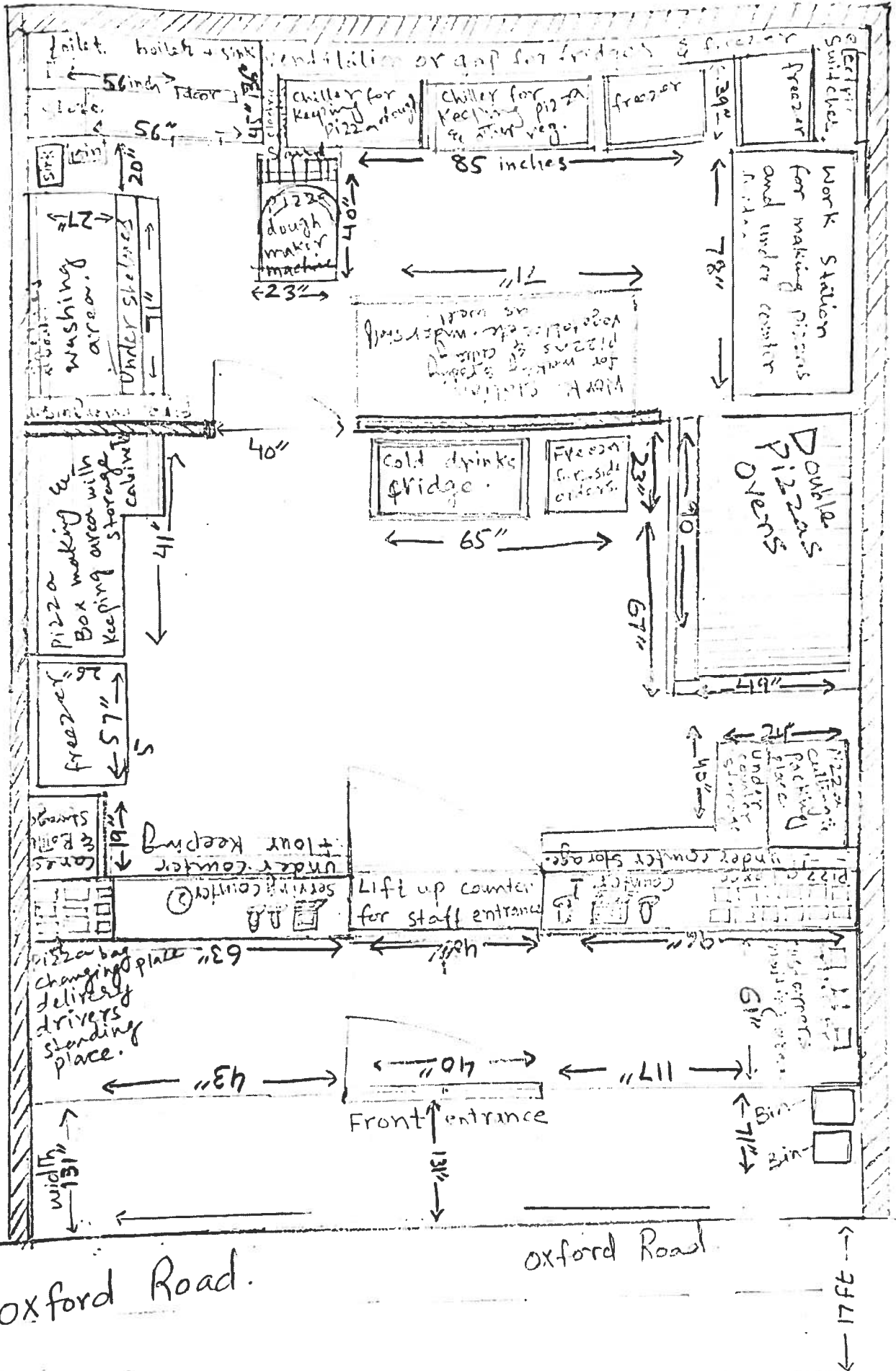
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/reading/apply-1> to upload this file and continue with your application.

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

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

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

Farmhouse Pizza Floor Plan



LICENSING TEAM REPRESENTATION - SUBMITTED 26TH APRIL 2019

The Licensing Authority, in its role as a responsible authority under the Licensing Act 2003, object to the application submitted for the premises known as Farmhouse Pizza at 435 Oxford Road, Reading. The application seeks the provision of late night refreshment until 2am in the morning (Monday to Thursday) and until 3am (Friday to Sunday)

The Secretary of State's Guidance at paragraph 14.63-14.65 states that the Licensing Authority must clearly indicate how it intends to secure integration between its licensing policy and other Council policies - including planning.

With that in mind, the Council's Licensing policy clearly states at paragraph 2.4 that the Licensing Authority expects applicants to demonstrate that the proposed use of their premises is lawful in planning terms including complying with any conditions and or timings prior to an application being submitted under the Licensing Act 2003.

The fact that this clear expectation is set out within the Council's Licensing Policy is consistent with the case law BBPA v Guildford Borough Council. This case sets out the importance of the Council's Licensing policy in laying out its expectations of applicants and licence holders. Therefore, applicants cannot legitimately complain that representations are made in respect of applications that are contrary to the Council's Licensing policy.

The application for Farmhouse Pizza is inconsistent with the timings and conditions stated on its planning permission. This is a relevant matter for the Licensing Authority to consider, not only because it is stated so within the Council's Licensing Policy, but also because the planning restrictions are directly related to preventing residents being disturbed by the use of the premises. In other words, operating past 11pm would, in licensing terms, undermine the promotion of the **licensing objective of preventing public nuisance**.

A number of applicants in the past have stated that because there is no evidence of nuisance then a licence should be granted and the premises could be reviewed if it did start to create a nuisance. This approach is incorrect and illogical. The entire Licensing Act is prospective and is concerned with **preventing** such things happening in the first place. The licensing objectives are supposed to be actively promoted and not undermined. The case law of East Lindsey DC v Abu Hanif at paragraph 18 clearly supports the prospective nature of the Licensing Act 2003:

*The promotion of the licensing objectives requires a prospective consideration of what is warranted in the public interest having regard to the twin considerations of **prevention and deterrence**.*

The Licensing Committee are also aware from recent applications that planning considerations and the risk of public nuisance are relevant - having decided not to hear an application for Premier Inn in Hosier Street and imposing a condition on a petrol station on Shinfield Road that any increased hours would be subject to that premises obtaining the correct planning permission. When a planning permission states timings and conditions that seek to protect local residents from undue disturbance, the Council has already determined that going past those hours would likely cause a public nuisance and undermine the promotion of the licensing objectives.

It should be noted that the original licence holder for the premises Farmhouse Pizza Reading 1 Ltd went into liquidation on 30th October 2018. When a company goes into liquidation, the licence lapses unless it is transferred to a new person or company within 28 days. No such transfer had occurred. A visit to the premises on 4th April 2019 revealed that the premises had continued to trade past 2300hrs since that date and had therefore been undertaking licensable activity without a licence being in place. The applicant seemed unaware of this and the licence was still on display. This raises concerns over the applicant's ability to promote the licensing objectives and ensure that they are operating the business in a legal manner.

Therefore, the Licensing team request that this application be refused.

If the licensing committee were minded to grant a licence - and are satisfied that the licensing objectives will be actively promoted - then we would ask a condition be attached to the licence stating that any late night refreshment only be allowed to take place subject to planning permission being obtained. We would also ask for suitable conditions to be added from the Council's pool of conditions in respect of CCTV (both internal and external), staff training and any other relevant matter that can actively promote the licensing objectives.

Attached - Premises planning permission (Appendix LIC-1)



**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT PROCEDURE
ORDER 1995**

**APPLICATION TO VARY/REMOVE CONDITION UNDER SECTION 73 OF THE
TOWN AND COUNTRY PLANNING ACT 1990**

To: c/o Christopher Strang Associates
36, Donnington Square
Newbury
Berkshire
RG14 1PP

Application No: 03/00672/VARIAT/RL

Applicant: Mr And Mrs Patel

READING BOROUGH COUNCIL as local planning authority HEREBY the condition(s) as described below:-

Proposal: Variation of condition 4 of consent 03/00299/FUL to allow for opening on Sundays and bank holidays

At: 435 Oxford Road Reading RG30 1HD

Subject to such conditions and for such reasons as may be attached

ALL OTHER CONDITIONS STILL APPLY.

**OTHER STATUTORY CONSENTS MAY BE REQUIRED
PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE**

Date: 18th June 2003

David Gworthy
Head of Planning and Transport

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 receipt of this notice. Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/26 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. 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 which 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 which 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) -
- office premises, shop premises and railway premises to which the Offices, Shops and Railway Premises Act 1963 applies;
 - premises which are deemed to be such premises for the purposes of that Act; or
 - 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
- 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)
- to sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970; and
 - 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 pipework) needing disposal. Under the requirements of the Control of Pollution Act 1974 and regulations made thereunder 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: 01491 832801

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.

Application At: 435 Oxford Road Reading RG30 1HD

Application No: 03/00672/VARIAT

CONDITIONS & REASONS

1. The premises shall not be used for the preparation or sale of food outside the hours of 8am to 11pm Mondays to Sundays and Bank Holidays. Reason: in order to protect local residents from unreasonable disturbance arising from the use.

INFORMATIVES

0. The following application for a variation of condition is based upon Policies RET5 (Retail and Catering Uses in Residential Areas) and RET 3A (District and Major Local Shopping Centres) as found in the Reading Borough Local Plan.

Date: 18th June 2003

David Givorty

DG Head of Planning and Transport

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 receipt of this notice. Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/26 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. 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 which 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 which 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
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 pipework) needing disposal.

Under the requirements of the Control of Pollution Act 1974 and regulations made thereunder 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: 01491 832801

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.

Narancic, Peter

From: Smyth Declan <Declan.Smyth@thamesvalley.pnn.police.uk>
Sent: 07 May 2019 09:56
To: Licensing
Subject: TVP Application Response - Premises Licence for Sohail Anwar/ Farmhouse Pizza, 435 Oxford Road, Reading, RG30 1HD: OBJECTION
Attachments: 19-05-07 Appendix TVP-DS-1.pdf; 19-05-07 Farmhouse Pizza Objection.docx

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

On 11/04/2019, we received a Premises Licence application relating to Sohail Anwar/ Farmhouse Pizza, 435 Oxford Road, Reading, RG30 1HD

=====
Late Night Refreshment, Monday to Thursday 23:00 - 02:00 and Friday to Sunday 23:00 - 03:00/
Hours Premises Are Open To The Public, Monday To Thursday 09:00 – 02:00 and Friday to Sunday 09:00 – 03:00
=====

Based on the supplied information, the Thames Valley Police response is: *** OBJECTION ***

If the applicant agrees to the attached proposed conditions Thames Valley Police will agree to withdraw its representation.

Kind Regards

Declan Smyth

Declan Smyth C2107
Licensing Officer (Reading)
Police Station,
Castle St,
Reading RG1 7TH.

Telephone (Int) 351 6353, (Ext) 01865 845249, (Mobile) 07800 703169
Email: declan.smyth@thamesvalley.pnn.police.uk

NOT RESTRICTED



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ID: 17426914

435, OXFORD ROAD, READING, RG30 1HD

URN: Date: Time: Location Reference
 131 03/11/2018 02:03 7/1/23/386
 Beat Code: EA44
 Caller: [REDACTED]
 Classification: MISCELLANEOUS : INCIDENT
 Response URGENT ATTENDANCE
 Result: ENQUIRY COMPLETED
 Closing Type L2: SUS CIRCUMSTANCE/INSEC PREM/VEH
 Closing Type L3: NO QUALIFIER

Brief Details:

00171/031118:MALE REFUSING TO LEAVE SHOP - OWNER NEEDS TO CLOSE/LEAVE

Time(mins) from +IC:		Despatch = 4		At Scene = 4		Leave Scene = 19		
Force ID:	Res Type:	RD:	AS:	LS:	RC:	AI:	DW:	CI:
181	AP	02:08	02:08	02:22				
134	AP	02:08	02:08	02:22				

Details from incident log:

02:04 03/11/2018 C4559 DESC. BLACK MALE RED SHIRT GREY TROUSERS GREY SHOES
 02:04 03/11/2018 C4559 6'5 30S
 02:04 03/11/2018 C4559 .
 02:04 03/11/2018 C4559 SEEMS DRUNK
 02:04 03/11/2018 C4559 .
 02:04 03/11/2018 C4559 HAS BEEN THERE FOR 20-30 MINS - CALLER HAS ASKED HIM TO
 02:04 03/11/2018 C4559 LEAVE BUT HASB EEN REFUSING
 02:04 03/11/2018 C4559 .
 02:05 03/11/2018 C4559 HAS NOT SAID WHY HE IS NOT LEAVING BUT IS JSUT REFUSING
 02:05 03/11/2018 C4559 .
 02:05 03/11/2018 C4559 THE MALE WHO IS REFUSING IS NOT BEING AGGRESSIVE OR
 02:05 03/11/2018 C4559 MAKING ANY THREATS
 02:05 03/11/2018 C4559 .
 02:06 03/11/2018 C4559 NOT A LOCAL - DOES NOT KNOW THE MALE
 02:06 03/11/2018 C4559 .
 02:07 03/11/2018 C4559 ADVISED TO CALL US IF CIRCS CHANGE
 02:07 03/11/2018 C6551 WHATS THE NAME OF THE SHOP
 02:08 03/11/2018 C6551 +
 02:08 03/11/2018 C4559 NAME OF THE SHOP IS 'FARMHOUSE PIZZA'
 02:15 03/11/2018 C6551 WE HAVE REMOVED THE MALE HE IS HOMELESS WE ARE CHATTING
 02:15 03/11/2018 C6551 SEE IF WE CAN HELP IN ANY OTHER WAY
 02:22 03/11/2018 C6551 EA161 - MALE IS NFA GOING INTO TOWN
 **** NO TEXT IN CLOSED LOG ****

THAMES VALLEY POLICE

Division/Station : Reading Police Station Licensing Dept

From : C2107 Declan Smyth

To : Reading Borough Council

Subject :

Ref : Farmhouse Pizza at 435 Oxford Road, Reading, RG30 1HD

Date : 3rd May 2019

Objection

To whom it may concern

I C2107 Declan Smyth on behalf of the Chief Officer of Thames Valley Police wish to formally object to the proposed application for a premises licence submitted in relation to Farmhouse Pizza at 435 Oxford Road, Reading.

The proposal before the Sub-Committee is for:

Late Night Refreshment, Monday to Thursday 23:00 - 02:00 and Friday to Sunday 23:00 - 03:00

Hours Premises Are Open To The Public, Monday To Thursday 09:00 – 02:00 and Friday to Sunday 09:00 – 03:00

There is a general concern surrounding the provision of late night refreshment after 23:00 per se' but specifically within this area. These concerns are further compounded by the details provided by the applicant within the application that do not provide sufficient detail for us to be able to determine this application and its ability to support and not undermine the four licensing objectives.

Reading Borough Council Licensing Policy Statement includes detail in its policy which exists in order to address concerns over applications that relate to Late Night Refreshment.

Late Night Refreshment (takeaways) and Conditions – General Approach

6.19 Late night food outlets are a major contributor to crime and disorder and anti-social behaviour within Reading. Applicants who wish to provide hot food or drink after 2300hrs and up to 0500hrs, will need to demonstrate that their proposed operation will not exacerbate issues of crime and disorder in that locality.

6.20 Applicants for late night refreshment are expected to take cognisance of the Secretary of State's Guidance and to include appropriate and proportionate measures within their operating schedule to assist in actively promoting the licensing objectives.

6.21 The licensing authority will expect all applicants who wish to provide late night refreshment to include measures for adequate staff training; measures to ensure that no public nuisance occurs from the premises as well as additional measures to assist in crime prevention such as CCTV and door supervisors.

6.22 Public nuisance can often occur from takeaways being sited in residential areas. This could be in relation to the use of delivery vehicles and the congregating of customers outside the premises. Applicants are expected to make an assessment

of their proposed locality and implement measures to avoid disturbing local residents such as the use of electric bikes and the implementation of a dispersal policy.

Thames Valley Police believe that the applicant has failed to submit sufficient information that would allow us to make a more informed decision. It is felt that if this application is granted it will likely lead to the licensing objectives being undermined, with specific regard to the prevention of crime and disorder and the prevention of public nuisance.

(Appendix TVP-DS-1)

The Council Licensing Policy Statement paragraph 7.16, states:-

7.16 There are concerns about noise, nuisance, crime and disorder and anti-social behaviour in respect of premises open late and providing hot food and drink. Operators and potential applicants of late night refreshment venues wishing to open past 11pm will need to demonstrate that there are suitable policies and procedures in place to mitigate any undermining of the licensing objectives from their operation. If suitable practices and policies are not put in place and it is the belief of the Authority that crime and disorder and/or a public nuisance is likely to occur due to the late operation of late night refreshment premises, then the Authority will look at reducing the hours and or (subject to relevant representations being received) removing late night refreshment from an application in its entirety.

The Secretary of States Guidance issued under Section 182 Licensing Act 2003 states:

Steps to promote the licensing objectives

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

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

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

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

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

The Sub-Committee may also wish to consider that prior to this application Thames Valley Police received no contact from the applicant in relation to this application in order to discuss any concerns which we may have had in relation to this, and to determine any information that could have been supplied relating to our advice on local issues or the application or proposed premises licence itself.

I would draw your attention specifically to Section 182 Secretary of States Guidance in relation to the Licensing Act 2003 section 8.46 – 8.49 which is relevant to this

8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application.”

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

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

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

Thames Valley Police understand that the Licensing Objectives are prospective and preventative, and as such submit that in order to ensure that the licensing objectives are upheld with specific regard to the prevention of crime and disorder that this application should be refused based on the many questions and concerns that have been raised surrounding this application.

If however the Sub-Committee are of a mind to grant the applicant a late night refreshment licence, Thames Valley Police requests the Sub-Committee consider the following conditions which we feel are appropriate in order to promote the four licensing objectives:-

1. The Premises Licence Holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV.

Recorded images shall be of such quality as to be able to identify the recorded person in any light.

Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or Reading Borough Council together with facilities for viewing upon request, subject to the provisions of the Data Protection Act.

At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.

2. A refusals register or electronic equivalent will be used and maintained by all staff and will be made available for inspection by an authorised officer of Reading Borough Council or a Thames Valley Police officer.

3. An incident log whether kept in written or electronic form shall be used, maintained and retained at the premises and made available for inspection to an authorised Officer of Thames Valley Police or Reading Borough Council.

4. 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.

5. Before any person is employed at the premises sufficient checks will be made of their bona fides to ensure they are legally entitled to employment in the UK. Such checks will include:

- Proof of identity (such as a copy of their passport)
- Nationality
- Current immigration status
- Employment checks will be subject of making copies of any relevant documents produced by an employee, which will be retained on the premises and kept for a minimum period of one year. Employment records as they relate to the checking of a person's right to work will be made available to an authorised officer of Reading Borough Council or Thames Valley Police upon request.

6. All packaging and utensils for Off sales use by customers shall be made of biodegradable or recyclable materials;

7. The Premises Licence Holder (PLH) shall ensure that all door supervisors whilst employed at the premises shall wear hi visibility jackets/ tabards in bright green,

yellow or orange in order that they can be clearly visible and identifiable at all times to the public and via CCTV both internally and externally. When tabards are worn, hi visibility armbands must also be worn that incorporate displaying SIA badges. If hi visibility full sleeved jackets are worn the PLH must ensure that all door supervisors badges are also displayed via an easily visible arm band of a different hi visibility colour to the jacket that is being worn.

8. The Premises Licence Holder (PLH) will insure that a minimum of 1 SIA registered security guards will be working on the premises Monday to Sunday from 22:00 and up to 30 minutes from the last customer served.

9. A register of Door Staff shall be kept. The register will show the following details:

(a) Full SIA registration number.

(b) Date and time that the Door Supervisor commenced duty, countersigned by the General Manager or Duty Manager.

(c) Date and time that the Door Supervisor finished work, countersigned by the Designated Premises Supervisor or Duty Manager.

(d) Any occurrence or incident of interest involving crime & disorder or public safety must be recorded giving names of the Door Supervisor involved.

10. The Door Supervisor register shall be kept at the premises and be available for inspection by an authorised officer of TVP, or an authorised officer from RBC and shall be retained for a period of 1 year;

11. After 2200hrs regular checks will be made of the front of the premises to ensure customers are not causing a disturbance to residents and that litter is regularly cleared away. This action will be documented in a logbook.

12. All external doors (except for access and egress) and windows must be kept closed during opening hours to prevent nuisance to the neighbours.

13. During the operating hours of the premises a bespoke telephone number shall be made available to local residents should they wish to speak to the duty manager about nuisance related issues.

Appendices

Appendix TVP-DS-1 - Call for police assistance – URN 131, 03/11/2018, 02:03

Narancic, Peter

From: Vigar, Stephen
Sent: 29 April 2019 11:24
To: Licensing
Cc: Moon, Rebecca
Subject: Application for Premises Licence: 645623 - - Farmhouse Pizza, , 435 Oxford Road, RG30 1HD - Planning Representation

Dear Licensing

Planning wish to make the following representation.

The Council's licensing policy states that applicants should have the appropriate planning permission in place prior to obtaining a licence and that licensed hours should be in line with any restrictions in the planning permission.

The use of the premises as a hot food takeaway is approved under planning permission ref no. 03/00672/VARIAT. Condition 1 of that permission states the following:

- 1. The premises shall not be used for the preparation or sale of food outside hours of 8am to 11pm Mondays to Sundays and Bank Holidays. Reason: in or protect local residents from unreasonable disturbance arising from the use.**

It has not been demonstrated that public nuisance to neighbouring dwellings would not occur if the activities applied for were to be carried on beyond the hours currently set by the planning condition. This includes noise from patrons late at night and noise from kitchen plant being used later into the evening than is currently the case.

Kind regards

Steve Vigar
Principal Planning Officer
Planning Section | Directorate of Economic Growth and Neighbourhood Services

Reading Borough Council
Civic Offices, Level 1 North
Bridge Street
Reading
RG1 2LU

0118 937 2980

Mob. 07855 125 872
Email: stephen.vigar@reading.gov.uk

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



INTERNAL MEMORANDUM

To: Licensing

From: Rebecca Moon

Dept: Licensing

Dept: Environmental Protection & Nuisance

Cc: applicant
khalidrana5374@gmail.com

Date: 23 April 2019

Urgent



Response required

Further action (see below)

Subject: Application for Premises Licence: my ref - 645623
Premises: Farmhouse Pizza, 435 Oxford Road, RG30 1HD

I refer to the above application.

I have reviewed the application and consulted our records and would like to make representation against the application. I am concerned that the measures outlined in section P(d) of the application are not sufficient to prevent a public nuisance from occurring.

The Reading Borough Council Licensing Policy Statement states that premises located in and catering for residential areas wishing to open beyond 11 pm will need to demonstrate clearly that public nuisance will not result from later operation. In this case I do not believe that the applicant has demonstrated this to be the case.

The main areas of concern are:

- Noise from inside the premises affecting adjoining residents
- Noise from people coming and going from the premises
- Noise from operation of the kitchen extraction system

The application is for the premises to open until 2 am through the week and until 3 am at weekends. Operating until this late is likely to cause noise disturbance to nearby residents as a result of the factors listed above.

In particular the applicant has not demonstrated how noise from the operation of the kitchen extraction system until late at night, which is a common cause of complaint as kitchen extractions are noisy equipment which are usually positioned to the rear of the premises where the background noise is lower and they are therefore likely to disturb the sleep of nearby residents. The operation of the kitchen extraction is an integral part of the granting of a licence for late night refreshment.

There is also likely to be noise from customers coming and going which is difficult for the licence holder to control even with the use of a sign to ask people to be quiet.

There is a planning condition attached to this premises (planning ref no. 03/00672/VARIAT/RL) which states the following:

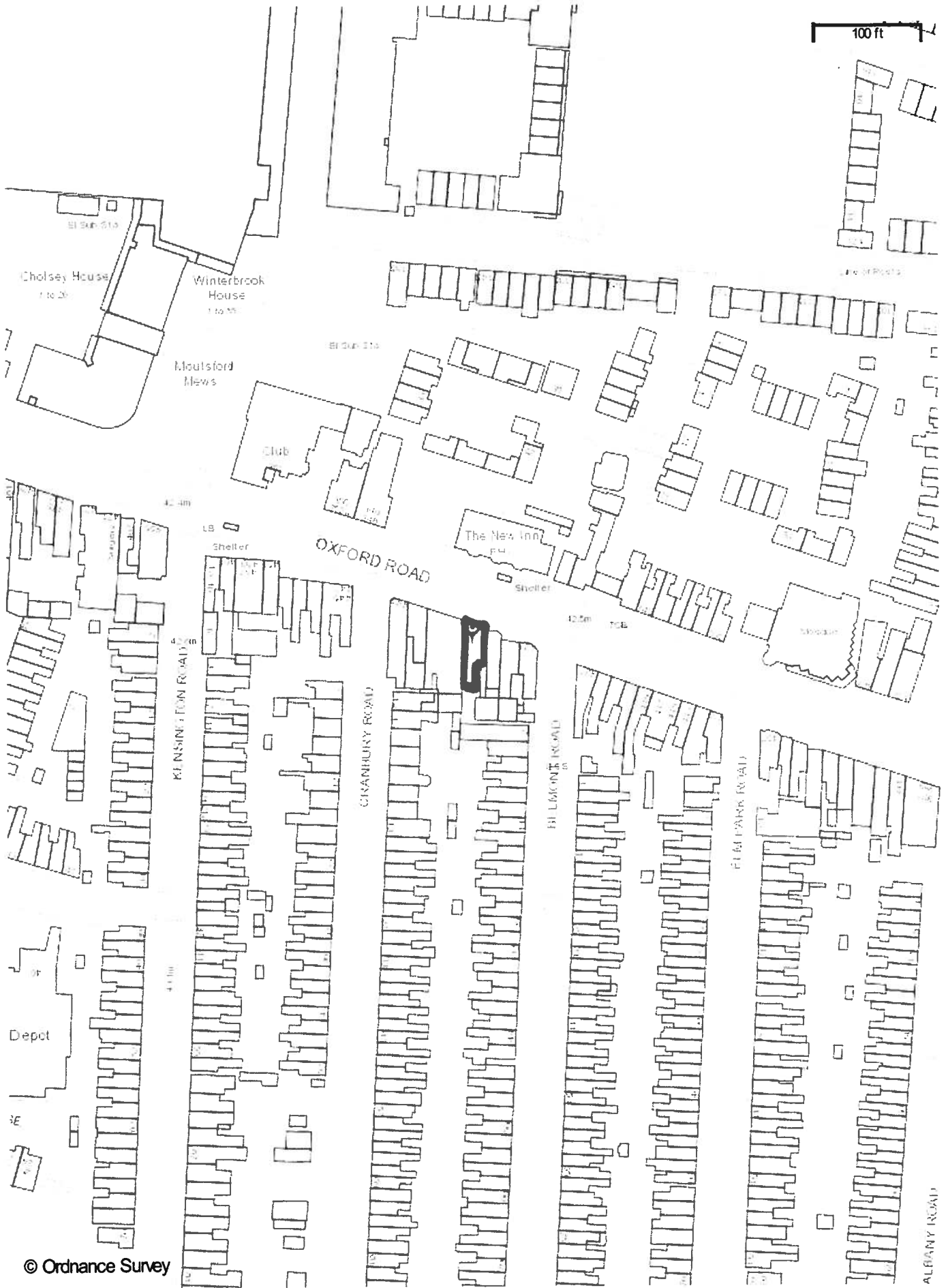
1. The premises shall not be used for the preparation or sale of food outside the hours of 8am to 11pm Mondays to Sundays and Bank Holidays. Reason: in order to protect local residents from unreasonable disturbance arising from the use.

Because the reason for this condition was to protect local residents from unreasonable disturbance, this is very relevant to the prevention of public nuisance, and it can be argued that breach of this condition is likely to result in public nuisance.

The Licensing Policy states that applicants should ensure they have the necessary planning permission in place prior to applying for a premises licence. Should the applicant apply for planning permission to vary this condition then appropriate assessment could be made as to whether the extension of hours would be acceptable e.g. a noise assessment for the kitchen extraction, and an assessment of the building structure to determine whether the insulation is adequate to adjoining properties. These assessments are not possible under the licensing application process hence why planning permission should be sought first to ensure public nuisance is prevented.

Please contact me if you require any further information.

Kind regards
Rebecca Moon
Senior Environmental Health Officer



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