

Present: Councillor Edwards (Chair);
Councillors Rynn and Skeats

12. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - KB SUPERSTORES, OXFORD ROAD, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by Thames Valley Police (TVP) for the review of a Premises Licence in respect of KB Superstores, 337-339 Oxford Road, Reading, RG30 1AY.

On 3 October 2020 TVP had requested a review of the Premises Licence due to serious concerns that the Premises Licence Holder (PLH) was failing to support the licensing objectives via insufficient measures to ensure due diligence and compliance with the conditions in place on their licence. This included concerns regarding staff training and the sale of high strength alcohol in the area of Oxford Road. Reading Borough Council's Licensing Team and TVP had undertaken inspections of the premises over the last three years which had shown identified holistic shortcomings, leading to a failure to promote the four licensing objectives.

A copy of the current premises licence, which had been transferred to the current owner on 28 July 2017, was attached to the report, together with a copy of the review application and appendices received.

During the 28-day consultation period representations had been received from Reading Borough Council's Licensing Team and the Chair of Oxford Road Safer Neighbourhood Forum. Their comments were attached to the report.

Reading Borough Council's Licensing Team was of the view that the failures of the PLH needed to be addressed. TVP and Reading Borough Council's Licensing Team considered that the appropriate and proportionate step to be taken was the modification of the conditions of the premise licence as a replacement for all the current non-mandatory and Licensing Act 1964 conditions.

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

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

The report further stated that in determining the application the Licensing Authority must also have regard to the representations received, the Licensing Authority's statement of licensing policy and any relevant section of the statutory guidance to

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licensing authorities. Furthermore, in determining the application, the Licensing Authority could take such steps as it considered appropriate and proportionate for the promotion of the licensing objectives.

The sub-committee had regard to all relevant sections of the Secretary of State's Guidance (April 2018), Reading Borough Council's Statement of Licensing Policy (2018) and case law, as stated in the report.

The Sub-Committee received oral representations at the meeting from the following parties:

- Simon Wheeler, Thames Valley Police
- Peter Narancic, Senior Licensing and Enforcement Officer
- William Donne, Silver Fox Licensing Consultants, on behalf of Mr Prasanta Gurung, the Premises Licence Holder (PLH)
- Robert Smalley, Licensing Enforcement Officer, on behalf of Reading Borough Council as a Responsible Authority

Mr Gurung was also present at the meeting.

The Sub-Committee also had regard to the email dated 30 October 2020 from the Chair of Oxford Road Safer Neighbourhood Forum in which he set out his concerns on behalf of the Forum.

The Sub-Committee was advised at the meeting that the PLH had been in dialogue with TVP and Reading Borough Council's Licensing Team, which led to an agreement by all three parties on 25 November 2020, to a proposed set of new model conditions to be included on the premises licence as a replacement for the non-mandatory and Licensing Act 1964 conditions. These conditions supported fully the Council's Statement of Licensing Policy and would enable the PLH to promote the licensing objectives by providing easily understandable conditions that were specific to the issues identified at the premises by TVP and Reading Borough Council.

The Sub-Committee found that there were management failings at the premises leading to a lack of compliance with the licence conditions, including poor training and poor procedures around alcohol sales, leading to failure to uphold the licensing objectives. During inspections of the premises by officers, it was identified that improvements could be made to support the promotion of the four licensing objectives.

The Sub-Committee was satisfied that the proposed conditions, mentioned above, and agreed on 25 November 2020, were acceptable, appropriate and proportionate as a means of addressing the concerns at the premises, and to promote the licensing objectives. It accepted Mr Donne's assertion that sufficient progress had been made by the PLH to implement the proposed conditions, and so a period of suspension would not be necessary. Mr Donne, on behalf of Mr Mohamed, advised that his client recognised that the existing conditions were no longer suitable and that it was necessary for them to be modified. Mr Donne asserted that his client had already made progress the last few weeks in implementing improvements at the premises, as advised to him by TVP. In these circumstances, Mr Donne contended that a period of suspension would not be necessary.

Resolved -

The Sub-Committee, having taken into account all the representations made, both orally and written, together with the Secretary of State's Guidance to the Licensing Act 2003 and the Council's Statement of Licensing Policy (2018), concluded that tighter conditions should ensure that the premises are properly managed in accordance with the licensing objectives. Therefore, the conditions of the Premises Licence be amended to include the proposed conditions as agreed jointly between Thames Valley Police, Reading Borough Council's Licensing Team and the Premises Licence Holder via Mr Donne (Silver Fox Consultancy), on 25 November 2020, as a replacement of the current non-mandatory and Licensing Act 1964 conditions attached to the licence.

The Sub-Committee was satisfied that the replacement of the current non-mandatory and Licensing Act 1964 conditions attached to the licence, with the conditions agreed between Thames Valley Police, Reading Borough Council's Licensing Team and the premises holder via Mr Donne (Silver Fox Consultancy) were acceptable, appropriate and proportionate to promote the licensing objectives at the premises.

The conditions were as follows:

1. Staff employed to sell alcohol shall undergo training upon induction before they are allowed to sell alcohol. This shall include, but not be limited to:
 - The premises age verification policy
 - The Four Licensing objectives
 - 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
- a) Refresher training shall be provided every 6 (six) months
- b) Signed induction and refresher training records are to be kept for a minimum of 2 (Two) years of the date of training and made available for inspection by a Police Officer or authorised officer of Reading Borough Council upon request
- c) All staff authorised to sell alcohol shall be trained to a minimum of BII Level 1 award in responsible alcohol retailing (ARAR) or any other **similar** curriculum within four weeks for existing and subsequent employees and provide evidence of such training having been undertaken to Thames Valley Police and any authorised officer of Reading Borough Council's licensing team upon request;

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2. All staff to be trained to record refusals of sales of alcohol in a refusals book or electronic register. The book/register shall contain:
 - Details of the time and date the refusal was made
 - The identity of the staff member refusing the sale.
 - Details of the alcohol the person attempted to purchase.
 - a) This book/register shall be available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police. A weekly review of the refusals' book/register shall also be carried out and signed off by the Designated Premises Supervisor or their nominated representative.
3. An incident register/log shall be used, maintained and kept on the premises to record any incident which has an impact on any of the four licensing objectives, or instances when the police have had to attend the premises.
 - a) The register shall be made available for inspection to authorised officers of Reading Borough Council and Thames Valley Police upon request;
4. The premises shall at all times operate a Challenge 25 age verification 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 from making such a purchase without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport, military ID or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) are to be accepted as identification. The age verification policy shall be in a written form and displayed in a prominent position;
5. Posters advertising the premises' Challenge 25 age verification policy shall be displayed in prominent positions on the premises;
6. The Premises Licence Holder shall display in a prominent position a copy of their written policy on checking proof of age;
7. No beers, lagers and ciders of 6.5% ABV and above shall be sold at any time during permitted licensing hours, in line with Reading Borough Council's current policy;
8. 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 and an appropriate number of cameras shall be installed to cover the external areas immediately outside of the premises. 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;

9. A current written authorisation list shall be kept in the Licensing File on the premises confirming the details of all current staff that have been authorised to sell alcohol by a Personal Licence Holder. The authorisation list shall include, the name of the staff member authorised, the name and personal licence details of the person authorising them to sell alcohol. This list shall also contain the date and signature of the staff member authorised and countersigned by the authorising Personal Licence Holder;
10. The premises licence holder/designated premises supervisor shall ensure that they and staff who are authorised to sell alcohol, are able to converse with customers and representatives of Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives, as contained in the Licensing Act 2003:
 - I. The Prevention of Crime and Disorder
 - II. Public Safety
 - III. Public Nuisance
 - IV. The Protection of Children from Harm
11. A section 57 notice shall be displayed in a prominent position detailing the person who is responsible for producing the Part A of the premises licence, and a list of staff members that have an awareness of its location and content;
12. 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 shall include:
 - Proof of identity (such as a copy of their passport)
 - Nationality
 - Current immigration status

Employment checks will be subject to making copies of any relevant documents produced by the employee, which will be retained on the premises and kept for the duration of their employment. 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, Thames Valley Police or Home Office Immigration upon request.

13. **APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - READING WEST FOOD (FORMERLY I & R CONVENIENCE) - OXFORD ROAD, READING**

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The Head of Planning, Development and Regulatory Services submitted a report on an application by Thames Valley Police (TVP) for the review of a Premises Licence in respect of Reading West Food (formerly I & R Convenience) - 202 Oxford Road, Reading, RG30 1AB.

TVP had requested a review of the Premises Licence on 9 October 2020 because of matters arising at the premises in connection with the Premises Licence Holder's (PLH) failings relating to poor procedures at the premises, lack of general due diligence and compliance with the licence conditions, leading to a failure to promote the four licensing objectives. These failings had been identified by TVP and Reading Borough Council's Licensing Team during the course of visits to the premises that were carried out between March 2015 and August 2020. The PLH had been made aware of these concerns at the time of the visits and afterwards, by letter.

During the 28-day consultation period representations had been received from Reading Borough Council's Licensing Team and the Chair of Oxford Road Safer Neighbourhood Forum. Their comments were attached to the report.

Reading Borough Council's Licensing Team considered that the appropriate and proportionate step that should be taken was the modification of the conditions of the premise licence, as set out in the report, to enable the PLH to promote the licensing objectives and help raise standards of retailers on Oxford Road back up to the level that is expected of all alcohol retailers. The proposed conditions were set out in the report.

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

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

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

The sub-committee had regard to all relevant sections of the Secretary of State's Guidance (April 2018), Reading Borough Council's Statement of Licensing Policy (2018) and case law, as stated in the report.

The Sub-Committee received oral representations at the meeting from the following parties:

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- Simon Wheeler, Thames Valley Police
- Peter Narancic, Senior Licensing and Enforcement Officer
- William Donne, Silver Fox Licensing Consultants, on behalf of Mr Farzath Mohamed, the PLH.
- Robert Smalley, Licensing Enforcement Officer, on behalf of Reading Borough Council as a Responsible Authority.

Mr Mohamed was also present at the meeting.

The Sub-Committee also had regard to the email dated 5 November 2020 from the Chair of Oxford Road Safer Neighbourhood Forum in which he set out his concerns on behalf of the Forum.

The Sub-Committee was advised at the meeting that the PLH had been in dialogue with TVP and Reading Borough Council and the PLH had jointly agreed a set of conditions on 25 November 2020. These conditions supported fully the Council's Statement of Licensing Policy and would enable the PLH to promote the licensing objectives by providing easily understandable conditions that were specific to the issues identified at the premises by TVP and Reading Borough Council.

Mr Donne, on behalf of Mr Mohamed, confirmed that his client recognised that the proposed conditions acted as a useful checklist and that his client would comply with them.

The Sub-Committee concluded that there had been breaches of conditions at Reading West Food (formerly I and R Convenience Store) and a failure by the PLH to address or improve their delivery of the Licensing Act 2003 legislation and promote the licensing objectives. It considered that it was necessary to modify the conditions of the licence.

Resolved -

The Sub-Committee, having taken into account all the representations made, (both orally and written), together with the Secretary of States Guidance on licensing and the Council's Statement of Licensing Policy (2018), concluded that tighter conditions would ensure that these premises (Reading West Food) are properly managed in accordance with the licensing objectives.

Therefore, the conditions of the Premises Licence be modified and amended to include the proposed conditions as agreed jointly between Thames Valley Police, Reading Borough Council's licensing and the Premises Licence Holder via Mr Donne (Silver Fox Consultancy), on 25 November 2020, and as a replacement for any embedded Licensing Act 1964 conditions attached to the licence.

The Sub-Committee decided that the conditions agreed between TVP, Reading Borough Council's licensing team, and the licence holder were acceptable, appropriate and proportionate to promote the licensing objectives at the premises.

The conditions were as follows:

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1. Staff employed to sell alcohol shall undergo training upon induction before they are allowed to sell alcohol. This shall include, but not be limited to:
 - The premises age verification policy
 - The Four Licensing objectives
 - 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
 - a) Refresher training shall be provided every 6 (six) months
 - b) Signed induction and refresher training records are to be kept for a minimum of 2 (Two) years of the date of training and made available for inspection by a Police Officer or authorised officer of Reading Borough Council upon request
 - c) All staff authorised to sell alcohol shall be trained to a minimum of BII Level 1 award in responsible alcohol retailing (ARAR) or any other **similar** curriculum within four weeks for existing and subsequent employees and provide evidence of such training having been undertaken to Thames Valley Police and any authorised officer of Reading Borough Council's licensing team upon request;
2. All staff to be trained to record refusals of sales of alcohol in a refusals book or electronic register. The book/register shall contain:
 - Details of the time and date the refusal was made
 - The identity of the staff member refusing the sale.
 - Details of the alcohol the person attempted to purchase.
 - a) This book/register shall be available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police. A weekly review of the refusals' book/register shall also be carried out and signed off by the Designated Premises Supervisor or their nominated representative;
3. An incident register/log shall be used, maintained and kept on the premises to record any incident which has an impact on any of the four licensing objectives, or instances when the police have had to attend the premises.
 - a) The register shall be made available for inspection to authorised officers of Reading Borough Council and Thames Valley Police upon request;

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4. The premises shall at all times operate a Challenge 25 age verification 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 from making such a purchase without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport, military ID or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) are to be accepted as identification. The age verification policy shall be in a written form and displayed in a prominent position;
5. Posters advertising the premises' Challenge 25 age verification policy shall be displayed in prominent positions on the premises;
6. The Premises Licence Holder shall display in a prominent position a copy of their written policy on checking proof of age;
7. No beers, lagers and ciders of 6.5% ABV and above shall be sold at any time during permitted licensing hours, in line with Reading Borough Council's current policy;
8. 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 and an appropriate number of cameras shall be installed to cover the external areas immediately outside of the premises. 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;
9. A current written authorisation list shall be kept in the Licensing File on the premises confirming the details of all current staff that have been authorised to sell alcohol by a Personal Licence Holder. The authorisation list shall include, the name of the staff member authorised, the name and personal licence details of the person authorising them to sell alcohol. This list shall also contain the date and signature of the staff member authorised and countersigned by the authorising Personal Licence Holder;
10. The premises licence holder/designated premises supervisor shall ensure that they and staff who are authorised to sell alcohol, are able to converse with customers and representatives of Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives, as contained in the Licensing Act 2003:
 - I. The Prevention of Crime and Disorder
 - II. Public Safety
 - III. Public Nuisance

IV. The Protection of Children from Harm;

11. A Section 57 notice shall be displayed in a prominent position detailing the person who is responsible for producing the Part A of the premises licence, and a list of staff members that have an awareness of its location and content;
12. 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 shall include:
 - Proof of identity (such as a copy of their passport)
 - Nationality
 - Current immigration status

Employment checks will be subject to making copies of any relevant documents produced by the employee, which will be retained on the premises and kept for the duration of their employment. 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, Thames Valley Police or Home Office Immigration upon request.

(The meeting closed at 12.10 pm)