

To: Councillors Edwards (Chair), Maskell
and Rynn

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NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 1 - 8 DECEMBER 2020

A meeting of the Licensing Applications Sub-Committee 1 will be held on Tuesday, 8 December 2020 at 9.30 am via Microsoft Teams. The Agenda for the meeting is set out below.

	<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; or		
(ii) Will be speaking on behalf of someone who has submitted a relevant representation.		
2. MINUTES		3 - 14
To confirm the Minutes of the meetings of Licensing Applications Sub-Committee 2 held on 10 November 2020 and 19 November 2020 as a correct record.		
3. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - OXFORD ROAD SUPERMARKET, OXFORD ROAD, READING	ABBEY	15 - 70
To consider an application for the grant of a Premises Licence in respect of Oxford Road Supermarket, 267-271 Oxford Road, Reading RG1 7PY.		

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.

**4. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - ABBEY 71 - 150
BUTTS CONVENIENCE STORES, OXFORD ROAD, READING**

To consider an application for the review of a Premises Licence in respect of Butts Convenience Stores, 205 Oxford Road, Reading RG1 7BX.

Present: Councillors Edwards (Chair), Rynn and Woodward.

8. MINUTES

The Minutes of the meetings of Licensing Applications Sub-Committee 1 held on 12 May 2020 and Licensing Applications Sub-Committee 2 held on 4 June 2020, 11 June 2020, 16 July 2020, 23 July 2020, 3 September 2020 and 10 September 2020 were agreed as a correct record and signed by the Chair.

9. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - THE PHEASANT, SOUTHAMPTON STREET, READING

The Head of Planning, Development and Regulatory Services submitted a report on application by Thames Valley Police for the review of a Premises Licence in respect of The Pheasant, Southampton Street, Reading, RG1 2RB.

The Sub-Committee considered a request from Pater Narancic, Senior Licensing and Enforcement Officer, to adjourn the hearing. He explained that additional evidence had been submitted following the publication of the review papers. The adjournment would allow Thames Valley Police, the Premises Licence Holder and their representatives and the Sub-Committee to read and fully comprehend the all of information and evidence before holding the review.

Resolved -

That the review hearing for the Pheasant, Southampton Street, Reading, be adjourned to 1 December 2020 at 9.30 am to allow all parties to read and fully comprehend the information and evidence before holding the review.

(The meeting started at 9.32 am and finished at 9.48 am)

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Present: Councillors Woodward (Vice Chair in the Chair), Maskell and Rynn.

10. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - ANRISH NEWS, OXFORD ROAD, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by Thames Valley Police for the review of a Premises Licence in respect of Anrish News, 102 Oxford Road, Reading, RG1 7LL.

The report stated that Thames Valley Police had requested a review of the Premises Licence due to serious concerns that the premises 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 had led to an increase in street drinking, anti-social behaviour and violent incidents in and around the premises. A copy of the review application form and appendices was attached to the report at Appendix RS-1.

The report stated that during the 28-day consultation period, representations had been received from Reading Borough Council Licensing Team and the Chair of Oxford Road Safer Neighbourhood Forum which were attached to the report at Appendices RS-2 and RS-3 respectively.

A copy of the current licence was attached at Appendix RS-4 and authorised the following licensable activities:

Hours for Sale by Retail of Alcohol

Monday to Sunday: from 0600 hours until 2300 hours

Hours the Premises is Open to the Public

Monday to Sunday: from 0600 hours until 2300 hours.

The following additional documents were attached to the papers:

Appendix RS-5 Additional Information supplied by Thames Valley Police;
Appendix RS-6 Representations submitted by Abbey Ward Councillor, Karen Rowland, and Chair of Baker Street Area Neighbourhood Association (BANSA), Mr Richard Rowlands.

The Sub-Committee also considered information submitted by Mr William Donne, Silver Fox Licensing Consultants, the representative of the Premises Licence Holder.

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 licensing objectives, as follows:

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

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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 of the following steps as it considered appropriate and proportionate for the promotion of the licensing objectives:

- Take no further action
- To issue formal warnings to the premises supervisor and/or premises licence holder
- Modify the conditions of the licence (including, but not limited to hours of operation of licensable activities)
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises licence supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

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

The report set out paragraphs 11.19, 11.20, 11.22 and 11.23 from the Secretary of State's Guidance to the Licensing Act 2003 issued in April 2018. The report set out paragraphs 1.6, 3.2, 5.13, 6.1, 6.5, 9.1, 9.2, 9.15 and 9.16 of the Council's Statement of Licensing Policy.

Simon Wheeler from Thames Valley Police was present at the meeting and addressed the Sub-Committee on the review application.

Peter Narancic, Senior Licensing and Enforcement Officer attended the meeting and addressed the Sub-Committee on behalf of Reading Borough Council as a Responsible Authority. Abbey Ward Councillor, Karen Rowland also addressed the Sub-Committee on the representations made by herself and Richard Rowlands, Chair of BANSA.

William Donne, Silver Fox Licensing Consultants, attended the meeting and addressed the Sub-Committee, and was accompanied by Mr Balbir Singh Ghaba, Premises Licence Holder and Mr Yash Ghaba.

Robert Smalley, Licensing Enforcement Officer, presented the report at the meeting.

The Sub-Committee noted that there had been breaches of the current conditions attached to the Licence and considered that the addition of new conditions would enable the Premises Licence Holder to promote the four Licensing Objectives.

Resolved -

That the Sub-Committee, having taken into account all the representations made today (both orally and written), together with the Secretary of State's Guidance on licensing and our own licensing policy, concluded that tighter conditions will ensure these premises are properly managed in accordance with the licensing objectives and therefore our decision is that the licence be amended to include the conditions as set out below:

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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 in responsible alcohol retailing (ARAR) or any other similarly nationally recognised approved accreditation curriculum or syllabus within 4 weeks for existing and subsequent employees of 18 November 2020 and provide evidence of such training having been undertaken and completed within 2 weeks of completion to Thames Valley Police and any authorised officer of Reading Borough Council's licensing team;
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

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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 and ciders above 6.5% ABV 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. 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;
10. A current written authorisation list shall be displayed in a prominent position 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;
11. 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;

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12. A section 57 notice shall be displayed in a prominent position detailing the location of the Part A of the premises licence, and a list of staff members that have an awareness of its location and content;
13. 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 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, Thames Valley Police or Home Office Immigration upon request.

11. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - TODAY'S EXPRESS, OXFORD ROAD, READING

The Head of Planning, Development and Regulatory Services submitted a report on an application by Thames Valley Police for the review of a Premises Licence in respect of Today's Express, 107 Oxford Road, Reading, RG1 7UD.

The report stated that Thames Valley Police had requested a review of the Premises Licence due to serious concerns that the premises was failing to promote licensing objectives via insufficient measures to ensure due diligence and compliance with the conditions in place on their licence. This had led to an increase in street drinking and anti-social behaviour in and around the premises. A copy of the review application form and appendices was attached to the report at Appendix RS-1.

The report stated that during the 28-day consultation period, representations had been received from Reading Borough Council Licensing Team and the Chair of Oxford Road Safer Neighbourhood Forum which were attached to the report at Appendices RS-2 and RS-3 respectively.

A copy of the current licence was attached at Appendix RS-4 and authorised the following licensable activities:

Hours for Sale by Retail of Alcohol

Monday to Saturday:	from 0900 hours until 2300 hours
Sunday:	from 1000 hours until 2230 hours
Good Friday:	from 0900 hours until 2230 hours
Christmas Day:	from 1200 hours until 1500 hours from 1900 hours until 2230 hours

Hours the Premises is Open to the Public

Monday to Saturday:	from 0700 hours until 2300 hours
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Sunday: from 0700 hours until 2230 hours

The following additional documents were attached to the papers:

Appendix RS-5 Additional Information supplied by Thames Valley Police;
Appendix RS-6 Representations submitted by Abbey Ward Councillor, Karen Rowland, and Chair of Baker Street Area Neighbourhood Association (BANSA), Mr Richard Rowlands.

The Sub-Committee also considered information submitted by the representative of the Premises Licence Holder, Mr William Donne from Silver Fox Licensing Consultants.

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 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 had 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 of the following steps as it considered appropriate and proportionate for the promotion of the licensing objectives:

- Take no further action
- To issue formal warnings to the premises supervisor and/or premises licence holder
- Modify the conditions of the licence (including, but not limited to hours of operation of licensable activities)
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises licence supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

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

The report set out paragraphs 11.19-11.20 and 11.22-11.23 from the Secretary of State's amended guidance issued in April 2018 under section 182 of the Licensing Act 2003. The report set out paragraphs 1.6, 3.2, 5.13, 6.1, 6.5, 9.1-9.2 and 9.15-9.16 of the Council's Statement of Licensing Policy.

Robert Smalley, Licensing Enforcement Officer from Reading Borough Council, attended the meeting and presented the report.

Simon Wheeler from Thames Valley Police attended the meeting and addressed the Sub-Committee on the review application.

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Peter Narancic, Senior Licensing and Enforcement Officer from Reading Borough Council, attended the meeting and addressed the Sub-Committee on behalf of the Council as a Responsible Authority. Karen Rowland, Abbey Ward Councillor, also attended the meeting and addressed the Sub-Committee on the representations made by herself and Richard Rowlands, Chair of BANSA.

Abdullah Yaqubi, the Premises Licence Holder and Designated Supervisor, attended the meeting and was represented at the meeting by William Donne from Silver Fox Licensing Consultants, who addressed the Sub-Committee.

The Sub-Committee concluded that there had been breaches of the current conditions attached to the Licence and considered that amending the conditions would enable the Premises Licence Holder to promote the four licensing objectives.

Resolved -

That the Sub-Committee, having taken into account all the oral and written representations made, together with the Secretary of State's guidance and Reading Borough Council's Licensing Policy as set out in the report, concluded that tighter conditions would ensure these premises were properly managed in order to promote the four licensing objectives and have therefore decided that the Premises Licence be amended to remove previous conditions relating to the Licensing Act 1964 as set out in the operating schedule and to include the following conditions:

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 in responsible alcohol retailing (ARAR) or any other similarly nationally recognised approved accreditation curriculum or syllabus within 4 weeks for existing and subsequent employees of 18 November 2020 and provide evidence of such training having been undertaken and completed within 2 weeks of completion to Thames Valley Police and any authorised officer of Reading Borough Council's licensing team;

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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 and ciders above 6.5% ABV 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;

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9. 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. 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.
10. A current written authorisation list shall be displayed in a prominent position 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 and 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;
11. 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;
12. A section 57 notice shall be displayed in a prominent position detailing the location of the Part A of the premises licence, and a list of staff members that have an awareness of its location and content;
13. The premises licence holder shall use secure screening shutters to cover all alcohol while the premises is open to the public outside the permitted hours for the sale of alcohol.

(The meeting started at 9.30 am and finished at 2.06 pm)

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LICENSING ACT 2003 HEARING TUESDAY 8 DECEMBER 2020 @ 0930HRS
APPLICATION FOR THE GRANT OF A PREMISES LICENCE

1. Premises:

Oxford Road Supermarket
267-271 Oxford Road
Reading
Berkshire
RG1 7PY

2. Applicant:

Oxford Road Supermarket LTD

3. Background:

There is currently no licence in force at the premises. The premises were previously a Motorcycle dealer. Records show no Planning permission has been granted for these premises.

The current application in front of the Licensing Sub-Committee is for a premises licence for the sale by retail of alcohol (Off the premises). The application has been submitted on behalf of Oxford Road Supermarket LTD and is attached as

Appendix DF-1

4. Proposed licensable activities and hours:

The application is for the grant of a premises licence for the following Licensable activity:

Sale by Retail of Alcohol (Off the Premises)

Monday to Sunday from 0700hrs until 0000hrs (midnight)

Hours Open to the Public

Monday to Sunday from 0700hrs until 0000hrs (midnight)

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 calendar year.

6. Date of receipt of application: 14 October 2020

7. Date of closure of period for representations: 11 November 2020

8. Representations received:

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

Reading Borough Council Licensing team (attached at Appendix DF-2)

Thames Valley Police (attached at Appendix DF-3)

Oxford Road Safer Neighbourhood Forum (attached as Appendix DF-4)

9. Powers of the Authority in determining an application for the grant of a premises licence

The Licensing authority, when determining an application for the grant of a premises licence may:

- Grant the application as applied for
- Grant the application with modifications
- Refuse the application

10. 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.

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.

11. Amended Guidance issued under section 182 of the Licensing Act 2003 (April 2018)

Licensing Objectives and Aims:

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

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.

Licensing Act 2003

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

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

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

The Council's Licensing Policy Statement (2018):

3. Licensing and integration with other legislation

3.1 Many other pieces of legislation impact directly or indirectly on the licensing regime. The Licensing Authority must have regard to the following when it discharges its responsibilities under the Licensing Act 2003 and in relation to the promotion of the four licensing objectives:

Crime and Disorder Act 1998

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 it 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.

5.6 During the 28 day consultation period, the authority will scrutinise the application along with all of the other Responsible Authorities to judge whether it undermines the promotion of the licensing objectives. The application will be made available to any person who requests to see it. As per Section 18 (6) of the Licensing Act 2003, it will consider the likely effect of granting any licence on the promotion of the licensing objectives. The authority will expect all applicants to have taken cognisance of the Secretary of State's Guidance; local strategies and initiatives; this policy and any other known local issues before submitting their application and that these matters are addressed within the operating schedule of the application.

5.7 Whilst many applications will be resolved without the need for a committee hearing, any matters or representations that are not resolved will trigger a hearing before the properly constituted Licensing Applications Committee for determination.

General Approach

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.

6.5 Any conditions imposed upon a premises licence or club premises certificate will be tailored to that type of premises and the style of operation. Consideration will also be given to the locality of the premises; issues in the locality; the issues set out in the Guidance and any policy, initiative or other matter the licensing authority wishes to take into account in order to promote the four licensing objectives.

Off licences - General Approach to conditions

6.11 Shops selling alcohol for consumption off the premises can be the focus of antisocial behaviour, crime and disorder and public disturbance. In the town centre and Oxford Road area, for example, there are significant issues with street drinking and the associated anti social behaviour this causes.

6.12 Any applications for off licences shall be considered in the light of all relevant matters that may undermine the licensing objectives such as street drinking in that locality as well as the availability of high strength beers, lagers and ciders and the detrimental effect those products have on health outcomes. This approach will apply to the whole Borough of Reading and the authority will seriously consider any representation made to it by Thames Valley Police, Public Health or other responsible authorities which indicate that the availability or sale of high strength beers, lagers and cider are likely to be detrimental to the promotion of the four licensing objectives.

6.13 When considering applications for off licences, the authority would expect applicants to acknowledge the above issues within their operating schedule.

6.14 The authority, whilst taking all applications on their own merits, will not generally grant applications for the 24 hour sale of alcohol for consumption off the premises. The authority will expect proactive measures to be included within the operating schedule that prohibits or restricts the sale of high strength beers, lagers and ciders above 6.5% in order to assist with preventing street drinking, preventing anti social behaviour and to actively promote the licensing objectives.

6.15 Applications for off licences would also be expected to contain evidence of

appropriate staff training, the utilisation of a Challenge 25 age verification policy and the use of CCTV to cover the entire proposed licensable area. This is not an exhaustive list and conditions should be appropriate and proportionate to the style of operation and taking into account the issues in the locality.

6.16 All licence holders will be expected to actively participate in initiatives set up in Reading which aim to tackle the issues of alcohol related anti social behaviour and the proliferation of high strength beers, lagers and ciders above 6.5%. Initiatives such as 'Reducing the Strength' are proven to reduce alcohol related anti social behaviour in the Borough.

6.17 The Council has introduced a controlled drinking zone across Reading which allows the police to seize alcohol and receptacles. Applicants and current licence holders will be expected to take cognisance of this and put measures in place that avoid alcohol being purchased and then consumed on the street.

6.18 The sale of alcohol to underage young people is an offence under the Licensing Act and can severely undermine the prevention of crime and disorder and the protection of children from harm licensing objectives. The excessive consumption of alcohol by young people is also likely to impact negatively on health outcomes. Applicants for off licences will be expected to include robust measures to ensure that alcohol is sold responsibly and that any staff are trained to a high level to achieve this. Evidence of best practice in terms of recording refusals of age restricted products will be expected within all applications.

10. Administration, Exercise and Delegation of Functions

10.1 The powers of the Licensing Authority under the Licensing Act 2003 may be carried out by the Licensing Committee; by a Sub Committee or by one or more officers acting under delegated authority. The Licensing Committee will consist of between 10-15 members and the committee may establish one or more sub-committees consisting of two or three members.

10.3 A Licensing Sub-Committee shall hear all applications where relevant representations have been received and applications for the review of a premises licence that may have been submitted by Responsible Authorities or any other persons.

11. Relevant Case law for consideration:

The British Beer and Pub Association, The Association of Licensed Multiple Retailers, The British Institute of Innkeeping v Canterbury City Council [2005]

(R) on the application of Hope and Glory Public House v Westminster City Council (2011) EWCA Civ31

East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant) (2016)

12. Appendices

Appendix DF-1: Application and plan

Appendix DF-2: Representation from Licensing Team

Appendix DF-3: Representation from Thames Valley Police

Appendix DF-4: Representation from Oxford Road Safer Neighbourhood Forum



LICENSING
LAWYERS

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E-mail: enquiries@licensinglawyers.co.uk

Our Ref : OXF00864/20

14 October 2020

Dear Sirs

RE 267-271 Oxford Road, Reading, RG1 7PY

We have been instructed to make an application for a premises licence in respect of the above premises and therefore we have pleasure in enclosing the application form, along with the supporting information. Arrangements are being made for the necessary site and press notices to be published.

In preparation for this application we have consulted with the police and reviewed other premises licences currently in force in the area. The proposed conditions within the operating schedule are based upon our pre-application consultations as well as other similar premises that we have worked with throughout the country.

As the premises is currently under construction it has not been possible to include on the premises plan the location of fire safety equipment. However once building work is complete a fire risk assessment will be carried out and an updated plan will be forwarded to the Licensing Authority.

Our client is keen to discuss any concerns that may be raised by interested persons or the responsible authorities to avoid the need for a hearing and for that purpose, we would be grateful if you could provide our contact details, perhaps by showing a copy of this letter, to anyone who makes an enquiry concerning the application or suggests that they are proposing to make a representation.

In the event of any query, this matter is being dealt with by Mr Luke Williams.

Yours faithfully,

Licensing Lawyers

Application for a premises licence to be granted 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/We Oxford Road Supermarket LTD

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
267-271 Oxford Road Reading Berkshire			
Post town	Reading	Postcode	RG1 7PY

Telephone number at premises (if any)	
Non-domestic rateable value of premises	N/A

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes			
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name Oxford Road Supermarket LTD
Address 

Registered number (where applicable) 12750434
Description of applicant (for example, partnership, company, unincorporated association etc.) Private limited company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? As soon as possible

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1) Supermarket
--

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)

- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	07:00	00:00						
Tue	07:00	00:00						
Wed	07:00	00:00						
Thur	07:00	00:00				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	07:00	00:00						
Sat	07:00	00:00						
Sun	07:00	00:00						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Dana Hamza Hama Marad	
Date of birth [REDACTED]	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) NL23250	
Issuing licensing authority (if known) North Lincolnshire	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	07:00	00:00	
Tue	07:00	00:00	
Wed	07:00	00:00	
Thur	07:00	00:00	
Fri	07:00	00:00	
Sat	07:00	00:00	
Sun	07:00	00:00	
Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)			

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

1. Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not be limited to:
 - The premises age verification policy
 - The law relating to underage sales
 - 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
 - The four licensing objectives
2. 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.
3. Staff authorised to sell alcohol shall be accredited to BII Level 1 Award in Responsible Alcohol Retailing (ARAR), SWERCOTS, or any other similarly nationally recognised approved accreditation curriculum within four weeks for existing and subsequent employees.
4. The premises licence holder shall ensure that a refusal log (either written or electronic) is in operation at the premises. All staff involved in the sale of alcohol shall be trained in how to use and maintain said log. The log shall contain the following:
 - a) Description of person attempting to purchase alcohol
 - b) Time said person attempted to purchase alcohol
 - c) The reason for refusing a person alcohol
 - d) Name of staff member dealing with the refusal
5. The log shall be signed off weekly by the Designated premises supervisor or nominated representative and shall be made available for inspection to officers of Reading Borough Council and Thames Valley Police.

b) The prevention of crime and disorder

6. 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 area used for a licensable activity shall be covered by the CCTV. There shall be at least one camera positioned at each entry and exit point to monitor any external areas to the premises. This includes any areas designated for tables and chairs and/or a designated smoking area. Subject to the provisions of the Data Protection Act and GDPR, Data recordings shall be made immediately available for viewing to an authorised officer of Thames Valley Police together with facilities for viewing upon request. 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.

7. Signage advising customers that CCTV is in use shall be positioned in prominent positions.
8. All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded;
 - (a) This record shall be available for inspection by a Police Officer or an authorised officer of Reading Borough Council upon request and shall be retained for one year.
 - (b) A weekly review of the incident register shall also be carried out by the DPS or a nominated responsible person.
9. The premises licence holder shall not sell single cans super strength beer, lager or cider with an alcohol content of 5.5% ABV (alcohol by volume) or greater. This restriction shall not apply in respect of the specialist branded, premium priced, product – for example craft ales, local or microbrewery specialist product, boxed gifts or national celebratory/ commemorative beer, lager or cider with an alcohol content of 5.5% ABV or greater.

All alcohol sold from the premises will be marked in a way that can be used to identify that the alcohol has been purchased from the shop.

10. There shall be no self-service of spirits except for spirit mixtures.

c) Public safety

All safety matters at the premises are adequately covered by statutory provisions such as The Health and Safety at Work (etc) Act 1974 and The Regulatory Reform (Fire Safety) Order 2005.

d) The prevention of public nuisance

11. Notices shall be placed at all exits asking customers to respect the needs of local residents and to leave the premises quietly.
12. Staff shall actively discourage and disperse customers who congregate immediately outside the premises so as to minimise disturbance to local residents.
13. Any person who refuses to leave the area and is identified as causing or potentially about to cause antisocial behaviour, will be a subject to a ban from the premises. A record of banned individuals shall be maintained in the premises and all staff made aware of the persons who are currently banned so that entry may be refused. This record shall be kept available for inspection while the premises are open for trading.
14. An adequate number of waste receptacles for use by patrons shall be provided in positions agreed in writing with the licensing authority and it shall be the

responsibility of the licensee to empty and dispose of the collected refuse at a frequency to be agreed with the licensing authority.

15. The Premises and area immediately outside the premises shall be kept clear of all forms of litter arising from the business whilst the premises are open for licensable activities.

e) The protection of children from harm

16. The premises shall at all times operate an age verification policy of at least 'Challenge 25' to prevent any customers who appear to staff to be under the age of 25 years from purchasing alcohol without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, national identity card or proof of age card showing the "PASS" hologram or other ID accepted by the Licensing Authority are to be accepted as identification. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premises.

17. The premises age verification policy shall be in a written form and displayed in a prominent position at the premises.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

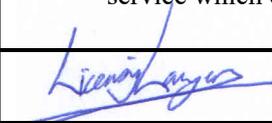
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	14-10-2020
Capacity	Solicitor & agents for the applicant

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Licensing Lawyers The Old Counting House 82E High street			
Post town	Wallingford	Postcode	OX100BS
Telephone number (if any)	08445561193		

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
applications@licensinglawyers.co.uk or lw@licensinglawyers.co.uk

Notes for Guidance

1. Describe 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.
2. 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.
 - 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the 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.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please 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.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the

premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

9. Please 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 or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

15. 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.
- 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.

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

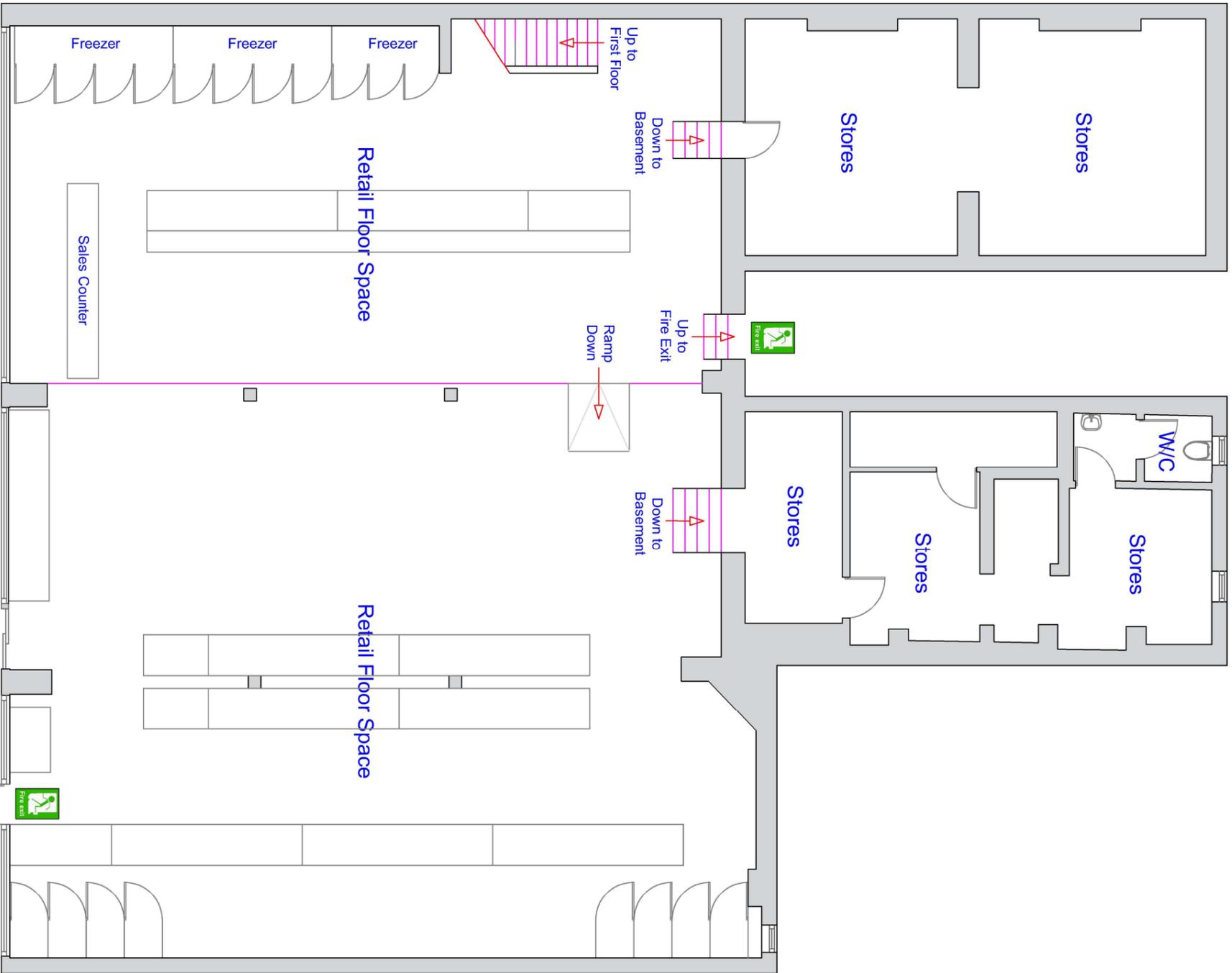
As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

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.

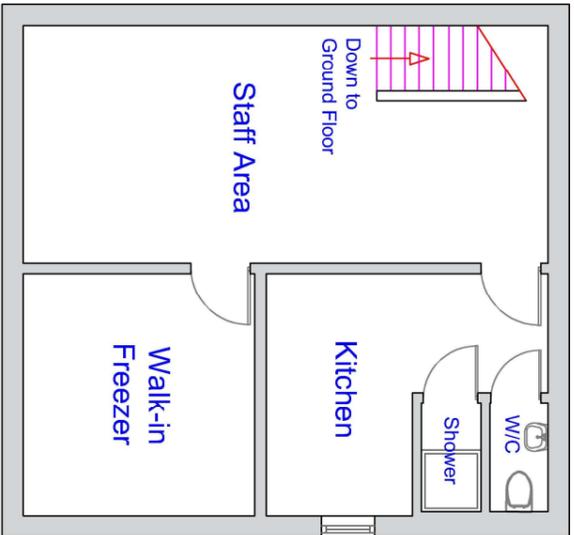
An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants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

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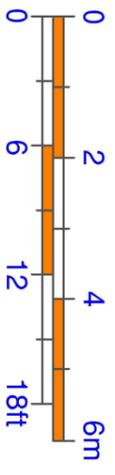


GROUND FLOOR

Main Entrance



FIRST FLOOR



Notes:
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Licensed Floor Area
 Ground Floor: TBC
 First Floor: TBC
 267-271 Oxford Road,
 Reading RG1 7PY

Premises Licensing Plan

Drawn by	Checked by	Approved by
CHI	DIR	DIR
Date:	Scale @ A3	
19/09/2020	1:100	
Status:	Revision	
DRAFT	B	
Drawing Number:	004335	

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Name of Officer	Peter Narancic						
Type of Application	Grant of a Premises Licence - Licensing Act 2003						
Name of Premises	Oxford Road Supermarket						
Address	267 - 271 Oxford Road						
	Reading						
	RG1 7PY						
Licensable Activities	Sale by Retail of Alcohol						
Finish Times	Mon	Tue	Wed	Thu	Fri	Sat	Sun
	X	X	X	X	X	X	X
<u>Content of Application</u>							
The application seeks to:							
1.	Hours for Supply of Alcohol (off premises)	Monday - Sunday			07.00 to 24.00 hours		
2.	Hours premises open to public	Monday - Sunday			07.00 to 24.00 hours		
<u>Officer comments</u>							
<p>The Licensing team wish to make a representation in relation to the above application submitted on behalf of Oxford Road Supermarket Limited for the premises known as Oxford Road Supermarket, 267 - 271 Oxford Road, Reading. We do not believe the measures outlined in the operating schedule are robust enough to ensure the promotion of the four licensing objectives - the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm to operate a large off-licence premises in a challenging residential area with current issues up to midnight, 7 days a week.</p> <p>The Oxford Road stretches over three miles from Reading town centre, west towards Purley on the A329. Unfortunately, this road and its surrounding areas suffer from high levels of crime and anti-social behaviour including street drinking, drug usage, prostitution, begging, graffiti and assaults. Oxford Road falls with a Public Space Protection Order (PSPO) which identifies street drinking of alcohol and its associated anti-social behaviour as having a direct negative impact on those that live and work in the area. The sale of super strength beers and ciders via retailers with poor processes and a lack of due diligence only exacerbates the issues. The low cost of some of these products, (in the region of £1.30 to £2 per can) and the fact that they can be two times stronger than many other beers and ciders, greatly appeals to 'problem drinkers'. These problem drinkers save up just enough money from activities like begging to purchase a single can that is then consumed outside, or nearby, the premises while they save</p>							

up enough money for another can. During this time the individuals are getting more intoxicated which can lead to intimidating behaviour, public indecency and general public nuisance.

Currently there are six reviews of premises licences brought by Thames Valley Police of similar Convenience stores which sell alcohol located in the Oxford Road, either side of this new proposed premises. These have been fully supported by Reading Borough Council, Ward Councillors and residents groups. We would expect any new grant applications to take note of the issues surrounding these reviews.

Sections 8.41 to 8.49 of the Secretary of State's Guidance outline what applicant's should consider when they are filling out their operating schedule - including sufficient measures and why those measures are deemed sufficient. Section 18 (6) of the Licensing Act 2003 makes clear that representations should be about the likely effect of granting a licence on the promotion of the licensing objectives. The case law of East Lindsey DC v Abu Hanif also clearly outlines that the licensing objectives require a prospective consideration of what is warranted in the public interest having regard to the twin interests of prevention and deterrence. In other words, responsible authorities do not have to wait for the licensing objectives to be undermined before considering taking action to prevent and deter that action from taking place in the first place. Further, the licensing authority cannot just simply duplicate what is in the operating schedule of an application - particularly if it is unclear or likely to be unenforceable (sections 10.4 to 10.7 of the guidance)

I refer to Section 18 (6) of the Licensing Act in regard to the likely effect the granting of a licence would have on the promotion of the licensing objectives and sections 8.41 to 8.49 of the Secretary of State's Guidance which deals with the information that applicants should provide to the licensing authority in order to actively promote the licensing objectives.

Secretary of State's Guidance

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.

Reading Borough Council Licensing Policy statement (2018) states:
(22nd October 2018 until 21st October 2023)

1.1 This policy sets out how the Council as the Licensing Authority for Reading promotes the four licensing objectives stated in the Licensing Act 2003. The four licensing objectives, as outlined in Section 4 (2) of the Licensing Act 2003, are of equal importance and the Council along with other named Responsible Authorities, stakeholders, residents and licence holders shall work together in order to actively promote them. Those four licensing objectives are:

- The prevention of crime and disorder

- The prevention of public nuisance
- The protection of children from harm
- Public Safety

1.2 The Council must have regard to the four licensing objectives when carrying out its functions under the Licensing Act 2003. The Licensing Authority will also have regard to other Council policies which have been introduced to tackle issues that may undermine crime and disorder or any of the other licensing objectives. The Licensing Authority will have regard to the contents of this policy as well as the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003. It may also depart from this policy and the Secretary of State's Guidance if there are exceptional circumstances and it is appropriate to do so to promote the licensing objectives. If the Licensing Authority departs from the Secretary of State's Guidance it will give reasons as per paragraph 1.9 of that guidance. 1.3 The legislation also supports other key aims and purposes. These are outlined in paragraph 1.5 of the guidance and should be principal aims for all parties involved in licensing for the promotion of the licensing objectives. The licensing authority will have regard to these key aims in its decision making. They are:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance associated and caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area;
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

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.

2.8 When licensing applications are determined by officers of the Licensing Authority or by the Licensing Sub Committee, conditions may be imposed upon a licence in order to ensure consistency between the licensing objectives and any measures already determined by the planning authority that could impact the licensing objectives.

2.9 The Council's 'Reading Central Area Action Plan' identifies in more detail those issues relating to licensed premises, the 24 hour economy and the general organisation of retailing within the town centre. It can be accessed here - <http://www.reading.gov.uk/readingldf>

2.10 The key issues surrounding the determination of planning permission are as follows:

- Impact on residential amenity through noise, odour, disturbance, litter, etc
- Impact on the viability of the town centre
- Potential financial contribution to a safer borough (CCTV)

These are all matters that are also proper concerns of the licensing authority and will be taken into account when determining applications. If appropriate to the promotion of the licensing objectives, conditions may be added to licences so as to ensure proper integration of Council policies and strategies

Other Legislation that the Licensing Authority will consider

3.7 The Licensing Authority will also have cognisance to the following legislation when it decides to discharge its responsibilities under the Licensing Act. This list is not exhaustive:

- Environmental Protection Act 1990 which deals with noise and nuisance
- Regulatory Reform Order 2005 which deals with fire safety
- Highways Act 1980 which deals with pavement café licences
- Reading Borough Council Act 2013 which deals with street trading and touting
- Health and Safety at Work Act 1974 and Food Hygiene regulations
- Planning legislation (see paragraphs 2.2-2.9 of this policy)

Off Licences and Conditions - General Approach

6.11 Shops selling alcohol for consumption off the premises can be the focus of antisocial behaviour, crime and disorder and public disturbance. In the town centre and Oxford Road area, for example, there are significant issues with street drinking and the associated anti-social behaviour this causes.

6.12 Any applications for off licences shall be considered in the light of all relevant matters that may undermine the licensing objectives such as street drinking in that locality as well as the availability of high strength beers, lagers and ciders and the detrimental effect those products have on health outcomes. This approach will apply to the whole Borough of Reading and the Authority will seriously consider any representation made to it by Thames Valley Police, Public Health or other responsible authorities which indicate that the availability or sale of high strength beers, lagers and cider are likely to be detrimental to the promotion of the four licensing objectives.

6.13 When considering applications for off licences, the authority would expect applicants to acknowledge the above issues within their operating schedule.

6.14 The authority, whilst taking all applications on their own merits, will not generally grant applications for the sale of alcohol for consumption off the premises. The authority will expect proactive measures to be included within the operating schedule that prohibits or restricts the sale of high strength beers, lagers and ciders above 6.5% in order to assist with preventing street drinking, preventing anti- social behaviour and to actively promote the licensing objectives.

6.15 Applications for off licences would also be expected to contain evidence of appropriate staff training, the utilisation of a Challenge 25 age verification policy and the use of CCTV to cover the entire proposed licensable area. This is not an exhaustive list and conditions should be appropriate and proportionate to the style of operation and taking into account the issues in the locality.

6.16 All licence holders will be expected to actively participate in initiatives set up in Reading which aim to tackle the issues of alcohol related anti social behaviour and the proliferation of high strength beers, lagers and ciders above 6.5%. Initiatives such as 'Reducing the Strength' are proven to reduce alcohol related anti social behaviour in the Borough

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

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.

PROPOSED CONDITIONS

General

Prevention of Crime and Disorder

Staff Training

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

- Understanding of the four licensing objectives
- The premises age verification policy (Challenge 25)
- 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
- Drug Policy and substance awareness, recognise their effects and types of drug paraphernalia i.e. “any equipment, product or accessory that is intended or modified for making, using, or concealing drugs, bongs, pipes, clips, grinders, plastic baggies and similar items”
- Child Sexual Exploitation

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. Staff authorised to sell alcohol shall be accredited to BII Level 1 Award in Responsible Alcohol Retailing (ARAR) or any other similarly nationally

recognized approved accreditation curriculum within four weeks for existing and subsequent employees.

3. The premises licence holder shall ensure that a refusal log (either written or electronic) is in operation at the premises. All staff involved in the sale of alcohol shall be trained in how to use and maintain said log. The log shall contain the following:
 - a) Description of person attempting to purchase alcohol
 - b) Time said person attempted to purchase alcohol
 - c) The reason for refusing a person alcohol
 - d) Name of staff member dealing with the refusal

The log shall be signed off weekly by the Designated premises supervisor or nominated representative and shall be made available for inspection to officers of Reading Borough Council and Thames Valley Police.

4. The Designated Premises Supervisor shall ensure 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.

Age Verification Policy

5. The premises shall at all times operate an age verification policy of at least Challenge 25 to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, national identity card or proof of age card showing the "PASS" hologram are to be accepted as identification. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premises.
6. The premises age verification policy shall be in a written form and displayed in a prominent position on the premises;

CCTV

7. 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. There shall be at least one camera positioned at each entry and exit point to monitor

any external areas to the premises. This includes any areas designated for tables and chairs and/or a designated smoking area. 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. 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.

8. Signage advising customers that CCTV is in use shall be positioned in prominent positions;

Incident Register

9. All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded;
 - (a) This record shall be available for inspection by a Police Officer or an authorised officer of Reading Borough Council upon request and shall be retained for one year. The record shall be signed off by the DPS or nominated representative at the end of each trading session;
 - (b) A weekly review of the incident register shall also be carried out by the DPS.

Public Nuisance

10. Notices shall be placed at all exits asking customers to respect the needs of local residents and to leave the premises quietly.
11. Staff shall actively discourage and disperse persons who congregate outside the premises so as to minimise disturbance to local residents.

Any person who refuses to leave the area and is identified as causing or potentially about to cause antisocial behaviour, will be a subject to a ban from the premises. A record of banned individuals shall be maintained in the premises and all staff made aware of the persons who are currently banned so that entry may be refused. This record shall be kept available for inspection while the premises are open for trading.

12. A closure and dispersal policy for controlling the closing of the premises and the departure of customers from the premises at the conclusion of licensed activities shall be put in place and shall be actively operated. At the end of licensable activities, staff shall be available to disperse customers away from the premises in line with the dispersal policy. The policy shall be in written

format and made available upon request to an authorised officer of Reading Borough Council and Thames Valley Police.

Other initiatives

13. The premises licence holder shall not sell super strength beer, lager or cider with an alcohol content of 5.5% ABV (alcohol by volume) or greater. This restriction shall not apply in respect of the specialist branded, premium priced, product - for example craft ales, local or microbrewery specialist product, boxed gifts or national celebratory/ commemorative beer, lager or cider with an alcohol content of 5.5% ABV or greater.
14. No single cans or bottles of alcopops, beer, ales, lagers or ciders shall be sold; and they shall only be sold in multiples of four.
15. All alcohol sold from the premises will be marked in a way that can be used to identify that the alcohol has been purchased from the shop.
16. There shall be no self-service of spirits except for spirit mixtures.
17. The premises licence holder or nominated representative shall actively participate in the local Pubwatch scheme should one be operating in the area.
18. The Premises and area immediately outside the premises shall be kept clear of all forms of litter whilst the premises is open for licensable activities. Adequate waste receptacles for use by the customers shall be provided.
19. The immediate vicinity outside of the premises and in any external areas associated with the premises shall be kept clear of litter.
20. 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 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.
21. A section 57 notice shall be displayed in a prominent position detailing the location of the Part A of the premises licence and a list of staff members that have an awareness of its location and content.

Right To Work

22. 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.

Planning (as no information was provided with the application)

23. The licensable activities of the sale of alcohol by retail off the premises will not be effective until the premises licence holder has applied for and been granted planning permission to operate to these times.

If the Applicant agrees to the above measures being placed as conditions on the premises licence the Licensing team would be willing to withdraw their representation.

Lic/oxfordroadsupermarket/pn

Date Received	14.10.2020	Date Due	11.11.2020
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Date	05	11	2020

Division/Station : Reading Police Station Licensing Dept

From : C2107 Declan Smyth

To : Reading Borough Council

Ref: Oxford Road Supermarket Ltd, 267-271 Oxford Road, Reading, Berkshire, RG1 7PY

Date: 6th November 2020

Subject :

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 to vary a premises licence submitted by Oxford Road Supermarket Ltd, 267-271 Oxford Road, Reading, Berkshire, RG1 7PY as it is believed that this application in its current format will undermine the four licensing objectives with specific regard to that of the prevention of crime & disorder.

The proposal before the Sub-Committee is for:

- Supply of Alcohol (Off Premises), Monday to Sunday 07:00-00:00
- Hours Premises Open To The Public, Monday to Sunday 07:00-00:00

Prior to this application Thames Valley Police can confirm that contact had been made from the applicant in order to discuss the Thames Valley Police concerns. In response to the email I can confirm that Thames Valley police supplied the applicant with a list of proposed conditions but no further communication was received. Please note that none of the proposed conditions are felt to be onerous in any way and reflect processes that the applicant should have in place so as to promote good due dilligance and the not undermine the four licensing objectives.

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.

There is a general concern surrounding the provision of the supply of alcohol specifically within this area as the premises is located in a mainly residential area on the Oxford Road which has high levels of ASB, public nuisance and street drinking. 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 Off Licences. The Council Licensing Policy Statement, states:-

2.12 There is a significant issue in the town centre and Oxford Road with persons identified as street drinkers purchasing single cans of high strength beers and ciders from licensed off licences. This has led to issues of anti social behaviour in local communities. Most off licences in the town centre and Oxford Road areas have voluntarily agreed to stop selling single cans of high strength beers and ciders. Some have agreed to only sell packs of four whilst others have agreed not to sell these products at all. This has led to a reduction in the number of incidents of street drinking.

2.13 We would expect all licence holders and potential applicants to have regard to this initiative and include measures to restrict the sale of high strength products in single quantities or to not sell them at all. Failure to do so could lead to representations being made against applications for licences or applications to review licences that may be undermining the licensing objectives by selling these products in an irresponsible way.

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

Paragraph 8.46 of the Secretary of States Guidance issued under Sec 182 Licensing Act 2003 states “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 take 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 strongly feel that this application in its current format and without further scrutiny is likely to undermine the licensing objectives, due to its failure to address sufficient conditions within the operating schedule.

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

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

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 concerns that have been raised surrounding this application.

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

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
 - The law relating to underage sales
 - 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
 - Identifying signs of drug usage and prevention
 - The four licensing objectives

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. Staff authorised to sell alcohol shall be accredited to BII Level 1 Award in Responsible Alcohol Retailing (ARAR) or any other similarly nationally recognized approved accreditation curriculum within four weeks for existing and subsequent employees.
3. The premises licence holder shall ensure that a refusal log (either written or electronic) is in operation at the premises. All staff involved in the sale of alcohol

shall be trained in how to use and maintain said log. The log shall contain the following:

- a) Description of person attempting to purchase alcohol
- b) Time said person attempted to purchase alcohol
- c) The reason for refusing a person alcohol
- d) Name of staff member dealing with the refusal

The log shall be signed off weekly by the Designated premises supervisor or nominated representative and shall be made available for inspection to officers of Reading Borough Council and Thames Valley Police.

4. The Designated Premises Supervisor shall ensure 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.

Age Verification Policy

5. The premises shall at all times operate an age verification policy of at least Challenge 25 to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, national identity card or proof of age card showing the "PASS" hologram are to be accepted as identification. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premises.
6. The premises age verification policy shall be in a written form and displayed in a prominent position on the premises;

CCTV

7. 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. There shall be at least one camera positioned at each entry and exit point to monitor any external areas to the premises. This includes any areas designated for tables and chairs and/or a designated smoking area. 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. 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.
8. Signage advising customers that CCTV is in use shall be positioned in prominent positions;

Incident Register

9. All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded;
 - (a) This record shall be available for inspection by a Police Officer or an authorised officer of Reading Borough Council upon request and shall be retained for one year. The record shall be signed off by the DPS or nominated representative at the end of each trading session;
 - (b) A weekly review of the incident register shall also be carried out by the DPS.

Public Nuisance

10. Notices shall be placed at all exits asking customers to respect the needs of local residents and to leave the premises quietly.
11. Staff shall actively discourage and disperse persons who congregate outside the premises so as to minimise disturbance to local residents.

Any person who refuses to leave the area and is identified as causing or potentially about to cause antisocial behaviour, will be a subject to a ban from the premises. A record of banned individuals shall be maintained in the premises and all staff made aware of the persons who are currently banned so that entry may be refused. This record shall be kept available for inspection while the premises are open for trading.

12. A closure and dispersal policy for controlling the closing of the premises and the departure of customers from the premises at the conclusion of licensed activities shall be put in place and shall be actively operated. At the end of licensable activities, staff shall be available to disperse customers away from the premises in line with the dispersal policy. The policy shall be in written format and made available upon request to an authorised officer of Reading Borough Council and Thames Valley Police.

Other initiatives

13. The premises licence holder shall not sell super strength beer, lager or cider with an alcohol content of 5.5% ABV (alcohol by volume) or greater. This restriction shall not apply in respect of the specialist branded, premium priced, product – for example craft ales, local or microbrewery specialist product, boxed gifts or national celebratory/ commemorative beer, lager or cider with an alcohol content of 5.5% ABV or greater.
14. No single cans or bottles of alcopops, beer, ales, lagers or ciders shall be sold; and they shall only be sold in multiples of four.
15. All alcohol sold from the premises will be marked in a way that can be used to identify that the alcohol has been purchased from the shop.
16. There shall be no self-service of spirits except for spirit mixtures.
17. The premises licence holder or nominated representative shall actively participate in the local Pubwatch scheme should one be operating in the area.

18. The Premises and area immediately outside the premises shall be kept clear of all forms of litter whilst the premises is open for licensable activities. Adequate waste receptacles for use by the customers shall be provided.
19. The immediate vicinity outside of the premises and in any external areas associated with the premises shall be kept clear of litter.
20. 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 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.
21. A section 57 notice shall be displayed in a prominent position detailing the location of the Part A of the premises licence and a list of staff members that have an awareness of its location and content.

Right To Work

22. 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.

From: Peter Bowyer
Sent: 27 October 2020 14:27
To: Licensing <Licensing@reading.gov.uk>
Subject: Representation - premises license application - Oxford Road Supermarket

Dear Licensing

Please record the following as a representation in respect of the Premises License application for Oxford Road Supermarket, 267-271 Oxford Road. I write on behalf of the Oxford Road Safer Neighbourhood Forum.

Oxford Road has a chronic problem with alcohol-related anti-social behaviour, with its roots in groups of (sometimes homeless) street-drinkers who roam the area's off-licenses purchasing single cans of beer or cider and consuming them as they go.

The location of the premises in the application is particularly prone to ASB, being close to the Reading West railway bridge and the area around McDonalds, which is a gathering point for street drinkers.

Recently the street bench in this location has been removed in order to provide a less welcoming environment for them, but the ASB continues.

It has been demonstrated in the case of other premises in the area that the adoption of a license condition restricting sale of strong (more than 5.5% ABV) alcohol, and also preventing the sale of quantities less than 4 of any alcohol, has a beneficial effect on the levels of ASB around those premises.

On this basis, the SNF requests that in pursuance of the licensing objectives of the prevention of crime and ASB, and the prevention of public nuisance, conditions be placed on the license for these premises to this effect.

It is noted that the proposed conditions contained in the license application feature a clause which attempts to have the same effect - limiting sales of single cans of strong alcohol alone. This is not considered adequate.

Regards
Peter Bowyer
Chair, Oxford Road Safer Neighbourhood Forum

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LICENSING ACT 2003 HEARING - TUESDAY 8th DECEMBER 2020 @ 0930HRS
APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

1. Premises:

Butts Convenience Stores
205 Oxford Road,
Reading
RG1 7BX

2. Applicants Requesting Review:

Thames Valley Police

3. Grounds for Review

The application is for the review of premises licence (**LP2002385**) in respect of the above-mentioned premises. The application has been submitted by Thames Valley Police, who are a named responsible authority under the Licensing Act 2003, in regards to the objectives of Prevention of Crime and Disorder, Prevention of Public Nuisance, Public Safety and Protection of Children from Harm.

This application for review has been submitted in order to address the failure of the premises licence holder to promote the licensing objectives via their insufficient measures to ensure due diligence or compliance of their licence conditions. These poor processes have led to staff members being employed without proof of their right to work or any training given in the sale of alcohol or the licensing objectives. Thames Valley Police attempted to address these ongoing concerns via a stepped performance improving approach by requesting consideration for voluntary improvements to the premises licence conditions. However, no reasonable response has been received from the Premises Licence Holder.

4. Date of receipt of application: 18th October 2020

A copy of the review application and appendices received are attached as **Appendix LIC-1**

5. Date of closure of period for representations: 15th November 2020

6. Representations received:

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

Reading Borough Council - Licensing - Attached as **Appendix LIC-2**

7. Background

The premises is a convenience store with an off-licence located on Oxford Road, just west of Reading town centre. The Licensing Act 2003 premises licence was first granted on 08/11/2005. The licence was transferred to the current owner on 12/11/2018.

The Premises Licence Holder and Designated Premises Supervisor is: **Mr Daljit Khurana**

The premises currently has the benefit of a premises licence. A copy of the current licence is attached at **Appendix LIC- 3**

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 review application the sub-committee can take such steps as it considers appropriate for the promotion of the licensing objectives, which are:

1. Take no further action
2. To issue formal warnings to the premises supervisor and/or premises licence holder
3. Modify the conditions of the licence (including, but not limited to hours of operation of licensable activities)
4. Exclude a licensable activity from the scope of the licence
5. Remove the designated premises licence supervisor
6. Suspend the licence for a period not exceeding three months
7. Revoke the licence.

Where the sub-committee takes a step mentioned in 3 or 4 it may provide that the modification or exclusion is to have effect for a period not exceeding three months or permanently.

Amended Guidance issued under section 182 of the Licensing Act 2003 (April 2018)

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it

- is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reading Borough Council Statement of Licensing Policy (2018)

1.6 The predominantly urban nature of Reading as a town means that an appropriate balance needs to be struck between the needs of local business and the needs of local residents. This licensing policy seeks to encourage all stakeholders to engage in the licensing process so that the needs of all can be taken into account and issues dealt with in a spirit of partnership and cooperation.

Crime and Disorder Act 1998

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.

Review of a premises licence or club premises certificate

5.13 Any premises that has a premises licence or club premises certificate may have that licence reviewed by any of the named Responsible authorities - including the Licensing Authority in its role as a Responsible Authority. Thames Valley Police may also submit a Summary Review if there is a premises associated with serious crime and disorder. When the Licensing Authority instigates a review it will ensure that there is a clear separation of functions between the officer acting as the licensing authority and the officer acting as a responsible authority.

Licensing Conditions

General Approach

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)

6.5 Any conditions imposed upon a premises licence or club premises certificate will be tailored to that type of premises and the style of operation. Consideration will also be given to the locality of the premises; issues in the locality; the issues set out in the Guidance and any policy, initiative or other matter the licensing authority wishes to take into account in order to promote the four licensing objectives.

Enforcement

General Principles

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.

Enforcement Approach

9.15 Licensed premises that have a history of non-compliance over a period of months and years and/or incidents of serious crime taking place at that premises, will likely find that the Authority will initiate a review with a view to asking for the licence to be considered for revocation.

9.16 When considering what enforcement action to take, the Authority will always consider what is the most appropriate and proportionate step to promote the licensing objectives. The Authority is not required to wait for offences to occur before deciding it needs to take appropriate action. Case law - notably *East Lindsey District Council v Abu Hanif* - states that 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. Similarly, the Secretary of State's Guidance to the Licensing Act makes clear that there is no requirement for the Authority to wait for the outcome of any criminal proceedings before it initiates any enforcement action. This is the approach that the Authority will take when considering what, if any, action should be taken when condition breaches and other criminal activity is found at licensed premises.

10. Summary

Thames Valley Police have applied for this review to address the failures of the premises licence holder to promote the 4 licensing objectives due to their insufficient measures to ensure due diligence or compliance of their licence conditions. Reading Borough Council's Licensing Team have made a representation in support of Thames Valley Police and concur that the failures of the premises licence holder must be addressed. Thames Valley Police and Reading Borough Council Licensing put forward that the appropriate and proportionate measure to take is to attach suggested conditions contained in their representations and for a period of suspension to allow the premises licence holder time to ensure that they are able to comply with any new conditions.

11. Relevant Case law for consideration

The British Beer and Pub Association, The Association of Licensed Multiple Retailers, The British Institute of Innkeeping v Canterbury City Council [2005]

R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others (2011) EWCA Civ 312

East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant) 2016

R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin)

12. Appendices

Appendix LIC-1: Review Application & Appendices

Appendix LIC-2: Representation from Reading Borough Council - Licensing

Appendix LIC-3: Current Premises Licence for Butts Convenience Stores

Reading Borough Council

**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 Simon Wheeler, on behalf of the Chief Constable of Thames Valley Police.....

(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	
Butts Convenience Stores 205 Oxford Road	
Post town Reading	Post code (if known) RG1 7PX

Name of premises licence holder or club holding club premises certificate (if known)
Mr Daljit Khurana

Number of premises licence or club premises certificate (if known)
LP2002385

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 Thames Valley Police C/O Reading Licensing Dept Reading Police Station Castle Street Reading RG1 7 TH
Telephone number (if any) 101
E-mail address (optional) Licensing@thamesvalley.pnn.police.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"/>

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

Thames Valley Police (TVP) as a responsible authority under the Licensing Act 2003 and under the objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm make an application for the review of Premises Licence No. **LP2002385**, Butts Convenience Stores, 205 Oxford Road, Reading, Berkshire, RG1 7PX.

Thames Valley Police submit this application for review in order to address the failure of the premises licence holder to promote the licensing objectives via their insufficient measures to ensure due diligence and promote the licensing objectives.

An inspection was completed on 26th August 2020 which resulted in the premises failing to provide evidence in relation to compliance with a number of their conditions.

Two members of staff were also found working on the premises whom stated that they had not provided right to work documentation and no right to work documentation was available to be inspected.

Consequently, in response Thames Valley Police recently attempted to address these ongoing concerns via a stepped performance improving approach by requesting consideration for voluntary improvements to the premises licence conditions.

These were set out in a recent letter with reasonable and proportionate recommended conditions included that were designed to improve the PLH understanding of their responsibilities and required levels of due diligence in order that they could promote the licensing objectives.

Sadly, and of concern is that having received one initial phone call from the consultant pertaining to represent the premises stating that they wished to discuss this matter further, that no other response either verbally (or as requested in writing) has been forthcoming.

Therefore and in conclusion the poor processes, lack of general due diligence and non-provable training processes encompass the failure by the PLH to promote the licensing objectives, and as such Thames Valley Police are applying for the review of this premises licence in order to ensure that they are promoted and not undermined by this premises licence.

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

Butts Convenience Stores benefits from a premises licence that allows the off sale of alcohol by retail between 0800 hours until 2300 hours Monday to Saturday and between 1000 hours until 2230 hours on Sunday.

The premises is situated on the Oxford Road, Reading in an area which suffers high levels of anti-social behaviour including street drinking and the consumption of super strength alcohol, drug usage, prostitution and other associated signal crimes such as begging, graffiti and assaults of all levels.

As an example in response to these concerns Reading Borough Council have implemented a Public Space Protection Order (PSPO) to tackle these problems. The PSPO specifically identifies street drinking via the consumption of alcohol on the streets and its interlinked anti-social behaviour as having a direct negative impact on the community. As such, the consumption of super strength alcohol on the streets enabled by poor retailing processes is one of the key areas requiring management to reduce anti-social behaviour and prevent crime and disorder.

Thames Valley Police believe that it is imperative for licensed premises (and specifically those situated within this area of concern i.e. Oxford Road) act both responsibly, and in a manner that promotes the licensing objectives.

On the **26th August 2020** Thames Valley Police in conjunction with Reading Borough Council conducted an inspection at the premises with staff member Manmohan Grover who stated he was working for free whilst his friend (the Boss) was at the cash & carry and he usually works in the London shop.

Also working on the premises was a second staff member who firstly stated that he was not working, then that he was, then he worked for free, then he was paid in food and then he was paid in cash to buy food!

No right to work documentation was available for either employee.

During this inspection a number of the areas of concern were recorded and include the following:

- The summary of the licence was incorrectly displayed in that page two of the summary was missing.
- Part A of the licence was not fully available when requested; and only two pages of it were available and displayed on the wall above the counter.
- Mr Grover stated he had received no training in relation to this shop but had training which could not be proven relating to the shop in Hammersmith.
- No Section 57 notice was available or displayed.
- The staff member did not know any of the four licensing objectives.
- No written authorisation list was available for staff without personal licences.
- No written age verification policy was available.
- No written authorisation list was being utilised.
- Staff on site were unable to work the CCTV system.
- A number of licence conditions were in direct breach or could not be proven to be complied with (outlined fully within TVP letter)

See **APPENDIX 1**

Body worn video of the inspection on the 26th August 2020 can be identified as **APPENDIX 2**.

On the **8th September 2020** Thames Valley Police sent a letter to the Premises Licence Holder detailing the findings of the inspection and outlining a number of proposed conditions for consideration and discussion which it were felt were reasonably and necessarily required to be added to the licence to aid the PLH in the promotion of the licensing objectives.

The letter included a deadline date of 21st September 2020 for the PLH to respond to this stepped approach to dealing with the ongoing concerns at the premises.

See APPENDIX 3

23rd September 2020 – Thames Valley Police receive a voicemail from Mr Panchal (Consultant) stating that he was representing Butts Convenience Store and requesting contact.

A return voicemail was left requesting to schedule a discussion.

7th October 2020 – Having received no further contact Thames Valley Police made a further attempt to contact Mr Panchal requesting contact and a written response as directed within the letter sent on the 8th September 2020.

To date no response has been received directly from the premises licence holder themselves or via Mr Panchal.

See APPENDIX 4

Conclusion

Both Reading Borough Council and Thames Valley Police have undertaken an inspection at this premises. The outcome of this inspection has identified holistic failures in relation to the implementation of due diligence and the promotion of the licensing objectives.

Thames Valley Police have attempted to rectify this situation with the premises licence holder via a communicated stepped approach and recent letter. We had hoped to propose what we believe to be reasonable, necessary and proportionate conditions to be included within the licence to address our concerns and promote the licensing objectives.

Within the letter we included a number of detailed and pointed conditions to aid the PLH in delivering improved processes, and recommended a further condition that restricts the provision of certain high strength beer and cider above a 6.0% abv in order to protect the community.

Unfortunately, on this occasion, no reasonable response has been received from the Premises Licence Holder, and as this premises is failing to promote the licensing objectives we therefore are submitting this application for review by the licensing sub-committee.

As stated within the case law within East Lindsey District Council v Abu Hanif, “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”.

It is in response to this scenario that Thames Valley Police are making this application for the review of this premises licence in order that the licensing sub-committee may have the opportunity to assess both the impact of this premises licence and the ability of the premises licence holder to promote the licensing objectives.

Thames Valley Police set out our following recommendations for consideration of the licensing sub-committee:

- **the modification of the conditions of the premises licence;**

Thames Valley Police recommend that a number of conditions are required to be added to the premises licence that shall aid the PLH promotion of the licensing objectives.

Our recommended conditions shall be included at the end of our submission and are designed to supersede replicated conditions and support others. We also recommend the opportunity to remove the Licensing Act 1964 conditions may be looked upon as beneficial at this stage if accepted by the sub-committee.

TVP believe that the proposed conditions shall aid the PLH to promote and not undermine the four licensing objectives.

- **the exclusion of a licensable activity from the scope of the licence;**

Thames Valley Police are not recommending any exclusion of licensable activity at this time.

- **Revocation of the licence;**

Thames Valley Police are of the opinion that currently it may be prudent to provide the PLH the opportunity to improve their promotion of the licensing objectives via improved conditions and support to increase their compliance; therefore we preclude to recommend this option at this time.

- **the suspension of the licence for a period not exceeding 3 months;**

Thames Valley Police believe that a suspension of the licence coupled with the imposition of the recommended improved licence conditions may provide the PLH a period of time to implement new policies and ensure compliance.

However, we do not believe that the proposed conditions are such that they overstep what would generally be expected of any responsible operator anyway and as such do not believe that an over burdensome period of time would be required to implement these processes.

- **the removal of the designated premises supervisor;**

Thames Valley Police would recommend that this option is initially precluded at this time to provide the opportunity to show competence.

Thames Valley Police recommended conditions:

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 accredited to a minimum of BII Level 1 award in responsible alcohol retailing (ARAR) or any other similarly nationally recognised approved accreditation curriculum within four weeks for existing and subsequent employees.

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 and ciders above 6.0% ABV shall be sold at any time during permitted licensing hours.

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. 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.

10. A current written authorisation list shall be displayed in a prominent position 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.

11. 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.

12. A section 57 notice shall be displayed in a prominent position detailing the location of the Part A of the premises licence, and a list of staff members that have an awareness of its location and content.

Thames Valley Police submit the following sections from within the Reading Borough Council statement of licensing policy and the current Secretary of States section 182 guidance as relevant to our review application.

Secretary of States Section 182 Guidance

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- **modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;**
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- **suspend the licence for a period not exceeding three months;**
- **revoke the licence.**

11.20 In deciding which of these powers to invoke, **it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify.** The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.22 **Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented.** Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. **But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.**

Reading Borough Council Statement of Licensing Policy

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)

6.5 Any conditions imposed upon a premises licence or club premises certificate will be tailored to that type of premises and the style of operation. Consideration will also be given to the locality of the premises; issues in the locality; the issues set out in the Guidance and any policy, initiative or other matter the licensing authority wishes to take into account in order to promote the four licensing objectives.

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.

9.15 Licensed premises that have a history of non-compliance over a period of months and years and/or incidents of serious crime taking place at that premises, will likely find that the Authority will initiate a review with a view to asking for the licence to be considered for revocation.

9.16 When considering what enforcement action to take, the Authority will always consider what is the most appropriate and proportionate step to promote the licensing objectives. The Authority is not required to wait for offences to occur before deciding it needs to take appropriate action. Case law – notably *East Lindsey District Council v Abu Hanif* – states that 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. Similarly, the Secretary of State's Guidance to the Licensing Act makes clear that there is no requirement for the Authority to wait for the outcome of any criminal proceedings before it initiates any enforcement action. This is the approach that the Authority will take when considering what, if any, action should be taken when condition breaches and other criminal activity is found at licensed premises.

Furthermore Thames Valley Police recommend that when considering what enforcement action to take, the Authority will always consider what is the most appropriate and proportionate step to promote the licensing objectives. Thames Valley Police suggest that the authority is not required to wait for offences to occur before deciding it needs to take appropriate action. Case law – notably *East Lindsey District Council v Abu Hanif* – states that 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 and respectfully ask that the licensing Sub-Committee take cognisance of this factor with regards to this review application.

A full transcript of this Case Law is provided:

QBD, ADMINISTRATIVE COURT

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

CO/345/2016

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

THE ADMINISTRATIVE COURT

Royal Courts of Justice

Strand

London WC2A 2LL

Thursday, 14 April 2016

B e f o r e:

MR JUSTICE JAY

Between:

EAST LINDSEY DISTRICT COUNCIL

Appellant

v

ABU HANIF

(TRADING AS ZARA'S RESTAURANT AND TAKEAWAY)

Respondent

Computer- Aided Transcript of the Stenograph Notes of

WordWave International Limited trading as DTI

165 Fleet Street London EC4A 2DY

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

(Official Shorthand Writers to the Court)

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

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

J U D G M E N T

(Approved)

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1. MR JUSTICE JAY: This is an appeal by way of case stated from the decision of the Lincoln Magistrates' Court, District Judge Veits, given on 23 June 2015, whereby he allowed an appeal from the revocation of a premises licence by the licensing authority.
2. The appellant, the East Lindsey District Council, is the licensing authority. The Magistrates' Court in the usual way is not a party to these proceedings. The

respondent, Mr Abu Hanif, trading as Zara's Restaurant and Takeaway, is the licence holder. He through a licensing consultant has submitted correspondence making various limited points, but indicating that he would not be taking any part in these proceedings.

3. The premises in question are Zara's Restaurant and Takeaway situated in North Summercoates on the Lincolnshire coast. They are licensed to sell alcohol ancillary to the supply of food. The restaurant is owned and managed by the licensee, Mr Hanif. On 29 April 2014, the premises were the subject of a joint visit by the police and immigration officers, and it was discovered that Mr Miah was working in the kitchen as a chef. It was common ground that Mr Miah had no current entitlement to remain in the UK, let alone to work. I was told that he arrived here illegally some years ago. Furthermore, it was also accepted by the respondent that he (i) employed Mr Miah without paperwork showing a right to work in the United Kingdom; (ii) paid Mr Miah cash in hand; (iii) paid Mr Miah less than the minimum wage; (iv) did not keep or maintain PAYE records; (v) purported to deduct tax from Mr Miah's salary; and (vi) did not account to HMRC for the tax deducted.
4. The police then applied for a review of the respondent's licence under section 51 of the Licensing Act 2003 and the matter came before the appellant's subcommittee on 30 June 2014. The subcommittee decided to revoke the respondent's licence. Its reasons were as follows:
5. "The subcommittee were satisfied that Mr Hanif did not take the appropriate checks of staff members having knowledge that there were problems previously at the other premises with overstayers, and that he continued to allow staff to work at Zara's restaurant without making appropriate checks.
6. The subcommittee were satisfied that Mr Hanif had not undertaken the relevant checks to ensure the employee concerned was eligible to work in the United Kingdom. Instead of not allowing employees to work if they had not provided the correct documentation he allowed them to work and paid cash in hand. With all this in mind the subcommittee were satisfied that Mr Hanif had knowingly employed person/s unlawfully in the United Kingdom.
7. The subcommittee considered the evidence by Mr Kheng on behalf of Mr Hanif and the Home Office section 182 Guidance to Licensing Authorities. The subcommittee were of the view that the premises licence should be revoked and that revocation was an appropriate step with a view to promoting the crime prevention licensing objective."
8. The respondent then appealed to the Magistrates' Court. There was a hearing

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

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

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

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

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

11. In the district judge's view, the crime prevention objective was not engaged.
12. The district judge also criticised the subcommittee for adopting an inconsistent approach because in other similar cases only warnings were issued. Finally, he considered that the subcommittee may have been influenced by comments in the police report, leading them to believe that they were dealing with a serial offender.
13. At the conclusion of the stated case, the district judge posed two questions for my determination. I will address these at the end of my judgment.
14. I was taken by Mr Philip Kolvin QC to various provisions of the Licensing

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

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

15. The epithet "appropriate" was introduced by amendment in 2011. Previously the test had been stricter. In my judgment, it imports by necessary implication the concepts of proportionality and relevance.
16. Mr Kolvin submitted that the district judge erred in a number of respects. First, he wrongly held that, given that criminal proceedings were never brought, the crime prevention objective (see section 4(2)) was not engaged. The statute is concerned with the prevention rather than the fact of crime. Secondly, and in any event, the interested party had committed criminal offences in relation to tax evasion, the employment of an illegal worker, and employing an individual at remuneration below the minimum wage. As for the employment of an illegal worker, Mr Kolvin accepted that this requires knowledge on the part of the employer, and he also accepted that it is not altogether clear whether the district judge found as a fact that the respondent possessed the requisite knowledge. However, the core question is the promotion of the licensing objectives, not the fact of anterior criminal activity, and in this regard a deterrence approach is appropriate.
17. Thirdly, Mr Kolvin submitted that there was no evidence of an inconsistent approach by the subcommittee in giving warnings in some cases because all cases turn on their own facts. Finally, Mr Kolvin submitted that there was no basis for the district judge's conclusion that the subcommittee may have been influenced by a suggestion that the respondent was a serial offender.
18. I accept Mr Kolvin's submissions. In my view the district judge clearly erred. The question was not whether the respondent had been found guilty of criminal offences before a relevant tribunal, but whether revocation of his licence was appropriate and proportionate in the light of the salient licensing objectives, namely the prevention of crime and disorder.

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

required.

19. To the extent that the analysis must be retrospective, the issue is whether, in the opinion of the relevant court seized of the appeal, criminal offences have been committed. In the instant case they clearly had been: in relation to tax evasion (see the common law offence of cheating the Revenue and the offence of fraudulent evasion of tax contrary to section 106A of the Taxes and Management Act 1970); and the employment of Mr Miah at remuneration below the minimum wage (see section 31 of the National Minimum Wage Act 1998). Moreover, given the evidence that Mr Miah never provided the relevant paperwork, notwithstanding apparent requests, the obvious inference to be drawn is that the respondent well knew that he could not, and that no tax code and National Insurance number had been issued. The corollary inference in my judgment is that the respondent well knew that Mr Miah could not provide the relevant paperwork because he was here illegally.
20. I also accept Mr Kolvin's submission that each case must turn on its own facts. As a matter of law, unless it could be said that some sort of estoppel or related abuse of process arose in the light of warnings given in other cases, the alleged inconsistent approach led nowhere. In my judgment, it could not be so said.
21. Finally, I agree with Mr Kolvin that there is nothing in the point that the subcommittee could have been misled about the interested party being a serial offender. The point that the subcommittee was making was the fact that the respondent had worked at premises where illegal workers were also employed meant that he should have been vigilant to the issue.
22. Thus the answer to the district judge's two questions are as follows:
 - A. Q. "Was I correct to conclude that the crime prevention objective was not engaged as no crimes had been proceeded with, the appellant only receiving a civil penalty?"
 - B. No.
 - C. Q. "Was I correct in concluding that the respondent had been inconsistent in similar decisions in not revoking the licence [sic]?"
 - D. No.
23. Having identified errors of law in the district judge's decision, the next issue which arises is whether I should remit this case for determination in the light of my ruling or whether I have sufficient material to decide the issue for myself. I should only adopt the latter course if satisfied that the issue is so

obvious that no useful purpose would be served by remission. I am so satisfied. Having regard in particular to the twin requirements of prevention and deterrence, there was in my judgment only one answer to this case. The respondent exploited a vulnerable individual from his community by acting in plain, albeit covert, breach of the criminal law. In my view his licence should be revoked. Another way of putting the matter is that the district judge had no proper basis for overturning the subcommittee's assessment of the merits.

24. It follows in my judgment that the only conclusion open to the district judge in the present case was to uphold the revocation of the respondent's licence. This appeal must be allowed and the respondent's licence must be revoked.
25. MR KOLVIN: My Lord, I'm very grateful. Can I deal with the question of costs, both here and below.
26. MR JUSTICE JAY: Yes.
27. MR KOLVIN: Should I start with here.
28. MR JUSTICE JAY: Yes.
29. MR KOLVIN: My Lord, we would ask for the costs before this court. I just want to pray in aid four very brief points. The first is the result. The second is that the district judge's approach was expressly urged on him by the respondent's legal team. Thirdly, that the respondent was expressly urged to concede this appeal to stop costs running, he was given that opportunity at pages 42 and 43 of the bundle. Fourthly, perhaps a little bit tugging at the heart strings, but there's no reason why the Council Tax payers of East Lindsey should bear the cost of establishing what has been established in this court. So we would ask for the costs up here.
30. There is a schedule and the schedule has been served upon Mr Hanif by letter dated 16 March of 2016. I don't know whether the schedule has found its way to my Lord, if not I can hand up a copy.
31. MR JUSTICE JAY: It has.
32. MR KOLVIN: It has. My Lord, I can see that VAT has been added on. It doesn't need to be because of course the Council can retrieve the VAT, so my application is for £16,185. I know there's not a lot of explanation around my fee, but it was taken on a single fee for all work involved in relation to the case stated; advice, the skeleton argument and attendance today, so it's one single - -

33. MR JUSTICE JAY: What about your junior's fees?
34. MR KOLVIN: My learned junior is also my instructing solicitor, he wears two hats.
35. MR JUSTICE JAY: I see.
36. MR KOLVIN: He has his own firm which is Dadds LLP, and he is also a member of the bar, so although he has appeared as my junior, his fee is wrapped up in the solicitors' fees set out in the schedule.
37. MR JUSTICE JAY: Okay. What about the costs below?
38. MR KOLVIN: My Lord, I'm just trying to ascertain what the position is.
39. MR JUSTICE JAY: I thought there was no order for costs below.
40. MR KOLVIN: There was no order for costs below, that was on the basis that the appeal had been allowed. The situation in relation to costs of licensing appeals are set out in section 181 of the Act, which enables the court to make such order as it thinks fit. Normally when appeals are dismissed there is no real question about it, costs follow the event. When appeals are allowed, some further considerations come into play, which are expressed by the Master of the Rolls in a case which you may have come across called City of Bradford v Booth, which is the case where the Master of the Rolls said that local authorities shouldn't be put off from trying to make honest and reasonable decisions in the public interest. And so one has to take account additionally of the means of the parties and their conduct in relation to the dispute, but in this case of course the appeal has now been dismissed, and so we would say that the ordinary rule is that the costs should follow the event, the appeal having failed. I'm just trying to ascertain whether schedules were ever served below, in the light of the way the case came out. **(Pause)**
41. My Lord, I'm really sorry that we don't actually have the schedule here, apparently it was £15,000. If you were minded to order costs below the options are either I suppose to wait and we will have the thing emailed up, or to say, "Look, it was below, it's a little bit more complex, they should be assessed if not agreed."
42. MR JUSTICE JAY: This is going to wipe him out, isn't it?
43. MR KOLVIN: Well he has already said, I have to say, I'm just telling you frankly what I've been told this morning, that when the bundles and the schedules were served on him, he had clearly read them, but he said, "If you win in the High Court and get costs against me, then I'm just going to declare

myself bankrupt." So there may well be a bit of football(?) about this, but nonetheless it was his appeal, his team raised a point which in retrospect was very surprising, and caused an awful lot of costs to be incurred.

44. MR JUSTICE JAY: Yes. Well I am going to assess the costs here in the round figure of £15,000.
45. MR KOLVIN: Thank you.
46. MR JUSTICE JAY: If there was a schedule, which you tell me there was, below, it is proportionate that I assess those costs rather than put you to the trouble of a detailed assessment, so if you could have that emailed to my clerk in due course, I will assess the costs below.
47. MR KOLVIN: Thank you, my Lord.
48. MR JUSTICE JAY: On the basis of that schedule.
49. MR KOLVIN: We're not trying to be too ambitious, but we would like to see what we can - -
50. MR JUSTICE JAY: I'll take a broad brush approach to that.
51. MR KOLVIN: Thank you.
52. My Lord, the only other thing to mention is that this isn't the only case which is kicking around the east of England where licensing subcommittees are being urged to take no action because there has been no prosecution in these immigration cases. Although I appreciate that this is hardly stellar law making, it's an application of pretty well established legal principles to the facts, I'm asking whether my Lord would be minded to certify this so that we can adduce the authority in other cases, because it's a clear statement of the law that there doesn't need to have been a prosecution. So with the practice direction in mind, would my Lord be minded to - -
53. MR JUSTICE JAY: Just remind me of the practice direction.
54. MR KOLVIN: Yes, can I hand it up?
55. MR JUSTICE JAY: Yes. **(Handed)**
56. MR KOLVIN: If Mr Hanif had come I wouldn't need to make the application. It's paragraph 6.1. The judgment has to clearly indicate that it purports to establish a new principle or extends the present law and that has to take the

form of an express statement to that effect, and then 6.2 says what categories of judgment we're dealing with, which include applications attended by one party only.

57. So that's the situation we're in. In reality these judgments get around anyway, because we're dealing with administrative tribunals and not courts, but sometimes the point is taken, "Ah yes, but the court didn't certify".
58. MR JUSTICE JAY: But where's the new principle I've established?
59. MR KOLVIN: My Lord, what you have said clearly, which hasn't been said before, by dint of the fact that not many licensing cases reach the lofty heights of this building, is that there does not need to have been a prosecution in order for the crime to have - -
60. MR JUSTICE JAY: Oh, I see. Well that's so obvious it almost goes without saying, that's why it hasn't been said before.
61. MR KOLVIN: My Lord, it was obvious to everyone except the district judge, the appellants and other licensees in the east of England.
62. MR JUSTICE JAY: Okay.
63. In terms of the logistics, if you want a copy of the judgment, don't you have to pay for it?
64. MR KOLVIN: We may have to, and we would be obviously very pleased to do so.
65. MR JUSTICE JAY: Because I'm not sure that all judgments are, in the Administrative Court, they're not all transcribed and published.
66. MR KOLVIN: That is correct, and I have no doubt that my client would be - this isn't a matter about the costs of the judgment.
67. MR JUSTICE JAY: No, fortunately it doesn't cost that much. But I will give the certification. I have never been asked to do so before, I must confess.
68. MR KOLVIN: Yes.
69. MR JUSTICE JAY: Because these cases are referred to almost willy nilly, if they're available on Lawtel or wherever.

70. MR KOLVIN: Yes, they are.
71. MR JUSTICE JAY: Then they're just provided.
72. MR KOLVIN: They get into the textbooks and they - -
73. MR JUSTICE JAY: No- one objects.
74. MR KOLVIN: Yes. It has happened once before, in relation to the meaning of the Court of Appeal judgment in Hope and Glory, and Lindblom J, as he then was, was asked repeatedly would he certify in relation to the meaning of Hope and Glory, which is an important test, and he was pretty engaged in the practice direction. But since then that judgment, there's always an argument in court about whether it can be cited or not. The difference between licensing and some other fields of law is that very few cases reach here, so when they do, the judgments of High Court judges are gold dust.
75. MR JUSTICE JAY: Yes, well I'm happy to make the certification.
76. MR KOLVIN: Thank you very much indeed.
77. MR JUSTICE JAY: We wouldn't want this point to be taken again successfully.
78. MR KOLVIN: No.
79. MR JUSTICE JAY: Now as a matter of courtesy, is the judgment, once available, sent to the district judge, or is it something that I should do informally?
80. MR KOLVIN: I don't know, my Lord, what the normal practice is. I don't think that I have previously been on a legal team which has sent judgments, but we're very happy to undertake to do so.
81. MR JUSTICE JAY: Yes, I think if you're going to get a copy, obviously you're going to send it to the respondent - -
82. MR KOLVIN: Indeed.
83. MR JUSTICE JAY: - - so he can ingest it. I think you should send it to the district judge, just saying that the judge directed that out of courtesy he should see it.

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

85. MR JUSTICE JAY: Thank you very much.

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 18/10/2020

.....

Capacity **Thames Valley Police (Authorised officer) Reading LPA**

.....

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.

PREMISES – RECORD OF INSPECTION DATED:

Licence No:	LP2002385
Name:	RUTTS CONVENIENCE STORES
Address:	205 OXFORD ROAD READING, RG1 7PX
Type:	Premises Licence Club Premises Certificate

Licence Inspection

Summary on Display: Yes No PAGE 2 MISSING Correct Part A/Conditions held at Premises: Yes No

Premises Licence Holder: _____ DPS: _____

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

If No, Reason: _____ Authorised Person: MANMOHAN SINGH

Licensable Activities (Carried On)

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

Are there any gaming machines? If so, how many? _____
Gaming permit produced and correct? _____

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

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

Conditions of Licence/Certificate

2) NOT PROVEN, 3) NOT PROVEN, 4) NOT PROVEN
ANNEX 3 A) INCOMPLETE, B) AS ABOVE, C) AS ABOVE, E) AS ABOVE
F) STAFF CANNOT WORK SYSTEM
IMPOSED CONDITION - UNKNOWN SEEN

Summary of Key Points Discussed

QUESTION SURROUNDING EMPLOYMENT OF ALL STAFF.
NO RECORDS OF MGMT TO WORK CHECKS
NO STAFF AWARE OF LICENSING OBJECTIVES

Document Checklist

Age policy operated Section 57 Training Records Authorisation List W/K

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

Inspection Outcome: Satisfactory Unsatisfactory

Lead Authority Inspecting Officer(s): PC 5734 WHEELER

Signature of licensee or representative(s): Manmohan Singh

Date of Inspection: 26/08/2020

Time Started: _____ | Time Ended: _____

0/4

CONTINUATION SHEET OF ISSUES DISCUSSED:

[REDACTED] KUNNARAKODIYAN

Date of Birth - [REDACTED] 1959 -
[REDACTED] Oxford Road.

Network log minimally completed

CCW could not be provided if requested -
only "BOSS" DM knows.

Staff present have not completed right
to work documentation.

Single cars ↑ older
Sell single cars ✓

Sells "only a little bit" singles all the time

INSPECTING OFFICER: PC 5789 WINEZIAN.

SIGNATURE OF LICENSEE/REPRESENTATIVE: Mammohan Singh

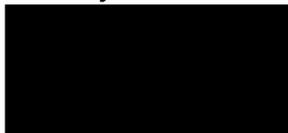
DATE OF INSPECTION: 26/08/2020



PC 5787 V **APPENDIX 3**
Reading L

Reading Police Station
Castle Street
Reading
Berkshire
RG1 7TH

Mr Daljit Khurana



Tel: 101 [REDACTED]
Email:
simon.wheeler@thamesvalley.pnn.police.uk

Tuesday 8th September 2020

Licensing Act 2003

Premises Licence Number: LP2002385

Premises: Butts Convenience Stores

Premises Address: 205 Oxford Road, Reading, Berkshire, RG1 7PX

Dear Mr Khurana

On the 26th August 2020 I inspected your premises licence with Mr Richard Hall from Reading Borough Council.

During the inspection I was assisted by the Mr Monmohan Grover whom stated that he was working at the premises whilst the "boss" was at the cash and carry and that he was helping out his friend and usually works at the "London" shop. Mr Grover also stated that he was not an official employee and that he was working for free.

It was noted that the summary of the licence was not correctly displayed. Three copies of the first page of the summary (Part B) were attached above the counter one behind the other. Page two of the summary was missing and not on display.

Next to the front page of the summary was displayed the front page of the Part A of your licence. I asked to see the full Part A copy of your licence as per legislation but Mr Grover was unaware of where to locate this and was later informed that it was at the premises licence holders home address "in a safe place". This is an offence within the Licensing Act 2003 as Part A of the licence should be available to be seen when requested by an authorised officer. This concern was compounded by a lack of Section 57 notice as a section 57 notice if utilised correctly ensures that named members of staff are both aware of the licence location and have knowledge of its content.

On this day the premises had been left under the control of an individual with no knowledge of the premises licence, its conditions or its location.

As part of the inspection Mr Grover stated that he was a Personal Licence Holder and showed his Licence issued by Hillingdon Borough Council. However he was

unable to recount any of the four licensing objectives or provide any knowledge of them.

Mr Grover confirmed that he was aware that the premises age verification standard was "Challenge 25" and that he had been issued verbal training in relation to that. Mr Grover also confirmed that in relation to this specific premises he had received no written training regarding any aspect of this premises licence.

Mr Grover stated further that he was unaware of any other staff training, how any other persons working within the shop are paid or if an authorisation list for staff authorised to sell alcohol was available. Mr Grover stated that "the Boss; he is sitting here he would know".

With regards to the inspection of licence conditions compliance the following refers:

- Conditions 2 page 14 relating to staff training could not be proven as complied with as no evidence was provided.
- Condition 3 page 14 relating to BII Level 1 training for staff could not be proven and no evidence was provided.
- Condition 4 page 14/15 relating to refresher training could not be proven as no evidence was provided.
- Condition (a) requires an incident book; no incident book was available, however a refusals log was provided which had minimal entries included since March 2020. The condition requires an incident to be provided and as none could be produced this condition is in breach.
- Condition (b) is a duplicate of condition 3 page 14.
- Condition (c) relates to initial training for staff prior to BIIAB level 1 training being provided. No evidence was provided to prove compliance with this condition.
- Condition (d) relates to Challenge 25; a poster was displayed and Mr Grover was aware of this provision however we note that no written age verification policy was available.
- Condition (e) requires underage refresher training and no evidence was provided to prove compliance with this condition.
- Condition (f) relates to the provision of CCTV and the ability to provide recordings immediately upon request. No staff were on site that could work the system during the inspection.

We also discussed the super strength alcohol products that you were displaying for sale, and raised concerns that the sale of these products may be exacerbating community issues surrounding alcohol related anti-social behaviour in the area. This is both of serious concern to the localised immediate community and arguably also may undermine the four licensing objectives.

At the time of this discussion Mr Grover indicated that you only sell a very few of these products, but that you do sell single cans of super strength cider and beers "all of the time".

Overall the outcome of your inspection was unsatisfactory.

Your compliance with legislation and the due diligence available to be seen was poor with no incident register or up to date refusals log available. You had no written age verification policy, and staff were unable to work your CCTV system.

No right to work documentation had been completed with either of the two staff working within the shop. This fact was established via conversations with both of them.

You incorrectly displayed the licence summary and Part A of the licence was not available on site. No section 57 notice was available, there were no records of training available to be seen and no authorisation list was displayed or could be provided.

Evidentially it could NOT be proven that you were compliant with the majority of your licence conditions.

In relation to the super strength products, we recorded that you stock a number of them but state very few are sold. It is suspected that no risk assessment would have been made available in relation to the sale of these products if requested in relation to the impact that this has on the community and individuals consuming them.

As a result of this inspection Thames Valley Police believe that you are currently failing to promote the four licensing objectives and instead are seriously undermining them via these extremely poor processes.

Therefore, Thames Valley Police are recommending that you review your current licence conditions via a minor variation to both amend/replace some current conditions and add further conditions that shall enable you to promote the licensing objectives and aid compliant delivery of them.

These conditions are outlined below:

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) Staff authorised to sell alcohol shall be accredited to BII Level 1 award in responsible alcohol retailing (ARAR) or any other similarly nationally recognised approved accreditation curriculum within four weeks for existing and subsequent employees.

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.

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 (age verification policy).

7. No beers and ciders above 6.0% ABV shall be sold at any time during permitted licensing hours.

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. 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.

10. A current written authorisation list shall be displayed in a prominent position 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.

11. 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.

12. A section 57 notice shall be displayed in a prominent position detailing the location of the Part A of the premises licence, and a list of staff members that have an awareness of its location and content.

Thames Valley Police believe that in order to promote the licensing objectives, and to ensure that your due diligence processes and licence condition compliance both improves and then remains at a suitable standard, that it is necessary for all of the above conditions to be applied to the premises licence.

With that in mind we would ask you to consider applying them to the licence via a minor variation (as discussed earlier) in order to both support this process and support the wider community by reducing alcohol related anti-social behaviour within the vicinity of your shop caused by the consumption of super strength beers and ciders within the public realm.

You may also be aware that Reading has a Public Space Protection Order (PSPO) in place which identifies the street consumption of alcohol as an issue serious enough to be included within the local legislation, and of course your agreement to reduce the strength of alcohol that you sell would also support this local legislative initiative.

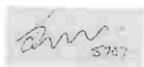
Please consider this proposal in detail and I would encourage you to contact us to either discuss any concerns you may have in relation to this proposal or your intention to support this process.

We are willing to discuss this with you via the telephone or to meet with you as part of a formal performance meeting process? You may also wish to obtain some licensing advice in the meantime. However, we would ask that you please contact us no later than Monday 21st September 2020 with your written formal decision via the email provided at the head of this letter.

Thames Valley Police are making this proposal as part of a formalised stepped approach. As such a failure to address the identified concerns in this letter via the manner proposed (via voluntary agreement) may result in further

action being considered if it is deemed necessary to ensure the promotion of the four licensing objectives.

Yours Faithfully

A small, rectangular image containing a handwritten signature in black ink. The signature appears to be 'Simon Wheeler' with the number '5787' written below it.

PC 5787 Simon Wheeler



Licensed Premises Summary Report

BUTTS CONVENIENCE STORE

205 Oxford Road, Reading, RG1 7PX

Events dated between 01 August 2020 and 18 October 2020

PLEASE NOTE: The information below is OFFICIAL - SENSITIVE and should not be shared outside of Thames Valley Police without the express consent of the Licensing Team. The records in this summary are derived from a variety of sources. In some cases, multiple records may relate to the same incident and should not necessarily be counted individually. The report relates only to events which have been entered on Amandus at the time of the report being run and may not be a comprehensive list. All data entry is at the discretion of the Licensing Team.

Engagement: Visit by Police

Date/Time: Wednesday 26 August 2020

Inspection

Poor processes, lack of evidence to prove due diligence, concerns over right to work and possible illegal working

Engagement: Letter sent by Police (Tier 2)

Date/Time: Tuesday 08 September 2020

Letter sent to PLH/DPS as response to inspection.

Requesting inclusion of conditions via minor variation.

Awaiting response - letter within enforcement tier 2 folder -

Engagement: Telephone call from Licensee

Date/Time: Wednesday 23 September 2020

VOICEMAIL FROM MR PANCHAL REPRESENTATIVE OF PREMISES, FOR CONTACT.

TVP CALLED BACK AND LEFT VOICEMAIL FOR CONTACT ON 24/09/20.

Engagement: Telephone call from Police (Tier 2)

Date/Time: Wednesday 07 October 2020

Second phone voicemail left for Mr Panchal requesting contact back or written confirmation as to the proposed conditions contained within the TVP letter on 8th September 2020.

Awaiting response.

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LICENSING TEAM REPRESENTATION

Name of Officer	Peter Narancic Senior Licensing and Enforcement Officer						
Type of Application	Review of a Premises Licence - Licensing Act 2003						
Name of Premises	Butts Convenience Stores						
Address	205 Oxford Road, Reading RG1 7PX						
Licensable Activities	Sale of Alcohol by Retail - Off the Premises						
Finish Times	Mon	Tue	Wed	Thu	Fri	Sat	Sun
	X	X	X	X	X	X	X
Content of Application:							
<p>On 19 October 2020, Thames Valley Police (TVP) as a responsible authority under the Licensing Act 2003 and under the objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm made an application for the review of Premises Licence No. LP2002385, Butts Convenience Stores, 205 Oxford Road, Reading, Berkshire, RG1 7PX.</p> <p>Thames Valley Police submitted this application for review in order to address the failure of the premises licence holder to promote the licensing objectives via their insufficient measures to ensure due diligence and promote the licensing objectives.</p> <p>An inspection was completed on 26th August 2020 which resulted in the premises failing to provide evidence in relation to compliance with a number of their conditions. (The inspection was recorded on body worn video which is attached to the review application).</p> <p>Two members of staff were also found working on the premises whom stated that they had not provided right to work documentation and no right to work documentation was available for inspection.</p> <p>Consequently, in response Thames Valley Police recently attempted to address these ongoing concerns via a stepped performance improving approach by requesting consideration for voluntary improvements to the premises licence conditions, as this did not work, a review application was submitted to Reading Borough Council.</p>							

The Licensing Authority is making this representation in support of Thames Valley Police in relation to the review of the premises licence for Butts Convenience Stores, 205 Oxford Road, Reading, Berkshire, RG1 7PX. At this time, there are five other reviews of premises in Oxford Road, with similar issues to these premises.

The Oxford Road stretches over three miles from Reading town centre, west towards Purley on the A329. Unfortunately, this road and its surrounding areas suffer from high levels of crime and anti-social behaviour including street drinking, drug usage, prostitution, begging, graffiti and assaults. Oxford Road falls with a Public Space Protection Order (PSPO) which identifies street drinking of alcohol and its associated anti-social behaviour as having a direct negative impact on those that live and work in the area. The sale of super strength beers and ciders via retailers with poor processes and a lack of due diligence only exacerbates the issues.

Background

The premises operates as an off licence /convenience store. The premises licence holder at the time of this submission are stated as Mr Daljit Khurana. The licence was transferred on 10/10/2018.

The Designated Premises Supervisor is stated as Mr Daljit Khurana

The premises licence pursuant to the Licensing Act 2003 which permit the provision of the sale of alcohol

Hours for the Sale by Retail of Alcohol (Off licence)

Monday to Saturday from 0800hrs until 2300hrs

Sunday from 1000hrs until 2230hrs

Good Friday from 0800hrs until 2230hrs

Christmas Day from 1200hrs until 1500hrs and 1900hrs until 2230hrs

Hours open to the Public

Not specified on licence but advertised as 0700 to 2300 on premises. As shown at Appendix PN-1

Conditions

Annex 2

Conditions Consistent with the Operating Schedule

General

Conditions agreed with Thames Valley Police via a Minor Variation
27/05/2011 (amended by Review Hearing 25/11/2011)

1. Notices advertising the Challenge 25 and checking proof of age policy shall be displayed in prominent positions on the premises.

2. All Staff, with the exception of Personal Licence Holders, shall be trained in the requirements of the Licensing Act 2003 in relation to age restricted sales of alcohol before being authorised to sell alcohol.

3. Staff authorised to sell alcohol shall be accredited to BII Level 1 Award in Responsible Alcohol Retailing (ARAR) or any other similarly recognised nationally approved accreditation curriculum within four weeks for existing and subsequent new employees.

4. The Premises Licence Holder or Designated Premises Supervisor shall ensure staff receive training on a regular basis (every four months) in relation to the four licensing objectives contained within the Licensing Act 2003 for those authorised to sell alcohol.

Annex 3

Conditions attached after a hearing by the Licensing Authority

a) All incidents which undermine any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the information and those members of staff who deal with the incident shall also be recorded. Where known, any offenders' names shall also be recorded. The register shall be made available to an authorised officer of Reading Borough Council or a Police Officer on request;

(b) All persons authorised to sell alcohol shall be trained to at least the BIIAB Level 1 Award for Responsible Alcohol Retailing or any other similarly recognised nationally approved accreditation curriculum;

(c) All new members of staff shall be initially trained on age restricted sales before they are permitted to sell alcohol and registered within the 28 days of employment to attend, at a minimum, the BIIAB Level 1 Award for Responsible Alcohol Retailing or any other similarly recognised nationally approved accreditation curriculum;

(d) That the premises operate a Challenge 25 policy which must require individuals, who appear to the responsible person to be under the age of 25, to produce, on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark. The policy shall be effectively advertised to customers;

(e) All staff shall be refresher trained on the law relating to underage sales every three to four months and how to question and refuse sales if necessary, utilising the Challenge 25 policy. Records of training and reminders given shall be retained and made available to authorised officers of Reading Borough Council or Police Officers on request;

(f) The premises digitally recorded CCTV system shall ensure all cameras shall continually record whilst the premises are open to the public and the recordings shall be kept for a minimum of 31 days with time and date stamping. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or Police Officers, together with viewing facilities on request. Recorded images shall be of such quality as to be able to identify the recorded person.

Condition imposed by the Magistrates Court at hearing of 9th March 2016

1. The purchase of alcoholic liquor by the said Butts Convenience Store, through its owners and/or premises licence holder, be from suppliers recognised by the said Licensing Authority - Reading Borough Council. Purchase of alcoholic liquor from other suppliers, including sole traders, may only be done after consultation with the Licensing Authority to ensure integrity and compliance with any relevant duty or tax applicable to the said alcohol.

Annex 4

Plans

As attached plan dated 5th August 2005

The Licensing Authority believe that this review is necessary given the non-compliance in regard to conditions and Licensing law and would invite the Licensing Committee to take the steps it deems appropriate and proportionate to promote the licensing objectives.

As stated in the review paperwork, the sales of super strength cheap beers and ciders in the area of the Oxford road are believed by Thames Valley Police to be fuelling incidents of alcohol related crime and disorder in the area of this premises, and it is of extreme concern and a priority for the oxford road residents and community to resolve this issue.

Licensing Officer's Comments:

The Licensing team in partnership with Thames Valley Police and Home Office Immigration Enforcement jointly visit and inspect licensed premises within the Borough of Reading. Particular attention is paid to premises where there have been previous incidents where the Licensing Objectives have not been fully supported by the premises licence holder.

Licensing records show these premises have been visited on previous occasions when under previous ownership, when there were serious issues were found surrounding non-compliance including illegal alcohol being found on the premises.

It is alleged by TVP that workers without right to work documentation were found in the premises during the inspection of the premises on 26 August 2020, although not confirmed, no documentation or other evidence to the contrary been offered by Mr Daljit Khurana the Premises licence holder to identify who the male found in his premises. In the footage, PC Wheeler had a conversation with the male wearing the blue shirt and cap who was heard to say he was paid in food in return for stacking shelves at the premises, when further questioned, then says he is paid money to buy food.

Every premises licence holder will be aware It is the job of any responsible employer to ensure that the correct right to work checks are carried out. This has been a legal requirement since the late 1990's. The premises licence holder has employed a person who has no right to work or live in the UK. Clearly, right to work checks were not being carried out. The Immigration Act 2016 amended Section 21 of the Immigration, Asylum and Nationality Act 2006 and is the relevant legislation that deals with the employment of illegal workers. It states:

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

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

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

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

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

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

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

(i) is invalid,

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

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

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

(a) on conviction on indictment—

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

(ii) to a fine, or

(iii) to both

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

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

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

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

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

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

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

(i) is invalid,

- (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or
- (iii) is subject to a condition preventing the person from doing work of that kind.

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

1. Illegal workers are often paid 'off the record' or cash in hand by the employer meaning that the correct tax and national insurance deductions are not taken into account or declared to HMRC. This would be contrary to the Fraud Act 2006.
2. People who are living in the UK or who are working illegally are often not paid anything close to the Minimum wage which is illegal and again this only benefits the employer financially.
3. Illegal entrants into the country will not have been subject to the usual immigration checks and health screenings. This could seriously impact on public protection and the health and wellbeing of the general public as a whole. This could be particularly pertinent if the illegal entrant has arrived from a country with health issues and the employer has then decided to employ that person in a kitchen or other function where food is served to the public. There are also numerous other issues that stem from the employment and exploitation of illegal workers - particularly as illegal workers can be wholly dependent on their employer for their continued stay in this country. Again, the only person who benefits from their employment and exploitation are unscrupulous employers:
 1. The exploitation of illegal workers by unscrupulous employers means that the only person who benefits from their employment is the licence holder through financial gain.
 2. Illegal workers - being in the country illegally or working illegally - are unable to declare themselves to the authorities and seek public assistance should they require it.
 3. Illegal workers - because of being deliberately underpaid by their employers - are often only provided with the most basic accommodation and standard of living which is often linked to their continued employment at a licensed premises.
 4. The employment of illegal workers is often done at the expense of people who are living and working in the country legally and is only done to financially benefit the licence holder and to undercut legitimate, law abiding competitors.
 5. Illegal entrants - who have not undergone appropriate checks or immigration clearance at the border - could be being unwittingly employed by the licence holder despite them having current or previous criminal convictions which may endanger the

public. The employer or licence holder is exploiting potentially vulnerable people and engaging in a multitude of criminal offences by employing them at this licensed premises. These offences are covered under a multitude of different pieces of legislation and clearly engage the crime and disorder licensing objective.

General

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.

Illegal Workers

The detection of immigration offences that may be being committed on licensed premises which therefore undermine the prevention of crime and disorder licensing objective. This, more often and not, is the detection of persons working in a licensed premises who have no legal right to work in the UK which would be contrary to Immigration law.

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

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

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

Exposed alcohol

It is noted that the premises is open to the public at from 0700 hours each day, however the sale of alcohol is permitted from 0800 hours Monday to Saturday, and from 1000 hours to 2230 hours on Sundays (apart from Bank holidays). Therefore the premises is open for one hour each morning Monday to Saturday and two hours on Sunday on the morning and 30 minutes at night time uncovered alcohol is displayed and exposed for sale in the premises.

Section 137 of the Licensing Act 2003, makes it an offence where there is no sale or attempted sale of alcohol but the alcohol is exposed for an unauthorised sale. This is likely to occur where alcohol is exposed outside the authorised hours. If a person is person commits this offence, Section 139, provides the defence of due diligence, and if a person is convicted of this offence it is a summary conviction to a term not exceeding

six months or to a fine not exceeding £20,000 or both. In addition, the court may order that the alcohol in question be forfeited or destroyed or dealt with in such a manner as the court may order.

Summary

The Licensing team is very concerned that by Mr Daljit Khurana, the premises licence holder and the designated premises supervisor has clearly failed to uphold the licensing objectives in operating his premises.

Reading Borough Council's Licensing Policy statement clearly states that its Vision is "To promote Reading as a safe and healthy environment in which responsible operators provide lawful and responsible facilities for the enjoyment of the Town's residents and visitors".

The statement of Licensing Policy is underpinned by four core objectives:

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

It is the Licensing team's respectful submission that the only appropriate and proportionate step to promote the licensing objectives and safeguard the public as a whole, is for the licence for Butts News, 205 Oxford Road, Reading to be have more robust improved conditions attached to the premises licence and if required, a period of suspension to fully implement them before recommencing the sale of alcohol. However, a more serious step may be considered by the Committee if it is confirmed that there were illegal workers in the premises on 26 August 2020.

Hours open to public???

Recommended conditions

- 1) Staff employed and authorised to sell alcohol shall undergo training upon induction. This training shall include, but not be limited to:-
 - Understanding of the four licensing objectives
 - The premises age verification policy (Challenge 25)
 - 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

- Drug Policy and substance awareness, recognise their effects and types of drug paraphernalia i.e. “any equipment, product or accessory that is intended or modified for making, using, or concealing drugs, bongs, pipes, clips, grinders, plastic baggies and similar items”
- Child Sexual Exploitation

Refresher training shall be provided every six months and signed records made available for inspection by an authorised officer of Reading Borough Council or Thames Valley Police together with facilities for viewing upon request. Written records are to be kept for a minimum of two years of the date of training.

- 2) 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 of making copies of any relevant documents produced by the employee, which will be retained on the premises. 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 Immigration Service upon request.

- 3) The premises licence holder shall use secure screening shutters to cover all alcohol while the premises is open to the public outside the permitted hours for the sale of alcohol.

Date Received	19.10.2020	Date Due	15.11.2020
	<i>Peter Narancic</i>	Date	13.10.2020

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From: Chawama, Anthony
Sent: 13 November 2020 22:54
To: Narancic, Peter
Subject: Re: Butts 205 Oxford Road

PN-1





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	LP2002385
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Premises Details

Trading name of Premises and Address	
Butts Convenience Stores 205 Oxford Road Reading Berkshire RG1 7PX	
Telephone Number	0118 958 2517

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 0800hrs until 2300hrs
Tuesday	from 0800hrs until 2300hrs
Wednesday	from 0800hrs until 2300hrs
Thursday	from 0800hrs until 2300hrs
Friday	from 0800hrs until 2300hrs
Saturday	from 0800hrs until 2300hrs
Sunday	from 1000hrs until 2230hrs
Good Friday	from 0800hrs until 2230hrs
Christmas Day	from 1200hrs until 1500hrs and 1900hrs until 2230hrs

Opening Hours

N/A

Alcohol

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

Name, (registered) address of holder of premises licence

Name: Mr Daljit Khurana

Address: [REDACTED]

Additional Details

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

Name: Mr Daljit Khurana

Address: [REDACTED]

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: LBHIL3795

Issuing Authority: London Borough of Hillingdon

This Licence shall continue in force from **10/10/2018** unless previously suspended or revoked.

Dated: 12 November 2018

Signed on behalf of the issuing licensing authority



Giorgio Framalico

Head of Planning, Development and Regulatory 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.

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

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

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

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

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

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

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

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

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

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

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

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

Age Verification Policy (commencement 01/10/2014)

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

Drink Measurements (commencement date 01/10/2014)

1. The responsible person must ensure that—

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

(i) beer or cider: ½ pint;

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

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

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

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

Minimum Permitted Pricing (commencement 28th May 2014)

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

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

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

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

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

where—

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

(e) “valued 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.

Embedded Restrictions from the Acts listed below to be carried forward to the premises licence in accordance with Schedule 8 to the Licensing Act 2003.

Unless otherwise stated this licence is issued subject to the imposition of all the relevant embedded restrictions required by the:-

Licensing Act 1964

Children & Young Persons Act 1933

Cinematograph (Safety) Regulations 1955

Cinemas Act 1985 - Film Exhibition Licence Conditions

Sporting Events (Control of Alcohol etc) Act 1985

Local Government (Miscellaneous Provisions) Act 1982 - Public Entertainment Licence Conditions

Acts applicable to this licence for the purposes of embedded restrictions

The following Acts and embedded restrictions are applicable to this licence:-

Licensing Act 1964

Licensing Act 1964

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

On-licences - Permitted hours

1 Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11 a.m. to 11 p.m.
- b) On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c) On Good Friday, 12 noon to 10.30 p.m.
- d) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e) On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- f) On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

2 The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) the taking of alcohol from the premises by a person residing there; or
- i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

s. 60, 63, 86

Off-licences and off-sales departments of on-licensed premises - Permitted hours

1 Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m
- d) On Good Friday, 8 a.m. to 10.30 p.m.

2 The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

s.59, 60, 63, 67A, 68, 70, 74, 76, 78

Club premises - Permitted hours

1 Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11 a.m. to 11 p.m.
- b) On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c) On Good Friday, 12 noon to 10.30 p.m.
- d) On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- e) On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- f) On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
- g) On Christmas day, as provided by the rules of the club and notified in writing by the chairman or secretary of the club to the chief executive of the justices for the petty sessions area in which the premises are. The said hours shall:
 - i. not exceed six and a half hours;
 - ii. not begin earlier than 12 noon;
 - iii. not end later than 10.30 p.m.
 - iv. provide for a break of at least 2 hours, including 3 p.m. to 5 p.m.;
 - v. not extend for more than three and a half hours after 5 p.m.

2 The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours, the consumption of the alcohol on the premises by persons taking meals

- (d) there if the alcohol was supplied as ancillary to the meals;
the supply to, or consumption by, any person of alcohol in any premises where they are residing.

S.86A

Ports - Permitted Hours

Permitted hours are disapplied for licensed premises in approved wharfs in ports designated by the Secretary of State. Permitted hours conditions should therefore be omitted.

S87

Airports - Permitted Hours

Permitted hours are disapplied for licensed premises within examination stations in airports designated by the Secretary of State. Permitted hours conditions should therefore be omitted.

S95

Restaurant licence. Restaurant and residential licence - Permitted Hours

1 Alcohol may be sold or supplied:

(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11am to 12pm.

(2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm

(3) On Christmas Day: 12 noon to 11:30pm;

(4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;

(5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.

(6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

2 The above restrictions do not prohibit:

(a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;

(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;

(d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises;

S156**Seamen's Canteens - Permitted Hours**

1 Alcohol may be sold or supplied:

(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, from 11am to 11pm.

(2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday, from 12 noon to 10:30pm.

(3) On Christmas Day, from 12 noon to 3pm and 7pm to 10:30pm

(4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;

(5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.

(6) Alcohol may be sold or supplied between 3pm and 7pm on Christmas Day to persons taking table meals for consumption as an ancillary to the meal.

(6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

2 The above restrictions do not prohibit:

(a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;

(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;

(d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises;

S157**Seamen's Canteens - Off Sales**

Alcohol shall not be sold or supplied for consumption outside the canteen.

S164**Off - Licence - Alcohol Consumption**

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

S166**Licensed Premises - Credit Sales**

1 Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

(a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;

(b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;

(c) to a canteen or mess.

Licensed Canteens & Club Premises - Credit Sales

- 1 Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal.

S.168, 171, 201

On-licence, no children's certificate - Children in bars

- 1 No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - (1) He is the child of the holder of the premises licence.
 - (2) He resides in the premises, but is not employed there.
 - (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

S.168, 171, 179, 201

Seamen's Canteens - Children in Canteens

- 1 No person under fourteen shall be in the licensed canteen during the permitted hours unless one of the following applies:
 - (1) He is the child of the holder of the premises licence.
 - (2) He resides in the premises, but is not employed there.
 - (3) He is in the canteen solely for the purpose of passing to or from some part of the premises which is not a canteen and to or from which there is no other convenient means of access or egress.
 - (4) The canteen is in premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the canteen licence is ancillary.

On-licensed premises with children's certificates

1 No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.
- (5) (a) He is in an area shown on the plan attached to the licence
- (b) Meals and non-alcoholic beverages are available for sale for consumption in that area.
- (c) He is in the company of a person aged 18 or over.
- (d) He is there:
 - (i) prior to 9 p.m. or
 - (ii) between 9 p.m. and 9.30 p.m.
where he or the said person is consuming a meal purchased before 9 p.m.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Annex 2

Conditions Consistent with the Operating Schedule

General

**Conditions agreed with Thames Valley Police via a Minor Variation
27/05/2011 (amended by Review Hearing 25/11/2011)**

1. Notices advertising the Challenge 25 and checking proof of age policy shall be displayed in prominent positions on the premises.
2. All Staff, with the exception of Personal Licence Holders, shall be trained in the requirements of the Licensing Act 2003 in relation to age restricted sales of alcohol before being authorised to sell alcohol.
3. Staff authorised to sell alcohol shall be accredited to BII Level 1 Award in Responsible Alcohol Retailing (ARAR) or any other similarly recognised nationally approved accreditation curriculum within four weeks for existing and subsequent new employees.
4. The Premises Licence Holder or Designated Premises Supervisor shall ensure staff receive training on a regular basis (every four months) in relation to the four licensing objectives contained within the

Annex 3

Conditions attached after a hearing by the Licensing Authority

- a) All incidents which undermine any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the information and those members of staff who deal with the incident shall also be recorded. Where known, any offenders' names shall also be recorded. The register shall be made available to an authorised officer of Reading Borough Council or a Police Officer on request;
- (b) All persons authorised to sell alcohol shall be trained to at least the BIIAB Level 1 Award for Responsible Alcohol Retailing or any other similarly recognised nationally approved accreditation curriculum;
- (c) All new members of staff shall be initially trained on age restricted sales before they are permitted to sell alcohol and registered within the 28 days of employment to attend, at a minimum, the BIIAB Level 1 Award for Responsible Alcohol Retailing or any other similarly recognised nationally approved accreditation curriculum;
- (d) That the premises operate a Challenge 25 policy which must require individuals, who appear to the responsible person to be under the age of 25, to produce, on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark. The policy shall be effectively advertised to customers;
- (e) All staff shall be refresher trained on the law relating to underage sales every three to four months and how to question and refuse sales if necessary, utilising the Challenge 25 policy. Records of training and reminders given shall be retained and made available to authorised officers of Reading Borough Council or Police Officers on request;
- (f) The premises digitally recorded CCTV system shall ensure all cameras shall continually record whilst the premises are open to the public and the recordings shall be kept for a minimum of 31 days with time and date stamping. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or Police Officers, together with viewing facilities on request. Recorded images shall be of such quality as to be able to identify the recorded person.

Condition imposed by the Magistrates Court at hearing of 9th March 2016

1. The purchase of alcoholic liquor by the said Butts Convenience Store, through its owners and/or premises licence holder, be from suppliers recognised by the said Licensing Authority - Reading Borough Council. Purchase of alcoholic liquor from other suppliers, including sole traders, may only be done after consultation with the Licensing Authority to ensure integrity and compliance with any relevant duty or tax applicable to the said alcohol.

Annex 4

Plans

As attached plan dated 5th August 2005

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From: Simon Wheeler [REDACTED]
To: Julie Quarmby [REDACTED]
Robert Smalley [REDACTED]
Cc: [REDACTED]
Subject: Butts 205 Oxford road, Reading
Date: 30 November 2020 11:00:17
Attachments: [Butts 205 Oxford Road further evidence images 30112020.pdf](#) High
Importance:

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

Please find attached a further evidence document for submission on behalf of Thames Valley Police in relation to the review of Butts Convenience Stores, 205 Oxford Road, Reading, Berkshire.

The document supplied for the consideration of the licensing sub-committee contains evidence from a recent Environmental Visual Audit (EVA), and visit to the premises on the 18th November 2020 following up from a test purchase pass on the 11th November 2020.

During the visit the following visual evidence was found:

1. Discarded cans and bottles surrounding the vicinity of the premises supported the hypothesis that the premises is supporting street drinking and the premise licence holder is failing to maintain and clean and tidy environment around the premises.
2. Drug paraphernalia in the form of “Cannabis/ Crack pipes” were on sale and in clear view of the sales counter. Although not illegal per se’ the sub-committee may wish to consider if this supports the promotion of the licensing objectives in an area where drug usage and super strength alcohol consumption are currently huge impact factors in levels of crime within the area.
3. Large quantities of cheap super strength cider in “blue bottles” and cans of beer, lager and cider were on sale within the premises, including cans for 99p as well as eastern European products that skirt the 5.5% – 6.0% ABV levels. Many of the products were seen discarded outside of the premises.
4. A review of their refusal register was completed and it was determined that although they had “passed” a test purchase on the 11th November 2020 that they had failed to record this within the refusal log.

The evidential images have been directly taken from the body worn video of PC 5787 Wheeler. The video although not supplied as evidence itself has been preserved and is available upon request if the sub-committee wish to scrutinise this further.

Police Constable 5787 Simon Wheeler (Q.Inst.Pa) | Neighbourhood Officer/ Licensing Paralegal | Reading Town Centre | Reading LPA | Thames Valley Police |

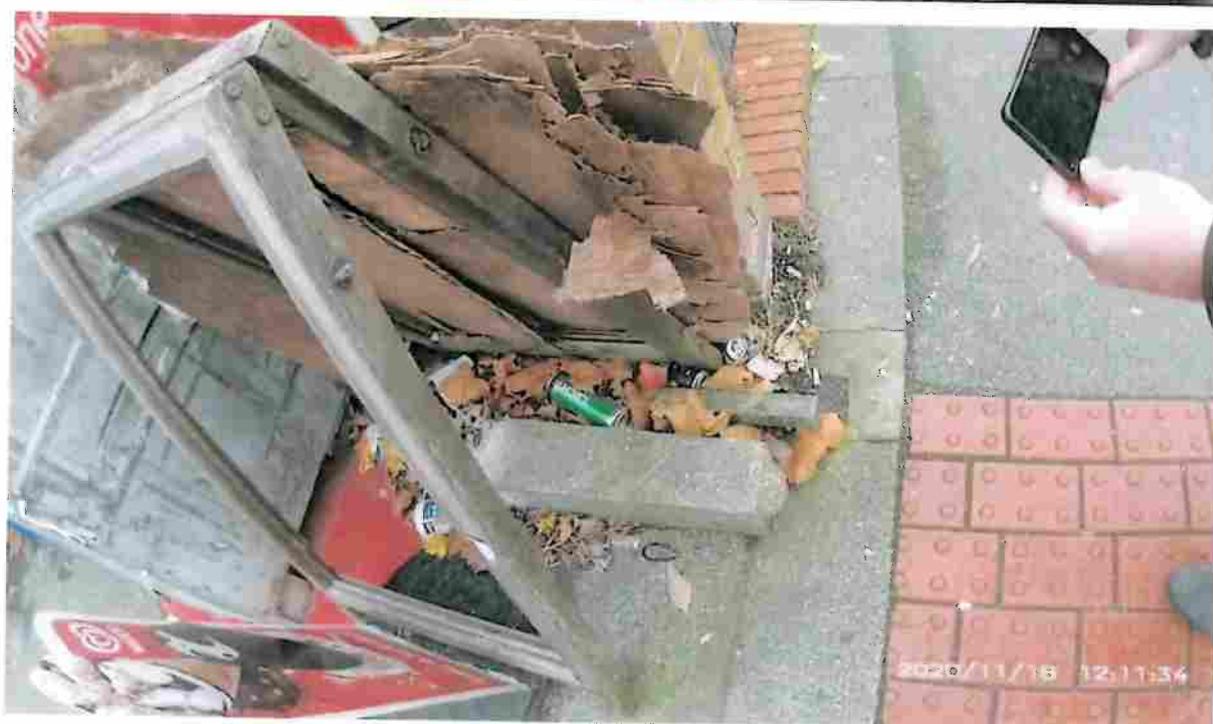
Address: Thames Valley Police, Reading Police Station, Castle Street, Reading, RG1 7TH

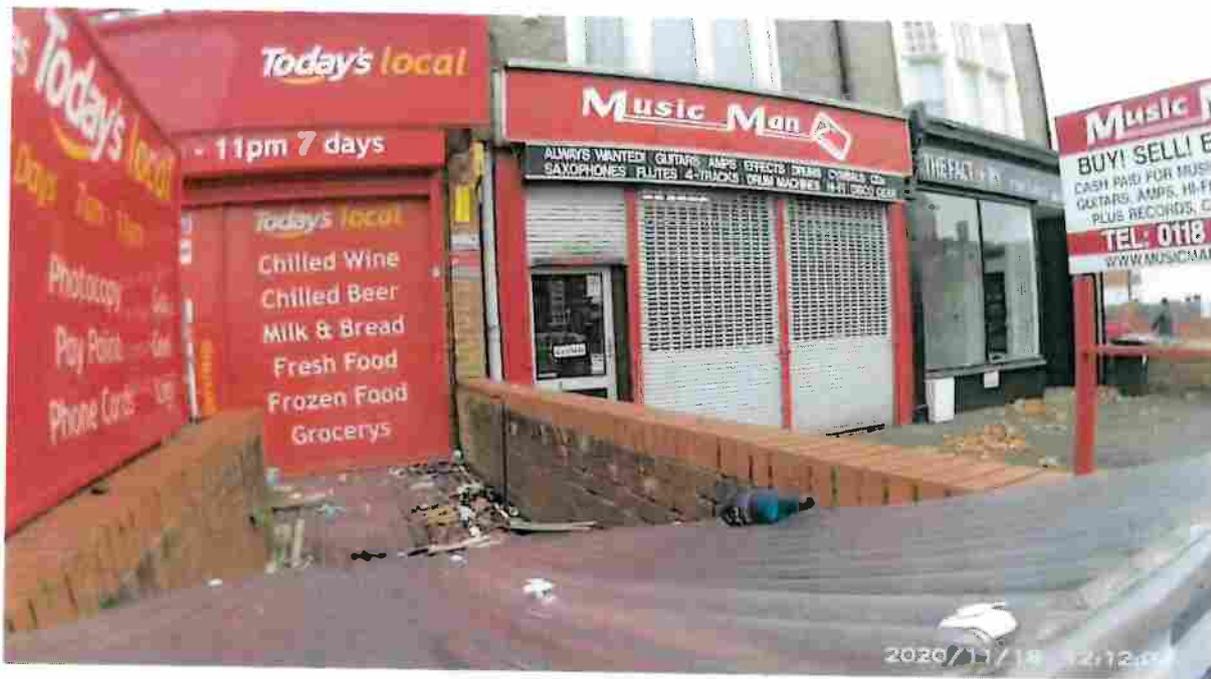
Email [REDACTED] [REDACTED] [REDACTED] 101



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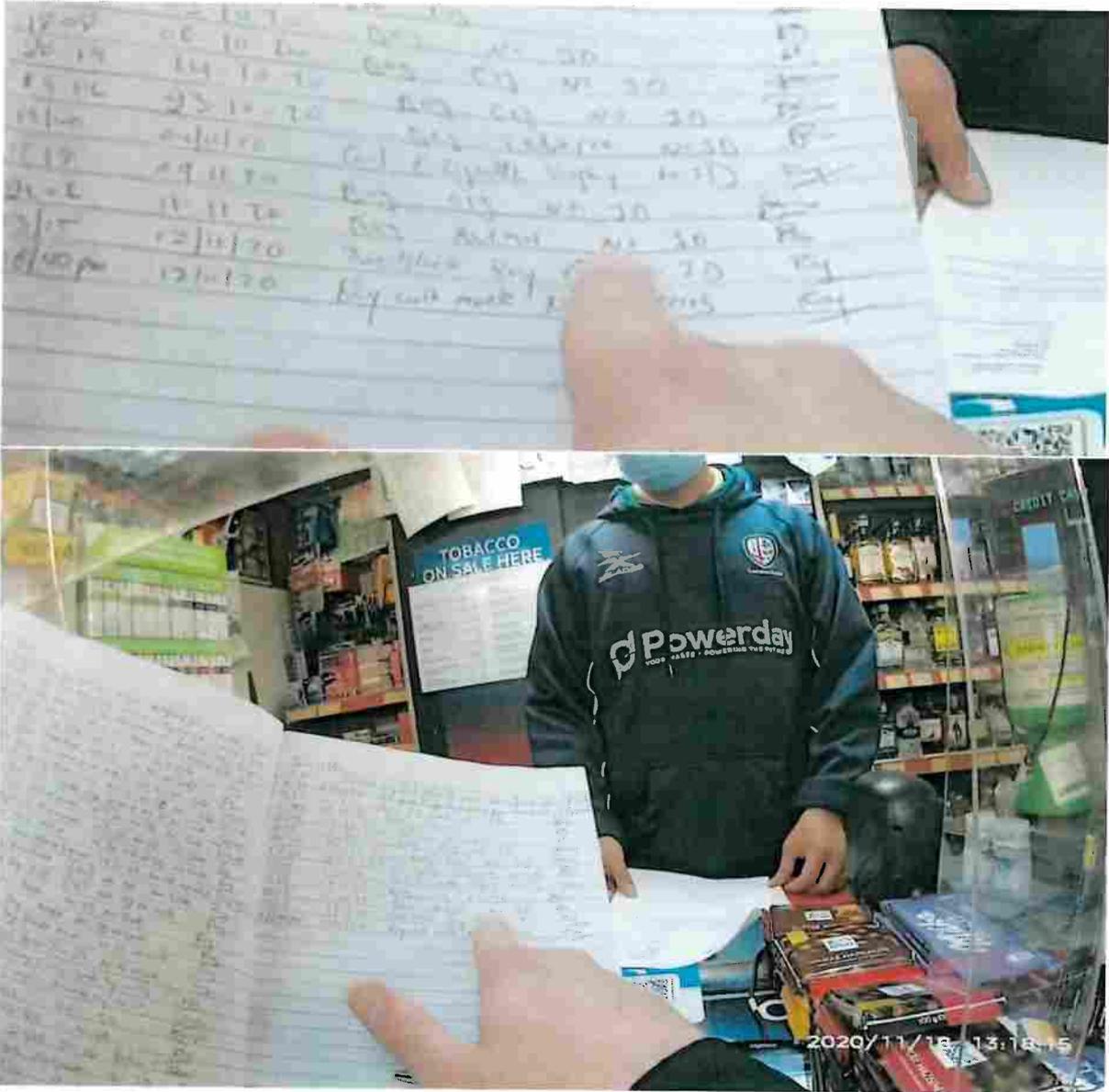
Click [here](#) to report this email as spam.

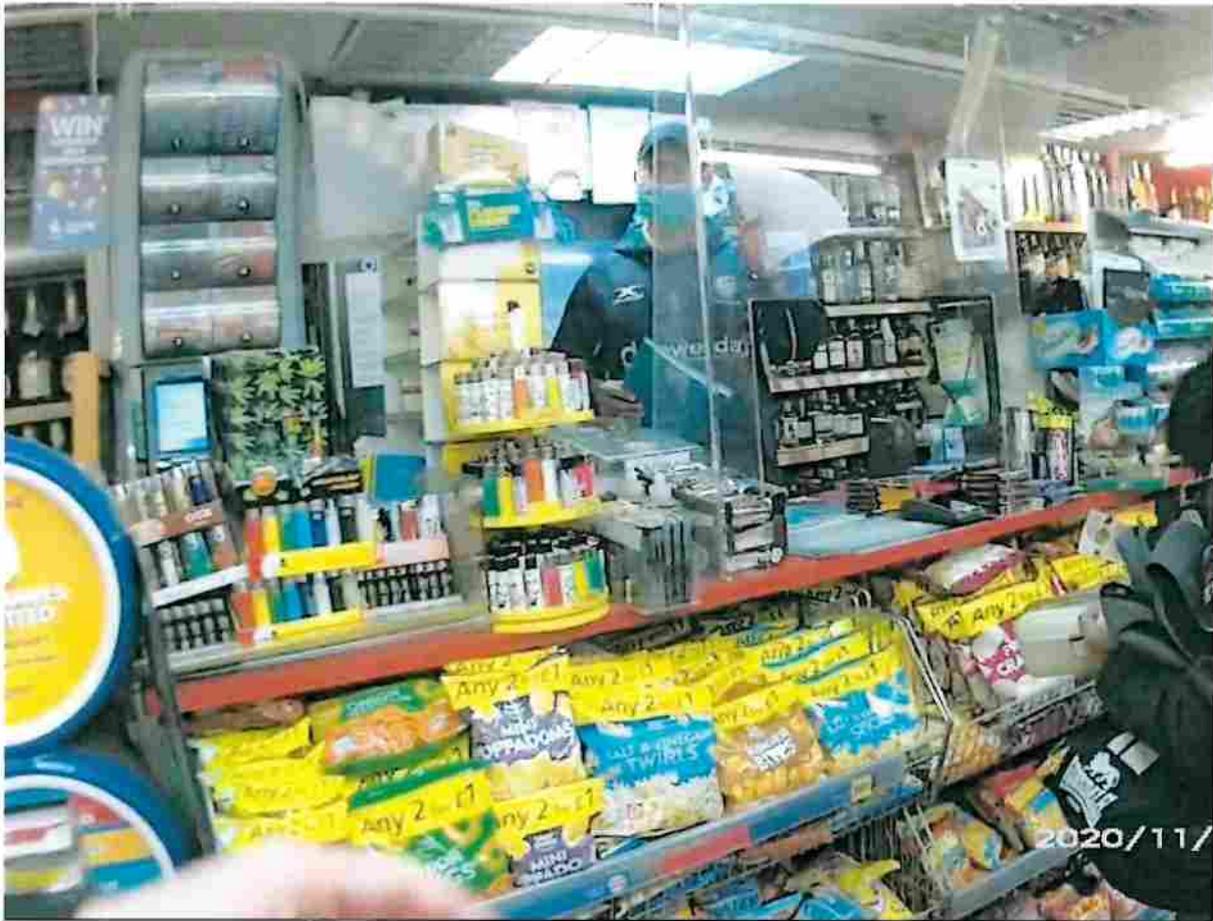






Supportive images from Butts 205 Oxford Road taken on 18/11/2020





Cannabis/ Crack pipes



High ABV products/ Super Strength lager and cider in single cans including 99p cans of Cider.



Super strength ciders selection as seen discarded outside.

Supportive images from Butts 205 Oxford Road taken on 18/11/2020



6.0 and 6.5% abv products etc within the eastern European selection of cans.