

To: Councillors Rynn, Edwards (Chair) and
Woodward (Vice-Chair)

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NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 1 - 22 DECEMBER 2020

A meeting of the Licensing Applications Sub-Committee 1 will be held on Tuesday, 22 December 2020 at 9.30 am as an online meeting via Microsoft Teams . The Agenda for the meeting is set out below.

	<u>WARDS</u>	<u>Page No</u>
	<u>AFFECTED</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 - 22
To confirm the Minutes of the meetings of Licensing Applications Sub-Committee 2 held on 26 November 2020 and 1 December 2020 as correct records.		
3. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - WILLIS AND SHORT CONVENIENCE STORES, OXFORD ROAD, READING	BATTLE	23 - 92

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.

To consider an application for the review of a Premises Licence in respect of Willis and Short Convenience Stores, 341 Oxford Road, Reading, RG30 1AY.

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

12. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - KB SUPERSTORES, OXFORD ROAD, READING, RG30 1AY

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

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

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

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

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

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

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

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

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

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

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

Mr Gurung was also present at the meeting.

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

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

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

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

Resolved -

The Sub-Committee, having taken into account all the representations made, both orally and written, together with the Secretary of State's Guidance to the Licensing Act 2003 and the Council's Statement of Licensing Policy (2018), concluded that tighter conditions should ensure that the premises are properly managed in

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accordance with the licensing objectives. Therefore, the conditions of the Premises Licence be amended to include the proposed conditions as agreed jointly between Thames Valley Police, Reading Borough Council's Licensing Team and the Premises Licence Holder via Mr Donne (Silver Fox Consultancy), on 25 November 2020, as a replacement of the current non-mandatory and Licensing Act 1964 conditions attached to the licence.

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

The conditions were as follows:

1. Staff employed to sell alcohol shall undergo training upon induction before they are allowed to sell alcohol. This shall include, but not be limited to:
 - The premises age verification policy
 - The Four Licensing objectives
 - Dealing with refusal of sales
 - Proxy purchasing
 - Recognising valid identity documents not in the English language
 - Identifying attempts by intoxicated persons to purchase alcohol
 - Identifying signs of intoxication
 - Conflict management
 - How to identify and safeguard vulnerable persons who attend and leave the premises
- a) Refresher training shall be provided every 6 (six) months
- b) Signed induction and refresher training records are to be kept for a minimum of 2 (Two) years of the date of training and made available for inspection by a Police Officer or authorised officer of Reading Borough Council upon request
- c) All staff authorised to sell alcohol shall be trained to a minimum of BII Level 1 award in responsible alcohol retailing (ARAR) or any other similar curriculum within four weeks for existing and subsequent employees and provide evidence of such training having been undertaken to Thames Valley Police and any authorised officer of Reading Borough Council's licensing team upon request;
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.

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- a) This book/register shall be available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police. A weekly review of the refusals' book/register shall also be carried out and signed off by the Designated Premises Supervisor or their nominated representative.
3. An incident register/log shall be used, maintained and kept on the premises to record any incident which has an impact on any of the four licensing objectives, or instances when the police have had to attend the premises.
 - a) The register shall be made available for inspection to authorised officers of Reading Borough Council and Thames Valley Police upon request;
4. The premises shall at all times operate a Challenge 25 age verification policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport, military ID or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) are to be accepted as identification. The age verification policy shall be in a written form and displayed in a prominent position;
5. Posters advertising the premises' Challenge 25 age verification policy shall be displayed in prominent positions on the premises;
6. The Premises Licence Holder shall display in a prominent position a copy of their written policy on checking proof of age;
7. No beers, lagers and ciders of 6.5% ABV and above shall be sold at any time during permitted licensing hours, in line with Reading Borough Council's current policy;
8. The premises licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV and an appropriate number of cameras shall be installed to cover the external areas immediately outside of the premises. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or Reading Borough Council together with facilities for viewing upon request, subject to the provisions of the Data Protection Act. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system;
9. A current written authorisation list shall be kept in the Licensing File on the premises confirming the details of all current staff that have been authorised to sell alcohol by a Personal Licence Holder. The authorisation list shall include, the name of the staff member authorised, the name and personal licence details of the person authorising them to sell alcohol. This list shall also contain the date and signature of the staff member authorised and countersigned by the authorising Personal Licence Holder;

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10. The premises licence holder/designated premises supervisor shall ensure that they and staff who are authorised to sell alcohol, are able to converse with customers and representatives of Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives, as contained in the Licensing Act 2003:
 - I. The Prevention of Crime and Disorder
 - II. Public Safety
 - III. Public Nuisance
 - IV. The Protection of Children from Harm
11. A section 57 notice shall be displayed in a prominent position detailing the person who is responsible for producing the Part A of the premises licence, and a list of staff members that have an awareness of its location and content;
12. Before any person is employed at the premises sufficient checks will be made of their bona fides to ensure they are legally entitled to employment in the UK. Such checks shall include:
 - Proof of identity (such as a copy of their passport)
 - Nationality
 - Current immigration status

Employment checks will be subject to making copies of any relevant documents produced by the employee, which will be retained on the premises and kept for the duration of their employment. Employment records as they relate to the checking of a person's right to work will be made available to an authorised officer of Reading Borough Council, Thames Valley Police or Home Office Immigration upon request.

13. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - READING WEST FOOD (FORMERLY I & R CONVENIENCE) - 202 OXFORD ROAD, READING, RG30 1AB

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

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

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

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

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

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

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

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

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

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

Mr Mohamed was also present at the meeting.

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

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

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

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

Resolved -

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

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

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

The conditions were as follows:

1. Staff employed to sell alcohol shall undergo training upon induction before they are allowed to sell alcohol. This shall include, but not be limited to:
 - The premises age verification policy
 - The Four Licensing objectives
 - Dealing with refusal of sales
 - Proxy purchasing
 - Recognising valid identity documents not in the English language
 - Identifying attempts by intoxicated persons to purchase alcohol
 - Identifying signs of intoxication
 - Conflict management
 - How to identify and safeguard vulnerable persons who attend and leave the premises
- a) Refresher training shall be provided every 6 (six) months
- b) Signed induction and refresher training records are to be kept for a minimum of 2 (Two) years of the date of training and made available for inspection by a Police Officer or authorised officer of Reading Borough Council upon request
- c) All staff authorised to sell alcohol shall be trained to a minimum of BII Level 1 award in responsible alcohol retailing (ARAR) or any other **similar** curriculum within four weeks for existing and subsequent employees and provide evidence of such training having been undertaken to Thames

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Valley Police and any authorised officer of Reading Borough Council's licensing team upon request;

2. All staff to be trained to record refusals of sales of alcohol in a refusals book or electronic register. The book/register shall contain:
 - Details of the time and date the refusal was made
 - The identity of the staff member refusing the sale.
 - Details of the alcohol the person attempted to purchase.
 - a) This book/register shall be available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police. A weekly review of the refusals' book/register shall also be carried out and signed off by the Designated Premises Supervisor or their nominated representative;
3. An incident register/log shall be used, maintained and kept on the premises to record any incident which has an impact on any of the four licensing objectives, or instances when the police have had to attend the premises.
 - a) The register shall be made available for inspection to authorised officers of Reading Borough Council and Thames Valley Police upon request;
4. The premises shall at all times operate a Challenge 25 age verification policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport, military ID or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) are to be accepted as identification. The age verification policy shall be in a written form and displayed in a prominent position;
5. Posters advertising the premises' Challenge 25 age verification policy shall be displayed in prominent positions on the premises;
6. The Premises Licence Holder shall display in a prominent position a copy of their written policy on checking proof of age;
7. No beers, lagers and ciders of 6.5% ABV and above shall be sold at any time during permitted licensing hours, in line with Reading Borough Council's current policy;
8. The premises licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV and an appropriate number of cameras shall be installed to cover the external areas immediately outside of the premises. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or Reading Borough Council together with facilities for viewing upon request, subject to the provisions of the Data Protection Act. Recorded images shall be

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of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system;

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

Employment checks will be subject to making copies of any relevant documents produced by the employee, which will be retained on the premises and kept for the duration of their employment. Employment records as they relate to the checking of a person's right to work will be made available to an authorised officer of Reading Borough Council, Thames Valley Police or Home Office Immigration upon request.

(The meeting started at 9.30 am and finished at 12.10pm)

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Present: Councillors Rowland (In the Chair), Maskell and Skeats.

14. APPOINTMENT OF CHAIR FOR THE MEETING

Councillor Rowland was nominated by Councillor Maskell and seconded by Councillor Skeats. As there were no other nominations, Councillor Rowland was appointed Chair for the meeting.

15. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - PHEASANT INN, SOUTHAMPTON STREET, 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 the Pheasant Inn, 225 Southampton Street, Reading, RG1 2RB.

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 that due diligence was suitably delivered and had failed to ensure compliance with the conditions on their licence which had led to the undermining of the four licensing objectives. These failings had led to extremely serious incidents, which included assaults involving weapons and glassware, general incidents of anti-social behaviour affecting residents, concerns surrounding drug usage supported by high swab readings within the premises, and ongoing failure to comply with licence conditions or provide suitable measures to promote the licensing objectives. A copy of the review application form and appendices was attached to the report at Appendix LIC-1

The report stated that during the 28-day consultation period, representations had been received from Reading Borough Council's Licensing and Environmental Health Teams which were attached to the report at Appendices LIC-2 and LIC-3 respectively. Further information provided by Thames Valley Police was attached at Appendix LIC-4.

A copy of the current licence was attached at Appendix LIC-5 and authorised the following licensable activities:

Hours for the Exhibition of Films

Monday to Thursday from 1000hrs until 2330hrs
Friday and Saturday from 1000hrs until 0030hrs
Sunday from 1000 hrs to 2300hrs

Hours for Indoor Sports

Monday to Thursday from 1000hrs until 2330hrs
Friday and Saturday from 1000hrs until 0030hrs
Sunday from 1000hrs to 2300hrs

Hours for the Playing of Recorded Music

Monday to Thursday from 1000hrs until 2330hrs
Friday and Saturday from 1000hrs until 0030hrs
Sunday from 1000hrs until 2300hrs

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Hours for anything similar to Recorded Music

Sunday to Thursday from 1000hrs until 2300hrs
Friday and Saturday from 1000hrs until 0030hrs

Hours for the Provision of Late Night Refreshment

Sunday to Thursday from 2300hrs until 2330hrs
Friday and Saturday from 2300hrs until 0030hrs

Hours for the Sale by Retail of Alcohol

Monday to Thursday from 1000hrs until 2330hrs
Friday and Saturday from 1000hrs until 0030hrs
Sunday from 1000hrs until 2300hrs

Non-Standard Timings for all licensable activities:

30 minutes drinking up time.

Preceding a Bank Holiday Monday from 1000hrs until 0115hrs, with 15 minutes drinking up time.

Christmas Eve from 1000hrs until 0030hrs with 30 minutes drinking up time.

Good Friday from 1200hrs until 2230hrs.

Christmas Day, Boxing Day and 27th December from 1000hrs until 2400hrs plus 30 minutes drinking up time.

New Year's Eve in addition to the hours permitted for that day, the period between the end of permitted hours on that day and the beginning of permitted hours the following day.

Opening Hours

Hours the Premises is Open to the Public

Sunday to Thursday from 1000hrs until 0000hrs
Friday and Saturday from 1000hrs until 0100hrs

Seasonal Variations:

Good Friday from 1200hrs until 2245hrs

Christmas Eve from 1000hrs until 0100hrs

New Years Eve in addition to permitted hours for that day, the period between the end of permitted hours on that day and the beginning of permitted hours the following day.

Sunday preceding a Bank Holiday Monday from 1000hrs until 0130hrs.

The following additional documents were attached to the papers:

Appendix LIC-5 Additional Information supplied by Thames Valley Police;
Appendix LIC-6 Documents submitted on behalf 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:

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

The report stated further that in determining the application the Licensing Authority must also have regard to the representations received, the Licensing Authority's statement of licensing policy and any relevant section of the statutory guidance to licensing authorities. 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 1.2 to 1.5, 1.8, 1.8, 9.12, 9.13, 9.42, 9.43, 11.1, 11.2, 11.10, 11.16 to 11.19 and 11.25 from the Secretary of State's Guidance to the Licensing Act 2003 issued in April 2018. The report set out paragraphs 1.5, 1.6, 2.19, 3.2, 3.2, 3.7, 4.15, 5.13, 5.15, 7.1, 7.4, 9.12, 9.13, 9.15, 9.16, 9.18, 9.20 and 9.21 of the Council's Statement of Licensing Policy.

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

Robert Smalley, Licensing and Enforcement Officer and Katie Heath, Senior Environmental Health Officer, attended the meeting and addressed the Sub-Committee on behalf of Reading Borough Council as Responsible Authorities.

Mr Leo Charalambides, Kings Chambers, attended the meeting and addressed the Sub-Committee, and was accompanied by Mr Darren Kelly and Mr Mick Sheridan of Admiral Taverns (the Premises Licence Holder), Mr Malcolm Ireland, Solicitor, Napthens Solicitors and Ms Jane Brooker, the Designated Premises Supervisor.

Peter Narancic, Senior Licensing and 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. The Sub-Committee also noted that there had been appreciable efforts to return the premises to more of a community pub as befitting its location and neighbourhood.

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To further ensure this, the Sub-Committee also suggested that frequent monitoring and inspections by both Thames Valley Police and the RBC Licensing Team should be undertaken to promote cooperation and mutually support the premises going forward.

Resolved -

- (1) That, having taken into account all the representations made today (both orally and written) together with the Secretary of States Guidance on licensing and Reading Borough Council's licensing policy, there was insufficient evidence to warrant a revocation of the licence, as a reasonable and proportionate response, nor was a suspension of the licence in order.
- (2) That, in order to promote improved management of the premises to ensure compliance with the licensing objectives, the previous non-mandatory conditions on the licence be removed and replaced with the following conditions:
 1. The licensee shall participate in any Pub Watch or equivalent scheme if such a scheme is operative;
 2. 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 the premises. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or a Thames Valley Police officer, together with facilities for viewing upon request, subject to the provisions of the Data Protection Act. Recorded images shall be of such a 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.
 - (a) A sign advising customers that CCTV is in use shall be positioned in a prominent position. A fully trained person who can operate the system shall be available at all times when the premises is open to the public.
 3. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid 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.
 - (a) Notices advertising the Challenge 25 policy shall be displayed in prominent positions on the premises.
 - (b) The Premises Licence Holder shall display in a prominent position a copy of their written policy on checking proof of age (age verification policy).

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4. An effective written policy against the use and supply of illegal drugs in the premises shall be implemented and signs promoting that policy shall be displayed at the premises. The written policy shall be made available to a Police Officer or authorised officer of the Reading Borough Council upon request;
5. Staff employed to sell alcohol shall undergo training upon induction before they are allowed to sell alcohol. This shall include, but not be limited to:
 - The premises age verification policy;
 - Dealing with refusal of sales;
 - Proxy purchasing;
 - Recognising valid identity documents not in the English language;
 - Identifying attempts by intoxicated persons to purchase alcohol;
 - Identifying signs of intoxication;
 - Conflict management;
 - How to identify and safeguard vulnerable persons who attend and leave the premises;
 - Drug Policy and substance awareness and effects;
 - Search Policy;
 - Dispersal Policy;
 - Crime scene preservation;
 - Child Sexual Exploitation.
 - (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 trained to BII Level 1 award in responsible alcohol retailing (ARAR) or any other similarly nationally recognised approved curriculum within four weeks for existing and subsequent employees of employment.
6. Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and immediate area quietly. Staff shall be available to assist in the dispersal of customers at the cessation of licensable activities each evening.
7. Existing fire safety precautions shall be maintained and the premises licence holder shall ensure that a written fire risk assessment is available upon request for inspection by a Police Officer or authorised officer of Reading Borough Council;
8. The placing of refuse, such as bottles, into receptacles outside the premises shall only take place between the hours of 0800 hours and 2000 hours;
9. Arrangements must be put in place to ensure that waste collection contractors do not collect refuse between 2000 hours and 0800 hours;

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 1 DECEMBER 2020

10. No person under 18 years of age shall be admitted to any part of the Premises at any time for the purpose of the sale and consumption of alcohol.
11. Any children must be accompanied by an adult at all times.
 - (a) Notices shall be displayed outside the premises or relevant part thereof advising of the restrictions on the admission of children.
12. The licensee shall monitor the number of people on the inside premises and shall ensure that a maximum permitted occupancy of 80 people, including staff members, is not exceeded.
- 12a. The external area occupancy numbers shall be determined in consultation with the Royal Berkshire Fire and Rescue Service.
13. The beer garden shall not be used for the consumption of food and drink between 2200hrs and 0000hrs.
14. All external doors/windows must be kept closed, other than for access and egress, when events involving amplified music or speech are taking place and in any case after 2200 hours whenever the premises is open for licensable activity. Where such doors and windows remain shut, a suitable ventilation system shall be provided allowing a minimum of eight air changes per hour;
15. The licensee shall ensure that no noise shall emanate from the premises including the outside area nor vibration be transmitted through the structure of the premises which gives rise to undue disturbance to local residents;
16. During operating hours, the licensee or a nominated representative shall be available to receive and respond to nuisance-related complaints. A contact number shall be readily available to residents upon request;
17. Dancing shall be limited to the public bar area only, providing all furniture has been removed and no drinking shall be permitted in that area during dancing;
18. An entry, re-entry, closure and dispersal policy for controlling the opening and closing of the premises and the departure of customers from the premises at the conclusion of the licensed activities shall be put in place and shall be actively operated. The policy shall be in written format and made available upon request to an authorised officer of Reading Borough Council and Thames Valley Police;
19. A written risk assessment shall be carried out before any licensable activity involving regulated entertainment is carried out. The risk assessment must be available upon request by a Police Officer or authorised officer of Reading Borough Council.
20. All drinks which are served on draught will be served in containers made of toughened glass, plastic, polycarbonate or an equivalent material which is not capable of forming shards when broken.

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21. 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.

22. An incident log (either written or electronic) shall be used, maintained and kept at the premises. The log shall record any incident that undermines the promotion of the licensing objectives and any incident that involves police attendance at the premises. The log should contain the following:
- Description of incident;
 - Time of incident;
 - Action taken in relation to the incident;
 - Description of any person involved in the incident.

The incident log shall be made available to authorised officers of Reading Borough Council and Thames Valley Police upon request.

23. Before any person is employed at the premises sufficient checks will be made of their right to work documents to ensure they are legally entitled to employment in the UK. Such checks will include:
- Proof of identity (such as a copy of their passport);
 - Nationality;
 - Current immigration status;

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

24. 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.

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25. 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.
26. Prior to each occasion on which the premises carries on licensable activities the premises shall risk assess the requirement for SIA approved door supervisor(s). An appropriate number of door supervisors will be utilised in accordance with said risk assessment which will take cognizance of local events such as Bank Holiday weekends Christmas and New Year's Eve as non-exhaustive examples. The risk assessment must be in writing and available immediately upon request to authorised officers of Reading Borough Council and Thames Valley Police. As a minimum, two door supervisors will be utilised on Friday and Saturday evenings from 20:00 until the last customer has left the premises.
27. When employed, a register of Door Supervisors shall be kept. The register must show the following details:
 - (a) Full SIA registration number and name.
 - (b) Date and time that the Door Supervisor commenced duty, countersigned by the Duty Manager.
 - (c) Date and time that the Door Supervisor finished work, countersigned by the Duty Manager.
 - (d) Any occurrence or incident of interest involving crime & disorder or public safety must be recorded giving names of the Door Supervisor involved.
 - (e) A record will be kept on site of all monthly SIA checks that are made via the register of licence holders via the www.sia.homeoffice.gov.uk website to check the validity of all door staff licences. A scan, photocopy or photographic image of the SIA badge held by each door supervisor shall be recorded and retained in a register along with an ID photo of the individual to ensure that the badge is held by the "correct" person. All records to be retained for twelve months in line with (vi) below.
 - (f) The Door Supervisor register shall be kept at the premises and be available for inspection by an authorised Officer from Reading Borough Council or Thames Valley Police upon request, and shall be retained for a period of twelve months.
28. The Premises Licence Holder (PLH) shall ensure that all door supervisors whilst employed at the premises shall wear hi visibility jackets/ tabards in bright green, yellow or orange in order that they can be clearly visible and identifiable at all times to the public and via CCTV both internally and externally. When tabards are worn, hi visibility armbands must also be worn that incorporate displaying SIA badges. If hi visibility full sleeved jackets are worn the PLH must ensure that all door supervisors badges are also displayed

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via an easily visible arm band of a different hi visibility colour to the jacket that is being worn.

29. Whilst Door Supervisors are employed at the premises ALL Door Supervisors working at the premises will be deployed with digitally recording Body Worn Video (BWV). The BWV will be used to record any incidents which occur both inside and outside of the premises involving customers either entering, exiting or gathering in the vicinity of the premises or in any queue that impact any of the four licensing objectives. Data recordings shall be made immediately available to an authorised officer of Reading Borough Council or Thames Valley Police together with facilities for viewing upon request, subject to the provisions of the Data Protection Act.
30. All SIA door supervisors employed at the premises will be trained in respect of a Door Supervisors Operational Policy which must be written and provided by the premises licence holder (PLH) and a signed training record to confirm the same will be maintained for production to authorised officers of Reading Borough Council and Thames Valley Police upon request.
31. The Premises Licence Holder (PLH) shall ensure that a written operational policy relating to the safe removal of persons from the premises and/or its immediate vicinity by staff and door supervisors shall be put in place, actively operated and included within the Door Supervisors Operational 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.

This shall include but not be limited to:

- (a) Persons who have been identified by staff as being vulnerable or at risk.
 - (b) Persons who are refused entry to the premises or refused service within the premises.
 - (c) Persons who are ejected from the premises
32. The Premises Licence Holder (PLH) shall ensure that upon induction all door supervisors employed at the premises receive as a minimum standard written training in a) control and restraint techniques and b) legal training covering the powers and policies relevant to their role. Refresher training shall be provided every 6 (six) months and signed records shall be produced upon request to authorised officers of Thames Valley Police and Reading Borough Council. Written records for both induction and refresher training are to be kept for a minimum of 2 (two) years of the date of training.
 33. No externally promoted events or bookings shall be undertaken and no external promoters utilised at the premises.
 34. The Premises Licence Holder shall implement a written search policy (following discussion with Thames Valley Police), to minimise the risk of illegal weapons and drugs being brought onto the premises, including search, detection, confiscation, storage and disposal of drugs procedures.

LICENSING APPLICATIONS SUB-COMMITTEE 2 MINUTES - 1 DECEMBER 2020

35. Notices shall be displayed advising the public that the right to conduct an outer body search is reserved as a condition of entry, and that Thames Valley Police shall be informed if anyone is found in possession of illegal drugs or offensive weapons.
36. The venue shall also actively partake in drugs initiatives run by TVP (including, but not exclusively, drug itemiser, passive drug dogs and spiked drinks campaigns).

(The meeting started at 9.42 am and finished at 3.13 pm)

LICENSING ACT 2003 HEARING - 22nd DECEMBER 2020 @ 0930HRS
APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

1. Premises:

Willis & Short Newsagent
341 Oxford Road,
Reading
RG30 1AY

2. Applicants Requesting Review:

Thames Valley Police

3. Grounds for Review

The application is for the review of premises licence (**LP9000308**) 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 regard 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 a test purchase failure in 2019. Thames Valley Police, Reading Borough Council and the premises licence holder and their representative have considered the conditions as set out in the original police review application and representation from Reading Borough Council and have agreed on an amended set of conditions that they consider suitable to replace those stated in the original application to replace the premises current licence conditions these amended conditions are attached as Appendix LIC-4. However, in addition Mr Narancic has asked for a further condition to be considered which is attached at LIC-5.

4. Date of receipt of application: 09/11/2020

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

5. Date of closure of period for representations: 08/12/2020

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 18/02/2008. The licence was transferred to the current owner in 2011.

The Premises Licence Holder and Designated Premises Supervisor is: Mr Vipul Patel

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 Willis & Short Newsagent

Appendix LIC-4: Amended conditions agreed by all parties
Appendix LIC-5: Additional condition to be decided.

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	
Willis & Short Newsagent 341 Oxford Road	
Post town Reading	Post code (if known) RG30 1AY

Name of premises licence holder or club holding club premises certificate (if known)
Mr Vipul Patel

Number of premises licence or club premises certificate (if known)
LP9000308

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)

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <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. **LP9000308**, Willis & Short Newsagents, 341 Oxford Road, Reading, Berkshire, RG30 1AY.

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.

Inspections conducted in November 2017 and September 2020 identified failings to promote the licensing objectives which are compounded by a test purchase failure in April 2019 when a Child cadet under the age of 18 years of age was sold 4 cans of Red Stripe Lager.

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 sent via email and post setting out reasonable and proportionate recommended conditions 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.

No response either verbally (or as requested in writing or via email) has been forthcoming from the Premises Licence Holder in relation to the official letter.

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)

Willis & Short Newsagents benefits from a premises licence that allows the off sale of alcohol by retail between 0530 hours until 2300 hours Monday to Saturday and between 0900 hours until 2300 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 **7th November 2017** Reading Borough Council conducted an inspection at the premises with staff member Chandresh Patel.

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

- Part A of the licence was incorrect.
- Part B of the licence was incorrect and not on display.
- Challenge 25 was stated as in operation but no evidence of this could be provided.
- No written training records were produced.
- No Section 57 notice could be locate on the premises.
- As part of the inspection it was stated that the premises supported the “Reduce the strength” program and that no cans of beer or cider over 6.5% abv would be sold in less than packs of four. (See **APPENDIX 2**)

On the **21st December 2018** a report was received by Thames Valley Police relating to a theft at the premises. Of importance is a record at 18:07 hours which states “CCTV IS NOT WORKING AT THE MOMENT”. This is a breach of condition 1 page 6 of the premises licence. (See **APPENDIX 3**)

On the **27th April 2019** during a test purchase operation a child Police Cadet was sold four cans of Red Stripe lager with a 4.7% abv without being challenged by staff for identification. This resulted in a fixed penalty notice being issued and the reason for the failure was that the staff member was “facetiming” their partner and not concentrating on the sale. Thames Valley Police requested CCTV via a data protection request to support the investigation into the offence of selling alcohol to a person under 18 years of age. The footage however was never produced. (See **Appendix 4, 5 and 6**)

On the **8th September 2020** Thames Valley Police conducted a licensing inspection with Chanbresh Patel and the DPS Vipul Patel (attending via the telephone).

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

- Part A of the premises licence was outdated.
- Part B of the premises licence was outdated.
- Staff verbally stated Challenge 25 was in operation, however the written age verification did not support this and instead cited 18 years of age as the age at which identification shall be checked.
- No training records or evidence of staff training in relation to any aspect of the four licensing objectives could be produced. Staff were not aware of having any training other than some verbal training on age verification.
- No Section 57 notice was available on the premises.
- A refusals log was shown, however could not be proven to be actively operated as only one entry was recorded for the whole of 2020 till the inspection date.
- No incident log was available.
- It was stated that the CCTV system recorded for 28 or 29 days, and staff were unable to produce or download footage if requested, stating that an engineer would have to be contacted.
- Although in 2017 it had been stated the premises was supporting the “reduce the strength” program by only selling high strength alcohol in cans in packs of four or more; during the inspection a lone female was observed purchasing a single can of K Cider abv 7.0%.

(See **APPENDIX 7**)

Body worn video of the inspection on the 8th September 2020 can be identified as **APPENDIX 10**.

On the **17th September 2020** Thames Valley Police sent a letter via email and post to the Premises Licence Holder detailing the findings of the inspection and supplying a helpful training document. The letter outlined a number of proposed conditions for consideration and discussion which it was 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 1st October 2020 for the PLH to respond to this stepped approach to dealing with the ongoing concerns at the premises. (See **APPENDIX 8 & 9**)

Conclusion

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

These concerns have also been supported by a test purchase failure in 2019 when alcohol was sold to a child.

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 all current conditions of which there are currently only a minimal number.

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:-

- 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 (equipment) used i.e. bongs, pipes, grinders, plastic sealable baggies and similar items.
- Child Sexual Exploitation.

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. **(Option 1)** Singular condition

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

(Option 2) Two part condition

a) 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.

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

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)

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

--	--	--	--	--	--	--	--

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 09/11/2020

.....

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.



Licensed Premises Summary Report

WILLIS & SHORT NEWSAGENTS

341 Oxford Road, Reading, RG30 1AY

Events dated between 22 August 2017 and 19 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 Council

Date/Time: Tuesday 07 November 2017

Licensing inspection

A number of issues raised detailed in RBC letter sent on 08/11/17 included in database.

Operation: Test Purchase

Date/Time: Saturday 27 April 2019

Fail

Fixed penalty notice issued - Sold 4 x cans of Red stripe abv 4.7%

Occurrence 43190126890

Engagement: Visit by Police

Date/Time: Wednesday 09 September 2020

Inspection - No training records, no section 57 notices and staff were unaware of the 4 licensing objectives. Staff could not work the CCTV system and no Ch 25 posters were displayed.

General poor inspection - decision to manage via a performance process and recommend implementation of revised operating schedule.

Engagement: Letter sent by Police (Tier 2)

Date/Time: Thursday 17 September 2020

Follow up letter from inspection on 8/9/20. Requesting conditions via minor variation. Email and hard copy sent to PLH and copy of example training.

Awaiting response

Our Ref:EVU 053197

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

8 November 2017

Mr Vipul Patel
Willis & Short Newsagent
341 Oxford Road
Reading
RG30 1AY

Your contact is: Mr Richard French, Licensing

Dear Mr Patel

Licensing Act 2003

Premises Licence Number: LP9000308 (dated 30/07/2014)

Premises: Willis & Short Newsagent

Premises Address: 341 Oxford Road, Reading

On the 7th November 2017 I visited your premises to ensure you are complying with the above premises licence and advise on any matters that may arise during the inspection. The inspection was carried out with Chandresh Patel.

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

- 1) Part A of your premises licence was incorrect. You had an out of date copy. Please ensure that you contact us to arrange for the correct licence to be sent to you. There is a fee of £10.50 for a hardcopy.
- 2) Part B of your premises licence was not on display and was also incorrect. Please ensure that you contact us to arrange for the correct licence to be sent to you. There is a fee of £10.50 for a hardcopy.
- 3) You stated that you operated a Challenge 25 age verification policy but I could not see any evidence of that. You may wish to display the enclosed posters.
- 4) We discussed the 'Reducing the Strength' voluntary initiative wherein off licences would not sell single cans of super strength beer and cider which an ABV of 6.5% or above. You indicated that you would be happy to support this and only sell them in packs of 4. To that end, I enclose some posters for you to display behind your counter and on your fridge where the alcohol is located. Please ensure that your staff are aware of this and only sell these products in packs of 4 and not in singles.

5) There were no written training records produced for any of your staff. In order that all staff are able to sell alcohol responsibly and it is sold in accordance with your policies, all staff should be trained on the following:

- a) The premises Challenge 25 policy;
- b) The acceptable forms of ID such as passport and driving licence;
- c) How and where to log refusals of all age restricted products;
- d) That the premises does not sell single cans of super strength alcohol;
- e) The four licensing objectives.

The above should be in writing and all staff should sign it. You should then refresh that training on a regular basis.

6) A Section 57 notice could not be located on the premises. This notice states where Part A of the licence is kept and who knows where to find it should they be asked to provide it by the Council or Police. This should be displayed next to Part B of your licence and your authorisation list.

Please ensure that all of the above is rectified within 14 days.

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

Yours faithfully

Mr Richard French
Licensing Enforcement Officer

APPENDIX 3

ID: 17501145

WILLIS AND SHORT LTD
341, OXFORD ROAD, READING, RG30 1AY

URN: Date Time: Location Reference:
1047 21/12/2018 18.03 7/9/23/2
Beat Code: EA44
Caller: C[REDACTED] PATEL
Classification: CRIME : SHOP LIFTING
Response: TELEPHONE RESOLUTION
Result: FURTHER ENQUIRIES BY OFFICER IN CASE
Closing Type L2: THEFT SHOPLIFTING
Closing Type L3: CRIME REPORT

Brief Details:

01864/211218:MALES STOLEN STUFF FROM SHOP AND BEEN AGGRESSIVE TO CALLER ** [REDACTED]

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

No Response Data Found

Details from incident log:

18:05 21/12/2018 C5670 LINE DROPPED JUST AS MALE LEFT SCENE
18:05 21/12/2018 C5670 .
18:05 21/12/2018 C5670 WILL CALL CALLER BACK FOR MORE INFO
18:07 21/12/2018 C5670 .
18:07 21/12/2018 C5670 WHITE MALE 30-35 Y/O 5FT6 SLIM BUILD - BLUE/BLACK
18:07 21/12/2018 C5670 TRACKSUIT - GREY HAIR
18:07 21/12/2018 C5670 .
18:07 21/12/2018 C5670 CCTV IS NOT WORKING IN STORE AT THE MOMENT
18:07 21/12/2018 C5670 .
18:08 21/12/2018 C1366 .
18:08 21/12/2018 C1366 OBS PASSED T/G 91
18:09 21/12/2018 C5670 CALLER RELEASED NO MORE INFO ADVISED TO CALL 9S IF MALE
18:09 21/12/2018 C5670 APPEARS AGAIN
18:13 21/12/2018 C891 From : O2ST SL.
18:13 21/12/2018 C891 FOR OBS AND DDI.
22:47 21/12/2018 C5603 From : ODMA
22:47 21/12/2018 C5603 DEALING

**** NO TEXT IN CLOSED LOG ****

Submitting Officer		
Shoulder No/Name: P6930 Jones	Station: Reading	LPA: Berkshire

Incident References	
Premises Name/Location:	WILLIS & SHORT, 341 OXFORD ROAD, READING
Incident Date:	27/04/2019
Incident Time:	18:47
Command & Control URN:	1023
Crime Report(s):	[REDACTED]
CCTV Seized?	Requested by PC WHEELER
Sources of Information:	Observed by Officer

Nature of Incident – what happened?

Whilst conducting a test purchase relating to the sale of alcohol to a child under the age of 18 on WILLIS & SHORT (off licence), The till operative (PATEL) who was facetimeing her partner whilst serving failed to ask the child any age verification or request any proof of ID sucessfully completing the sale of 4x Cans of Red Stripe valued at £5 with an abv of 4.7%.

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

Upon being informed about failing the test purchase PATEL was extremely helpful and appologetic and stated that she normally always asks for proof of age. PATEL was unsure where Part A of her licence was held and had to call the owner of the store to locate this.

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

Due to the positive sale of alcohol to a child under the age of 18 PATEL was issued with an FPN and informed that the result of this test purchase would be fed back to both the licensing department and trading standards.

Persons Involved - to add more rows click into the final cell of this table

Name	Date of Birth	Role	Action Taken	Ref No. <small>(e.g. Custody, PND etc)</small>
[REDACTED] PATEL	[REDACTED]	Store worker	PND issued	PND: 0438030061023218

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

Request to external organisation for the disclosure of personal data to the Police

Under Schedule 2 Part 1 Paragraph 2 of the Data Protection Act 2018 and GDPR Article 6(1)(d)

To:

Position (where known):

Organisation:

Address:

I am making enquiries which are concerned with:

- The prevention or detection of crime*
- The prosecution or apprehension of offenders*
- Protecting the vital interests of a person*

I confirm that the personal data requested below is needed for the purposes indicated above and a failure to provide that information will be likely to prejudice those matters.

I confirm that the individual(s) whose personal data is sought should not be informed of this request as to do so would be likely to prejudice the matters described above.

**Check mark as is appropriate*

Information required:

Please provide copies of images from the CCTV system within the premises between 1830 hours and 1930 hours on Saturday 27th April 2019.

Images are required as evidence in relation to the offence of selling alcohol to a person under 18 years of age contrary to Section 146(1) Licensing Act 2003, by a member of staff working within the premises between these times.

Please provide written confirmation when this action is complete and the CCTV is ready for collection via the four email addresses detailed below on this document.

Police Reference:

URN 1023 27/04/19 – Occurrence [REDACTED]

From:

Rank/Number/Name:

PC 5787 Wheeler

Station:

Reading

Date/Time:

14:22 hours – 28/04/2019

Telephone Number(s):

[REDACTED]

Email address:

[REDACTED]



Signature*:

Counter Signature:*

Rank/Number/Name:

**as required by recipient*

Please see Guidance Notes on following page

Explanatory Note

This form replaces the Section 29(3) Form which has become redundant by virtue of new data protection legislation. It is used by the police as a means of making a formal request to other organisations for personal data where disclosure is necessary for the purposes of the prevention or detection of crime or the apprehension or prosecution of offenders. It places no compulsion on the recipient to disclose the information, but should provide necessary reassurance that a disclosure for these purposes is appropriate and in compliance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

Crime and Taxation - The GDPR regulates the processing of personal data where it is done so for non-Law Enforcement purposes. Article 23 of the GDPR permitted the UK Parliament to create, via legislation, exemptions from particular elements within the GDPR which would otherwise compromise the public interest.

Consequently Parliament used the Data Protection Act 2018 to set out exemptions from the GDPR which apply in some circumstances. They mean that some of the data protection principles and subject rights within the GDPR do not apply at all or are restricted when personal data is used or disclosed for particular purposes.

The most relevant exemption for Law Enforcement is that within the Data Protection Act 2018 at Schedule 2 Part 1 Paragraph 2 (Crime & taxation: general). This applies where personal data is disclosed by an organisation subject to the GDPR to the police for the purposes of *the prevention or detection of crime or the apprehension or prosecution of offenders*.

It restricts the application of the GDPR data protection principles and subject rights (as listed in the Data Protection Act 2018 at Schedule 2 Part 1 Paragraph 1) to the extent that the application of those provisions would be likely to prejudice *the prevention or detection of crime or the apprehension or prosecution of offenders*.

In effect the exemption means that an organisation can provide personal data to the police where necessary for the prevention or detection of crime or the apprehension or prosecution of offenders without fear of breaching the GDPR or Data Protection Act 2018.

Vital Interests – GDPR Article 6(1)(d) provides a lawful basis for organisations to disclose personal data to the police where the disclosure *is necessary in order to protect the vital interests of the data subject or of another natural person*.

Further guidance on the use of this form may be obtained from the force Data Protection Officer.

Completion Guidance

Police officers or staff completing this form should type and tab between the fields on the form. The information required field should provide the recipient with sufficient information to allow them to locate the information sought. Where a signature and/or counter signature are required the form will need to be printed off and signed manually. Some organisations may require a counter signature to be added to the form. Normally this should be the supervisor or line manager of the person completing the form, but may be a higher rank if reasonably required by the recipient.

Witness Statement

APPENDIX 6

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967

URN: _____

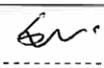
Statement of: **Simon Wheeler**

Age if under 18 (if over insert "over 18"): **Over 18**

Occupation: **Police Constable 5787**

This statement (consisting of1..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: **Simon Wheeler**

Date: **29/04/2018** 

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

On Saturday 27th April 2019 at approximately 1847 hours I was on duty and in full uniform using call sign EA29. At this time we were conducting a test purchase operation in relation to the sale of alcohol to children under the age of 18 at WILLIS & SHORT, 341 OXFORD ROAD, READING, BERKSHIRE.

At this time I was informed that our Cadet test purchaser whilst observed by PC 6930 JONES had been sold four cans of Red Stripe Lager with a 4.7% abv by a member of staff I now know to be  PATEL b 

I photographed the four cans of lager which can be identified as SDW1 – RED STRIPE SOLD BY  PATEL TO A PERSON UNDER 18.

I then attended the shop immediately with PC JONES where I informed PATEL that I was a Police Officer and that she had failed a test purchase procedure and sold alcohol to a person under the age of 18.

I cautioned PATEL due to the offence committed and with the intention of issuing (if suitable) a fixed penalty notice.

PATEL replied "I THOUGHT HE LOOKED OVER 25 BUT UNDER 18, BUT IT'S MY MISTAKE, HE DIDN'T LOOK OVER 25 AND I SHOULD HAVE ASKED".

PATEL further blamed being on a live chat with her husband at the time on her mobile phone and said she wasn't paying attention.

Having obtained a refund for the alcohol purchased during the testing process my colleague PC JONES performed a number of checks via our force intelligence bureau and was able to confirm that PATEL was eligible to receive a fixed penalty notice for the offence of selling alcohol to a person under 18 years of age.

At 1905 hours I issued a fixed penalty for this offence reference 0438030061023218.

These records have been completed using notes taken at the time and recorded in my pocket notebook serial no 69703 pages 59 – 61. **PC 5787 Wheeler**

Signature: **Simon Wheeler**

Signature Witnessed by: **N/A**

PREMISES – RECORD OF INSPECTION DATED:

Licence No:	LP9000308
Name:	WILLIS & SHORT NEWSCAGENT.
Address:	341 OXFORD ROAD READING, RG30 1AY
Type:	Premises Licence Club Premises Certificate

Licence Inspection

Summary on Display: Yes No ~~Incorrect~~ Correct Part A/Conditions held at Premises: Yes No ~~Miscellaneous~~

Premises Licence Holder: VIPUL PATEL DPS: VIPUL PATEL

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

If No, Reason: _____ Authorised Person: CHANDRICK PATEL

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

① CCTV? 28 or 29 days not combined staff can provide at the moment without aid.

② PROOF OF AGE POLICY? - NO ON 25 POSTERS.

Summary of Key Points Discussed

Written age policy - is not 25 advice provided.

Notes - One entry in February 2020 -

No incident books

Discussed reduce strength program - would consider but need to discuss.

Document Checklist

Age policy operated 25 ~~no posters~~ Section 57 _____ Training Records D Authorisation List Displayed

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

Inspection Outcome: Satisfactory Unsatisfactory 0/4

Lead Authority Inspecting Officer(s): PC 5787 WHEELER

Signature of licensee or representative(s): V Patel

Date of Inspection: 08/09/2020

Time Started: _____ | Time Ended: _____



CONTINUATION SHEET OF ISSUES DISCUSSED:

Discussed ↓ strength and training details

send letter and example document to

VIPUL.PATEL@



INSPECTING OFFICER:

PL 5707 WIMBLEDON

SIGNATURE OF LICENSEE/REPRESENTATIVE: _____

DATE OF INSPECTION:

08/09/20

From: Wheeler Simon
Sent: 17 September 2020 16:25
To: 'vipul.patel [REDACTED]'
Cc: 'licensing@reading.gov.uk'; Smyth Declan
Subject: Inspection letter and example training
Attachments: Willis & Short inspection letter 11092020.docx; Licensing Training Document - EXAMPLE -.docx

Dear Mr Patel

Please find attached a copy of your recent inspection outcome letter requesting amendments to your premises licence conditions. (Full details are included within).

Also as discussed on the telephone during my inspection I have included an example basic training document.

This document contains a minimum standard and by no means is an exhaustive list in relation to topics that may be covered during staff training and refresher sessions.

Please consider the contents of our letter and respond accordingly.

A hard copy of this letter has been provided to the PLH address as recorded within your premises licence.

Kindest regards

Police Constable 5787 Simon Wheeler | Neighbourhood Officer/ Advanced Practitioner (Licensing) |
Reading Town Centre | Reading LPA | Thames Valley Police |

Address: **Thames Valley Police, Reading Police Station, Castle Street, Reading, RG1 7TH**
Email simon.wheeler@thamesvalley.pnn.police.uk | Mobile [REDACTED] | Switchboard **101**



APPENDIX 9



Mr Vipul Patel
[REDACTED]

Reading Police Station
Castle Street
Reading
Berkshire
RG1 7TH

Tel: 101 [REDACTED]

Email:

simon.wheeler@thamesvalley.pnn.police.uk

Thursday 17th September 2020

Licensing Act 2003

Premises Licence Number: LP9000308

Premises: Willis & Short Newsagent

Premises Address: 341 Oxford Road, Reading, Berkshire, RG30 1AY

Dear Mr Patel

On the 8th September 2020 I inspected your premises licence.

During the inspection I was assisted by staff member Chanbresh Patel and also had the opportunity to speak with the Designated Premises Supervisor/ Premises Licence Holder Mr Vipul Patel. Mr C Patel during the course of the inspection stated that although he was not the premises licence holder nor designated premises supervisor that he was the brother of the DPS/PLH and the business overall was a family business.

During the inspection some areas of concern were discovered regarding poor levels of due diligence. As a result of this you failed to fully demonstrate the premises ability to promote the licensing objectives and I shall detail these areas of concern within this letter.

Firstly advice has been provided to you with regards to ensuring that you have the correctly updated premises licence Part A and summary Part B. The licence that you had on the premises available for inspection and on public display was outdated and did not include the mandatory conditions updated in 2014.

I advise that although this may have been a clerical error that you must ensure you have the updated premises licence available at all times and that Reading Borough Council shall be able to provide this for you if requested. Also please ensure that the summary is fully separated and each individual page is displayed so that they are all viewable.

I have recorded that you were displaying a written authorisation sheet which appeared in date and which outlined the names of all staff authorised to serve alcohol. This is good practice and I recommend that you ensure this is kept up to

date as and when any staff either cease to sell alcohol on the premises or start employment with you.

Mr C Patel when asked about his knowledge of your age verification policy was verbally conversant in the usage of a Challenge 25 process. However, it was noted that your written age verification did not tally with this standard, and instead stated 18 years of age to be the age that persons attempting to purchase alcohol would be challenged. Also it was noted that no Challenge 25 posters were displayed that may also provide customers with information on your policy.

Although we applaud your usage of Challenge 25 as a standard for age verification; please ensure that your written policy and standards of publicity surrounding this reflect your practical application of this standard. And also ensure that staff are trained both in the policy itself and its delivery. I have recorded on this occasion that no written training was available relating to your age verification process. Mr C Patel confirmed that he had been provided a verbal input only with regards to this and no records of its delivery or refresher training was available.

This is all the more pertinent when considering the under-age sales test purchase process that your premises failed on 27th April 2019.

In relation to written or structured training that may have been provided to staff in order to promote any of the licensing objectives Mr C Patel confirmed that he had not been provided with any.

No Section 57 notice was available detailing the names of members of staff whom have an awareness of the location and content of the premises licence.

Mr C Patel was unaware of any of the four licensing objectives. It is imperative that staff both receive training and have knowledge of the four licensing objectives and their implications.

Your refusals log was inspected and showed only one record of refusal for 2020 (16th February). Staff member Mr C Patel stated that this was due to having very few refusals within the store. May I simply remind you that it is imperative to record correctly and in details all details of refusals in order to show due diligence. I would also suggest that in order to show that the log is being monitored and maintained that a daily record and signature from an authorised person working in the store (ideally the DPS) should be made stating whether or not any refusals were made and or no refusals to report.

No incident book was available that allows for the recording of any incident which impacts on any of the four licensing objectives. Again this document may be of use to prove sufficient levels of due diligence undertaken on behalf of the premises licence holder and authorised staff.

It was confirmed that your CCTV system records for 28 or 29 days and images can be supplied on a USB stick when requested. However Mr C Patel on duty during the inspection was unable to produce a download if requested and stated that an engineer would have to be contacted.

Furthermore, we discussed the super strength alcohol products that you were displaying for sale, and I 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 undermines the four licensing objectives.

At the time of this discussion Mr C Patel indicated that you only sell a very few of these products and indicated that their sale can lead to issues in the store when “street drinkers” enter expecting to purchase cheap super/high strength canned products.

May I also remind you that in 2017 in a letter from Reading Borough Council it was noted that you had stated a willingness to voluntarily take part in the “Reduce the Strength” program and only sell super strength cans in packs of fours; and not singularly.

During my visit I observed a female purchase a single can of high strength “K” cider and no signage was displayed in relation to the reduce the strength program which suggests that this program was never implemented.

Therefore, in order to address our overall concerns relating to your poor due diligence and failure thereof to to promote fully the licensing objectives we propose that you apply via minor variation to amend your CCTV and age verification conditions as well as adding additional conditions that shall enable you to promote and not undermine the licensing objectives.

I have considered both your poor written recording processes that are currently in place, as well as your current lack of identifiable training and other processes. Furthermore I have also taken into account your poor inspection ratings from 2015 as well as the equally poor ratings from your inspection in 2017 and test purchase failure in 2019.

Unfortunately on this occasion I have identified a number of similar poor outcomes which were identified during previous inspections and for which none have been improved even when advice and letters have been provided by both the police and Reading Borough Council.

In this scenario the below conditions are proposed:

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 four licensing objectives, and to ensure that your due diligence processes improve and are maintained it is necessary for all of the above conditions to be applied to the premises licence.

With that in mind as mentioned previously we would ask you to consider applying them to your licence via a minor variation in order to both support this process and also 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 Thursday 1st October 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.

Thames Valley Police are keen to work in partnership with licensees to promote the licensing objectives and improve both the standards of your operation whilst addressing community concerns regarding the sale of alcohol in the area.

Yours Faithfully

A handwritten signature in blue ink, appearing to read 'Simon Wheeler', with the number '5787' written below it.

PC 5787 Simon Wheeler

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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	Willis and Short						
Address	341 Oxford Road, Reading RG30 1AY						
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 9 November 2020, Thames Valley Police submitted an application to review the premises licence of Willis and Short, 341 Oxford Road, Reading RG30 1AY regarding the failure of Mr Vipul Patel, the premises licence holder since 2011, to uphold the licensing objectives.</p> <p>The Reading Borough Council, acting as a responsible authority, is making this representation in support of Thames Valley Police in relation to the review of the premises licence for Willis and Short.</p> <p><u>Background</u> The premises operates as an off licence /convenience store. The premises licence holder at the time of this submission are stated as Mr Vipul Patel</p> <p>The designated Premises Supervisor is stated as Mr Vipul Patel</p> <p>The premises licence pursuant to the Licensing Act 2003 which permit the provision of the sale of alcohol (Issued 2011)</p> <p><u>Hours for the Sale by Retail of Alcohol (Off licence)</u></p> <p>Monday to Sunday from 0530hrs until 2300hrs Sunday 0900hrs until 2300hrs</p> <p>Hours open to the Public</p>							

Monday to Saturday from 0530hrs until 2300hrs
Sunday 0600hrs until 2300hrs

Annex 2

Conditions Consistent with the Operating Schedule

1. A CCTV camera shall be installed on the premises.
2. A proof of age policy with photographic ID shall be put in place.

The Licensing Authority believe that this review is necessary given the history of 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, 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.

The Oxford Road stretches over 3 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.

Licensing records show these premises have been visited on previous occasions.

On 7 November 2017, a licensing officer found a number of items of non-compliance which. The findings are detailed in the Review application.

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.

Exposed alcohol

It is noted that the premises is open to the public at 0600 hours on Sundays, however the sale of alcohol is permitted from 0900 hours. Therefore the premises is open for three hours on Sunday where uncovered alcohol is displayed and exposed for sale in the premises. This has been confirmed by Mr Chandresh Patel.

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 convicted of 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 Mr Patel, the premises licence holder has clearly failed to uphold the licensing objectives in operating his business 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 an appropriate and proportionate step to promote the licensing objectives and safeguard the public as a whole, is for the licence for Willis and Short, 341 Oxford Road, Reading to be have more robust improved conditions as detailed in the Review application and this Representation.

Recommended condition

1) 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.

Officer	<i>Peter Narancic</i>	Date	23.11.2020

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	LP9000308
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Premises Details

Trading name of Premises and Address	
Willis & Short Newsagent 341 Oxford Road Reading RG30 1AY	
Telephone Number	0118 959 0906

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 0530hrs until 2300hrs
Tuesday	from 0530hrs until 2300hrs
Wednesday	from 0530hrs until 2300hrs
Thursday	from 0530hrs until 2300hrs
Friday	from 0530hrs until 2300hrs
Saturday	from 0530hrs until 2300hrs
Sunday	from 0900hrs until 2300hrs

Opening Hours

Hours the Premises is Open to the Public	
Monday	from 0530hrs until 2300hrs
Tuesday	from 0530hrs until 2300hrs
Wednesday	from 0530hrs until 2300hrs
Thursday	from 0530hrs until 2300hrs
Friday	from 0530hrs until 2300hrs
Saturday	from 0530hrs until 2300hrs
Sunday	from 0600hrs until 2300hrs

Alcohol

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

Sale of Alcohol by Retail - Off the Premises

Premises Licence Holder

Name, (registered) address of holder of premises licence

Name: Mr Vipul Patel

Address: xxxxxxxxxxxxxxxx

Additional Details

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

Name: Mr Vipul Patel

Address: xxxxxxxxxxxxxxxx

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: 2398

Issuing Authority: London Borough of Ealing

This Licence shall continue in force from **30/07/2014** unless previously suspended or revoked.

Dated: 30 July 2014

Head of Environment & Neighbourhood 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) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

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

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

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

Annex 2

Conditions Consistent with the Operating Schedule

1. A CCTV camera shall be installed on the premises.
2. A proof of age policy with photographic ID shall be put in place.

Annex 3

Conditions attached after a hearing by the Licensing Authority

N/A

Annex 4

Plans

As attached plan dated 2008

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Wilis & short, 341 Oxford Road, Reading, RG30 1AY**Outcome of Discussion between the Premises Licence Holder, Police and Reading Borough Council enforcement following the premises licence review application dated 22nd October 2020**

The premises Licence Holder has been in continuing dialogue with the Police and Reading Borough Council since the review application. This has included discussions with Mr Donne of Silver Fox Licensing Consultants via exchanges by email and telephone thereafter.

As a result of those discussions the Police and the Reading Borough Council Licensing Enforcement Department wish to propose the following set of conditions which have been met with the agreement of the Premises Licence Holder for inclusion on the premises licence as a replacement for all current non mandatory 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 to a minimum of BII Level 1 award in responsible alcohol retailing (ARAR) or any other similar curriculum within four weeks for existing and subsequent employees and provide evidence of such training having been undertaken to Thames Valley Police and any authorised officer of Reading Borough Council's licensing team upon request;
2. All staff to be trained to record refusals of sales of alcohol in a refusals book or electronic register. The book/register shall contain:
 - Details of the time and date the refusal was made
 - The identity of the staff member refusing the sale.

- Details of the alcohol the person attempted to purchase.
- a) This book/register shall be available for inspection to an authorised officer of Reading Borough Council or Thames Valley Police. A weekly review of the refusals book/register shall also be carried out and signed off by the Designated Premises Supervisor or their nominated representative;
3. An incident register/log shall be used, maintained and kept on the premises to record any incident which has an impact on any of the four licensing objectives, or instances when the police have had to attend the premises.
 - a) The register shall be made available for inspection to authorised officers of Reading Borough Council and Thames Valley Police upon request;
 4. The premises shall at all times operate a Challenge 25 age verification policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport, military ID or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) are to be accepted as identification. The age verification policy shall be in a written form and displayed in a prominent position;
 5. Posters advertising the premises' Challenge 25 age verification policy shall be displayed in prominent positions on the premises;
 6. The Premises Licence Holder shall display in a prominent position a copy of their written policy on checking proof of age;
 7. No beers, lagers and ciders of 6.5% ABV and above shall be sold at any time during permitted licensing hours, in line with Reading Borough Council's current policy;
 8. The premises licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV and an appropriate number of cameras shall be installed to cover the external areas immediately outside of the premises. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or Reading Borough Council together with facilities for viewing upon request,

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

9. A current written authorisation list shall be kept in the Licensing File on the premises confirming the details of all current staff that have been authorised to sell alcohol by a Personal Licence Holder. The authorisation list shall include, the name of the staff member authorised, the name and personal licence details of the person authorising them to sell alcohol. This list shall also contain the date and signature of the staff member authorised and countersigned by the authorising Personal Licence Holder;

10. The premises licence holder/designated premises supervisor shall ensure that they and staff who are authorised to sell alcohol, are able to converse with customers and representatives of Statutory Agencies to a level that they are able to satisfactorily meet the four licensing objectives as contained in the Licensing Act 2003.
 - I. The Prevention of Crime and Disorder
 - II. Public Safety
 - III. Public Nuisance
 - IV. The Protection of Children from Harm;

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

12. Before any person is employed at the premises sufficient checks will be made of their bona fides to ensure they are legally entitled to employment in the UK. Such checks shall include:
 - Proof of identity (such as a copy of their passport)
 - Nationality
 - Current immigration status

Employment checks will be subject to making copies of any relevant documents produced by the employee, which will be retained on the premises and kept for the duration of their employment. Employment records as they relate to the checking of a person's right to work will be made available to an authorised officer of Reading Borough Council, Thames Valley Police or Home Office Immigration upon request.

Both the Premises Licence Holder and Police recognise that the ultimate decision in this matter lies with the Licensing Sub-Committee but sincerely hope that their arrival at this agreed Proposal will be of assistance to the Sub-Committee in reaching its Decision.

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From: Narancic, Peter <xxxxxxxxxxxxxxxxxxxx>
Sent: 10 December 2020 12:25
To: Wheeler Simon <xxxxxxxxxxxxxxxxxxxx>; 'Bill Donne' <xxxxxxxxxxxxxxxxxxxx>
Cc: Fundrey, Dan <xxxxxxxxxxxxxxxxxxxx>
Subject: RE: Willis & Short agreement

All

Happy with PC Wheeler's conditions however seek agreement to following condition detailed in my representation be placed on the licence.

Exposed alcohol

It is noted that the premises is open to the public at 0600 hours on Sundays, however the sale of alcohol is permitted from 0900 hours. Therefore the premises is open for three hours on Sunday where uncovered alcohol is displayed and exposed for sale in the premises. This has been discussed with by Mr Chandresh Patel.

Recommended condition

1) 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.

From: Wheeler Simon
Sent: 10 December 2020 11:54
To: 'Bill Donne' <xxxxxxxxxxxx>; Narancic, Peter <xxxxxxxxxxxxxxxxxxxx>
Cc: Fundrey, Dan <xxxxxxxxxxxxxxxxxxxx>
Subject: Willis & Short agreement
Importance: High

Dear Mr Donne and Mr Narancic

As discussed previously can you please provide written confirmation to Mr Fundrey whom is administering this review application, that the attached set of agreed conditions have been agreed and ratified by all parties.

Thames Valley Police submit that the implementation of these agreed conditions which are intended to supersede all recommended conditions contained within the initial review bundle shall ensure that the premises licence holders are now able to promote the licensing objectives.

Kindest regards

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



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